

July LTSS Trust Commission Meeting Minutes

Meeting Date		7/25/2023		Time		1:00 pm – 4:00 pm	
Attendees							
<input checked="" type="checkbox"/>	Representative Paul Harris	<input type="checkbox"/>	Representative Bryan Sandlin	<input checked="" type="checkbox"/>	Representative Frank Chopp	<input checked="" type="checkbox"/>	Representative Nicole Macri
<input checked="" type="checkbox"/>	Senator Curtis King	<input checked="" type="checkbox"/>	Senator Judy Warnick	<input checked="" type="checkbox"/>	Senator Karen Keiser	<input checked="" type="checkbox"/>	Senator Steve Conway
<input checked="" type="checkbox"/>	Secretary Jilma Meneses, Department of Social and Health Services	<input checked="" type="checkbox"/>	Cami Feek, Employment Security Department	<input checked="" type="checkbox"/>	Taylor Linke, Health Care Authority (Kasandra Wilson rep))	<input type="checkbox"/>	Peter Nazzal, Home Care Association Representative
<input checked="" type="checkbox"/>	Madeleine Foutch, Representative of a union representing LTC workers	<input type="checkbox"/>	Michael Tucker, Representative of an organization representing retired persons	<input checked="" type="checkbox"/>	Lauri St. Ours, Representative of an association representing SNF/ALF providers	<input checked="" type="checkbox"/>	John Ficker, Adult Family Homes Providers Representative
<input checked="" type="checkbox"/>	Ruth Egger, Individual Receiving LTSS #2 (or designee or representative of consumers receiving LTSS)	<input type="checkbox"/>	Andrew Nicholas, Workers who is paying the premium (or will be paying)	<input type="checkbox"/>	Vacant, Individual Receiving LTSS #1 (or designee or representative of consumers receiving LTSS)	<input type="checkbox"/>	Rachel Smith, Representative of an organization of employers who's members collect the premium (or will likely be collecting)
<input checked="" type="checkbox"/>	Laura Cepoi, Organization Representing the Agencies on Aging	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Guest Speakers							
<input checked="" type="checkbox"/>	Ben Veghte, Department of Social and Health Services	<input checked="" type="checkbox"/>	Andrea Meewes Sanchez, Department of Social and Health Services	<input checked="" type="checkbox"/>	Kristen Maki, Department of Social and Health Services	<input checked="" type="checkbox"/>	Travis Fish, Employment Security Department
<input checked="" type="checkbox"/>	Janette Benham, Employment Security Department	<input checked="" type="checkbox"/>	Caitlyn Jekel, Employment Security Department	<input type="checkbox"/>		<input type="checkbox"/>	

Topic	Minutes
Welcome and Call to Order <ul style="list-style-type: none"> • Meeting Guidelines • Welcome and Call to Order • Meeting Goals 	<ul style="list-style-type: none"> • Commission members in attendance indicated above. • Secretary Meneses reviewed the meeting goals.
Consent Agenda	<ul style="list-style-type: none"> • No objections were made; items were adopted.
WA Cares Fund Program Refresh	Key program details per current statute (RCW 50B.04): <ul style="list-style-type: none"> • Premium rate - \$0.58 cents for every \$100 earned • Lifetime benefit maximum –\$36,500, adjusted annually up to inflation, paid directly to providers • Three pathways to qualified individual status <ul style="list-style-type: none"> ○ Contribute 10 years without interruption of five or more consecutive years ○ Contribute 3 of the last 6 years from the date of application for benefits

