

### Long-Term Services and Supports Trust Commission Meeting

September 30, 2020



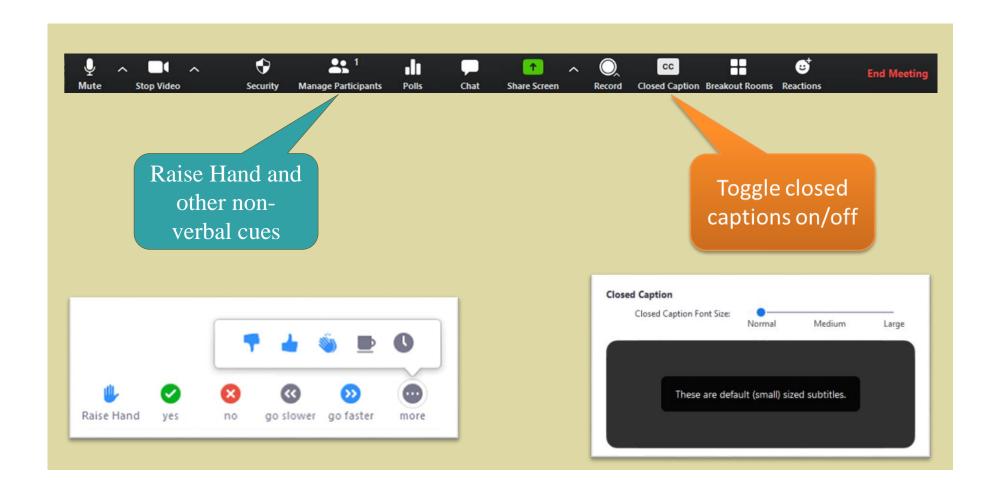




### **Zoom Controls**



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## **Meeting Guidelines**

### **Commission Members**

- Please turn on video
- Stay muted unless talking
- Encourage active participation
- Raise hand to speak if necessary
- Participate in polls

### **Observers**

- Please keep video off
- Please mute audio
- Please observe, but don't interact with meeting
- Okay to participate in polls
- Sign up in Chat tool if you wish to comment.

### **Welcome and Introductions**

- Commission member introductions
  - Name and organization/representation
  - What piece of advice would you give your OLDER self?

## **Meeting Goals**

- 1. Approve Commission charter and bylaws & LTSS Trust foundational principles
- 2. Review considerations for projected program costs and premium rates
- 3. Discuss information and options from workgroups regarding:
  - a) Coverage for individuals who become disabled before age 18
  - b) Requirements to be a qualified individual
- Respond to Commission questions about draft actuarial analysis Part 1 and review draft actuarial analysis Part 2
- 5. Establish process to address non-participation/adverse selection challenges
- 6. Discuss and provide feedback on draft outline of actuarial report on the projected solvency and financial status of the program
- 7. Review and provide feedback on the draft Administrative Expenses Report
- 8. Share information and appoint workgroup on tribal participation
- 9. Establish agenda for the next meeting in October

## **Consent Agenda**

- Minutes from 8/4/2020 Commission meeting
- Appoint a temporary chair for the Investment Strategy Subcommittee

# Unfinished Business

Charter, Bylaws, Foundational Principles

## **Approve Commission Documents**

- Commission Charter
- Commission Bylaws
- LTSS Trust Foundational Principles

### **Approve Commission Documents**

- Drafts were sent to the Commission 4/20 and discussed at the first Commission meeting on 4/30.
- New drafts were sent to the Commission 7/9 to get additional input.
- Input was incorporated and new drafts were sent to the Commission 7/31 and discussed at the 8/4 Commission meeting where input was provided on the bylaws and foundational principles, no input was provided on the charter.

## **Approve Commission Documents**

- Updated drafts of the bylaws and foundational principles were emailed to Commission members on 9/9 to ensure input received at the 8/4 Commission meeting was adequately addressed and get final input.
- Based on final input received, removed the prohibition of proxy voting from the bylaws; we are waiting to get clarity on whether the statute allows it.
- Final versions of the charter, bylaws and foundational principles were provided to Commission members for approval at today's meeting.
- Separate voice vote for each

## **New Business**

Part One

### **New Business Part One**

- Considerations from the State Actuary on projected program costs and premium rates (slides 14-19)
- Workgroup Reports
  - Requirements to be a qualified individual (slides 20-26)
  - Coverage for individuals who become disabled before the age of 18 (slides 27-32)

# **Considerations for Projected Program Costs and Premium Rates**



#### **Presentation to: LTSS Trust Commission**

Matthew M. Smith, State Actuary





### What Does the Actuarial Analysis Represent?

- Milliman will be presenting additional draft analysis today
  - All their updated analysis will be completed and consolidated in a final report in early October
- An update to the feasibility study based on the enacted version of the program
- Includes additional modeling of alternative program features and risk management considerations regarding the premium rate
- Informs future rulemaking and potential program modifications

### What Does the Actuarial Analysis Not Represent?

- Not intended, and should not be used, for setting the program premium rate
- Does not include specific assumptions or adjustments due to COVID-19



### **Premium Rate Setting Considerations**

- Once we've defined all the initial program parameters and the investment policy, what is the appropriate level of cushion or "margin"?
- When determining the margin, Milliman recommends consideration of the following
  - Sensitivity and variability in key long-term assumptions
  - Ongoing monitoring of the program and the program's ability to adjust
  - Desired risk level and financial goals for the program
- More on this topic at your October meeting

### **Premium Rate Setting Considerations (Continued)**

- For now, suggest you remain mindful of these considerations as you review potential program changes and the associated actuarial analysis
- Don't overly rely on or assume the precision of single-point estimates that are very likely to change
- Leave room for some level of needed margin that has yet to be determined
- Milliman and OSA are here to help you if you have questions



### **Questions? Please Contact:**

The Office of the State Actuary

leg.wa.gov/OSA; state.actuary@leg.wa.gov

360-786-6140, PO Box 40914, Olympia, WA 98504

Presenter: Matthew M. Smith, State Actuary

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# **Long-Term Services and Supports Actuarial Study**

September Commission Meeting

Christopher Giese, FSA, MAAA