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	<ul style="list-style-type: none"> ○ For near-retirees (born before 1968): contribute at least one year, earning one-tenth of the lifetime benefit amount for each year contributed ○ A person must work 500 hours during a year to receive credit for a qualifying year ● Eligible beneficiary <ul style="list-style-type: none"> ○ A qualified individual who requires assistance with at least 3 activities of daily living (i.e., bathing, dressing, eating, ambulation, medication management, toilet use, transfer, etc.) <p>Open for questions:</p> <ul style="list-style-type: none"> ● King: The inflation portion won't kick in until we start paying out in 2026? <ul style="list-style-type: none"> ○ Veghte: That is correct, but dates haven't been determined. We expect it to be roughly at that time.
<p>Update on Program and Premium Launch</p>	<p>ESD WA Cares Fund Update</p> <ul style="list-style-type: none"> ● As of July 1, 2023: <ul style="list-style-type: none"> ➢ Self-employed people can elect coverage for WA Cares. ➢ Employers are withholding premiums from employee wages. ➢ The functionality for wage reporting and premium payments is in place and will be "turned on" for quarterly reporting in October 1, 2023. ● ESD is continuing to communicate with employers to ensure their readiness for quarterly reporting and payments in October. <p>Exemptions Update (YTD as of July 1, 2023)</p> <ul style="list-style-type: none"> ● Apart from exemption for non-immigrant temporary workers, the volume of applications and phone calls have been less than anticipated. ● Non-immigrant visa holders, particularly agricultural workers, have unique challenges and barriers to services that we're continuing to monitor and mitigate for. ● The most common questions coming from customers are around which specific visa types qualify for an exemption. <p>Update on ESD Agency Request Legislation</p> <ul style="list-style-type: none"> ● 2021 Commission recommended a voluntary opt-out for non-immigrant visa holders ● Lessons learned by ESD in implementation ● ESD preparing for agency request legislation to address lessons learned regarding temporary work visa holders <p>Open for questions:</p> <ul style="list-style-type: none"> ● King: The graph regarding the exemption tracker, what does that tell us? <ul style="list-style-type: none"> ○ Fish: Shows a 7-day average. Believes they are in the mid-30,000 range for exemptions with the new exemption groups. ● Warnick: For H2A worker exemption, what if the farm workers aren't H2A but migrant in nature? What if they move state to state? Do they qualify as well? <ul style="list-style-type: none"> ○ Fish: Depends on the specific case. Depends on if their primary residence is out of state or if they have migrant visa that falls under another category. This is detailed on the application and the website. Trying to be proactive for who may be eligible. ○ Warnick: Would they be eligible if they were a resident of California? ○ Fish: In that example they would be, yes. ● King: Thinks about 150,000 people that work in the state but live outside of the state. Looking at this number compared to those that have applied. Is the 150,000 the correct number they are thinking of? <ul style="list-style-type: none"> ○ Veghte: That is the understanding that roughly 150,000 individuals live outside of the state but work in Washington. We do not know how many of those people would want an exemption.

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	<ul style="list-style-type: none"> • King: Wondering if instead of recommending a voluntary opt out, it could be a voluntary opt in, otherwise they are automatically exempt. <ul style="list-style-type: none"> ○ Benham: With a voluntary opt-in, they believe they would run into the same challenges. If their status changes to not be a temporary worker, they wouldn't have the automatic exemption. The contact information, outreach to the workers, and for them to understand the program are areas they are running into issues with. ○ King: Could almost guarantee there will be a lot less people opting in. Would only need to worry about information for those opting in. ○ Jekel: the automatic exemption is the bill they are proposing. They are suggesting was that this particular population is different from the opt out criteria. They should be exempt with no action for the individual or employer. If their status changed, they would be treated like all other worker. Looking and beginning to engage with folks to change the process for how this could work. • Conway: Hopes they reach out to farm worker representatives. ACTION ITEM Sounds like a simple issue on the surface but exempting farm workers from social policy is a big issue. Recognizes the complexity of this but thinks they need to reach out. This is a challenging issue. <ul style="list-style-type: none"> ○ Jekel: when they are looking at how this issue will play out, they are looking at individuals who reside outside of the United States and coming in to work temporarily on a non-immigrant work visa. For the example of someone who lives in California and temporarily works in Washington, that opt out would remain the same. Will be doing their due diligence on stakeholder work, including the farm worker community. • Conway: we have allowed an election process for the self-employed. This is a growing number of folks who are opting in. If they change their status to a wage worker with an employer, how we are working with that group? <ul style="list-style-type: none"> ○ Benham: They can elect coverage and that is permanent unless they are no longer self-employed or retire from the workforce. Any contributions made as a self-employed individual will count. If they are no longer self-employed, they will notify ESD. They would stop reporting as a self-employed individual and if they move to an employer, the employer will report for them. • Conway: Wondering about outreach to the self -employed since they are such a large group. ACTION ITEM <ul style="list-style-type: none"> ○ Fish: The focus has been through the employer newsletter and mailers by post. Open to any recommendations, connections or additional groups to reach out too.
<p>Update on Benefit Eligibility and Portability Cost Offsets Workgroup</p>	<ul style="list-style-type: none"> • The Portability Cost Offsets Workgroup is considering other ways to reduce program cost and provide financial resources to make benefits portable without raising premiums. • Timeline: <ul style="list-style-type: none"> ➢ The Benefit Eligibility Workgroup met three times throughout May and June. ➢ The Portability Cost Offsets Workgroup is meeting three times in July and August. At the third meeting, the workgroup will vote. ➢ The Benefit Eligibility Workgroup will meet a final time at the end of August to vote on their recommendation. ➢ A final report out will occur at the September 19th Commission meeting at which the Commission will begin consideration of the workgroup recommendations.
<p>Report out from Minimum Provider Qualifications Workgroup</p>	<p>Proposed minimum qualifications for Phase 1 Providers</p> <ul style="list-style-type: none"> • Adult Family Home <ul style="list-style-type: none"> ➢ An agency with an active Adult Family Home License with DSHS or a Tribe per Chapter 388-76 WAC • Assisted Living Facility <ul style="list-style-type: none"> ➢ An agency with a valid Assisted Living Facility License with DSHS or a Tribe per Chapter 388-78A WAC • Nursing Home <ul style="list-style-type: none"> ➢ An agency with a valid Nursing Home License with DSHS per Chapter 388-97 WAC <p>Open for questions:</p> <ul style="list-style-type: none"> • Conway: What will be the provider qualifications for folk who are looking to modify their homes to help them stay in their homes? <ul style="list-style-type: none"> ○ Meewes Sanchez: Those are services in Phase 2, so we are considered what those minimum qualifications will be now. We should have something to report out in the following Commission meeting.

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	<ul style="list-style-type: none"> ○ Conway: Suspects that the people will use this money for home modification as people choose to stay in their home until they no longer can. Assumes this money will be a large use for many families. ● Chopp: Concerned about folks being taken care of at home. These 3 categories listed are in a facility. Is there provision for qualifying home care providers to assist people in their homes? <ul style="list-style-type: none"> ○ Meewes Sanchez: That is the fourth provider type in Phase 1. Workgroup still working on that and thinks it will be ready to report out at next Commission meeting.
Public Comment	<ul style="list-style-type: none"> ● Public comment was captured in the table below. ● There were 9 pieces of written correspondences received. This was attached with the meeting materials.
Review Agenda for next Meeting	<ul style="list-style-type: none"> ● Approve 7/27/2023 Commission meeting minutes ● Program Update ● Report out from Minimum Provider Qualifications Workgroup ● Report out from Benefit Eligibility Workgroup ● Report out from Portability Cost Offsets Workgroup <p>Open for questions:</p> <ul style="list-style-type: none"> ● Conway: Since revenue is starting to become part of the program, would like a report on revenue status. Knows there are investment subgroups, but thinks it might be good to have a presentation on revenue and costs to the full Commission. <ul style="list-style-type: none"> ○ Meneses: Agrees with that and would like to add that to next meeting and every meeting moving forward. ACTION ITEM ○ Veghte: Employers remit quarterly, so we won't have any data until maybe November. ○ Meneses: Even a statement like that would be helpful. Whatever we have or don't have will be helpful.
Wrap-up	<ul style="list-style-type: none"> ● Action items captured in the table below. ● Meeting adjourned at 2:31 pm
<ul style="list-style-type: none"> ● Action Item Review ● Adjourn 	

#	Action Items	Lead	Due Date
1	Update the Commission in the future on outreach to self-employed from DSHS and ESD		
2	ESD to reach out to farm worker representative regarding the non-immigrant visa issue.		
3	Report out on revenue status and costs to the full Commission.		

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Name	Public Comment
Kate White Tudor	<p>Thank you for hearing my comments and thank you for the work you are doing for the long-term care trust act. A lot of you have heard me from the policy side but today I am going to share a personal story. My father, John White, was able to attend the bill signing for the long-term care trust act in 2019. He finally passed away in March 2022, a little over a year ago. We went through the long-term care journey together, just a block and half away from the capital in Olympia. We first started with some home modifications. We hired an occupational therapist to that help advise us about where to put grab bars and how to organize his furniture, so he had room to get through his apartment with his walker. Eventually we put in a wheelchair ramp and needed to hire some help to help him with his chores and getting dressed, especially those socks he had a hard time reaching at the end. It wasn't until fall 2021 when he had a bad fall and he went to the hospital. Seven days in the hospital and he lost his mind and with it, his body. After seven days he was no longer recognizing who I was or what was going on or where home was. He was not able to stand or follow directions about helping to get in and out of bed. At that point, it was unsafe for him to come home and we were lucky to find an excellent Adult Family Home about 10 minutes from home. They cared for him beautifully until his death about five months later. That Adult Family Home bill was \$8200 a month. That seems very steep, but the level of service he needed, he needed two people to get them out of bed to bring him to the table. He was still able to eat, but he needed complete care as far as taking care of his body and getting dressed and making (indiscernible) space. The total by the time he died was \$41,000. The WA Cares benefit would have been a significant contributor to those expenses for family (indiscernible). I want to (indiscernible). Why not? Even the amount of benefit that is in this law right now would have been extremely meaningful and helpful and will be to many other families when they are able to tap into it. Thank you for the work you are doing in helping to make that assistance available in the future. Thanks.</p>
Silvia (Ana Ascanio from We Care for WA Cares translating)	<p>Good afternoon everyone, my name is Sylvia and I am a part of the We Care for WA Cares coalition and I work for Casa Latina. Three years ago, my husband underwent knee surgery and it took him over six weeks to gradually resume his normal life. During this time, he needed special care including help bathing, moving around, changing clothes and the fact that he cannot move by himself brought up big emotions on him. Who better than a family member to support him? I had to use up all my vacation and sick days to take care of him. I also needed extra help because our apartment was not wheelchair accessible. If this program had existed two years ago everything would have been a lot less stressful. That is why this program is so important, having access to care for people in their own environment is not only beneficial for the physical health but for mental well-being. WA Cares brings hope to the caregiving system for all those living in the state of Washington. That is why am fully supportive of the program. Thank you.</p>
Brent Price	<p>Thank you, I appreciate your time. I recognize we can't ask questions. I will raise this as a comment, as I have for the last two meetings. I continue to be asked the question by folks who have secured long-term care insurance to qualify for the exemption. But they want to now upgrade that, to put in something more meaningful, to not just cover the 30,000 but to cover the \$8200 a month that was referenced earlier or more. Wants to know what happens to their exemption if they get new coverage and replace it? If it's seamless, does the exemption continue to apply? Would they lose it if they drop what they had when it started? It's a very simple question that I would hope perhaps, the members could address. Simply let us know. It is a question that gets asked a lot. Thank you very much for your time. That's it.</p>

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Name	Public Comment
Val Wanke, Axium Partners	<p>My name is Val Wanke. I am with Axium Partners who is a leading distributor of long-term care solutions to employer groups around the country. I worked with employer groups during 2020, 2021 prior to the cutoff date for the exemptions. I am specifically speaking in regards to slide 28. I believe when Andrea was talking, regarding the doughnut hole, and the fact of the commission is looking into secondary insurance through private companies. During the talk there it almost sounded like the expectation was that WA Cares would be primary and then the private insurance would be secondary. However, the way right now that programs are put together, private insurance only requires two activities of daily living in order to qualify for the benefit. Whereas WA Cares requires three. The means someone would be on their private insurance, that typically would last, that could last... It depends the coverage, but is typically higher too. Then WA Cares would be secondary. I realize to make that change to WA Cares and change it to two activities of daily living, would no doubt significantly increase the cost. I just wanted to make those two points right there for your consideration in the future. The other point that I have has to do with, I am not sure that I had not really gotten an answer as far as people are calling saying "do I need to validate my exemption in the future?" I am not really sure. Hopefully that can made a little bit clearer too. I thought that was something that commission was looking into that there would be future verifications required for someone to keep their exemption. That would be appreciated if that could be updated on the website too. Thank you.</p>
Brad Forbes, Washington Chapter of the Alzheimer's Association	<p>Thank you for your time, Commissioners, this afternoon. My name is Brad Forbes and I am the Director for Public Policy for The Washington Chapter of the Alzheimer's Association. WA Cares will save families money when they need it the most. Alzheimer's is one of the most expensive diseases in America and as long-term care costs represent a substantially larger portion of a person's expenses when compared to seniors who do not have Alzheimer's. Nationally these long-term care costs for families affected by Alzheimer's are expected to triple by 2050 as our population continues to age. WA Cares provides crucial financial support to families as they face this devastating and expensive disease. Thank you again so much for your support for this program and providing Washingtonians with peace of mind that long-term care services will be there when they need them the most. Thanks again.</p>
Sandy Wood, Benefits Academy	<p>This is Sandy Wood from the Benefits Academy and I have three different comments. One is on slide 32, with regard to phase 2 of the minimum provider qualifications workgroup. I would love to see some way for the state to educate providers who would be doing modifications in someone's home, as to what would be done and how to do it. We are going to, in phase 4, educate caregivers. I just thought I would throw it out there that it might be a nice way to bring in technical education for those providers, those contractors. The second is the waivers on slide 15 for the new exemption groups –Kudos to the program. My estimation are that you have gotten 41% of your nonimmigrant visa holders to apply for that exemption, which is amazing. The others I am a little worried about. Veterans or about 13%, Military 8%, and out-of-state at 10%. Very awesome. I was very worried about the nonimmigrants. The third thing is, great update on your website. I really do love the new design that you have done. I think it is a lot easier for the public to use and I just wanted to give you kudos.</p>

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Name	Public Comment
Charlie Reed	<p>Thank you. My name is Charlie Reed. Many years ago, I was the director of the long-term care system in the state of Washington. I have been working on this, what you are working on now, about 40 years. I want to say thank you to all of you who are serving on the committee, work with DSHS, and Employment Security. You are doing an outstanding job. I've had the chance to talk about what is going on in this program for a lot of years, recently with people I meet casually. I am impressed with how many people do not like it. They will like it once it becomes more functional. I think when Social Security first passed (indiscernible) the people of the United States thought that was a good idea. This is a very important idea and what is unique about this is we are the only state in the United States that has done this and can do it right now, but it will, I think, move across the country. I appreciate very much your involvement with all of this, the committee members, and I appreciate what you have been doing. Thanks a lot.</p>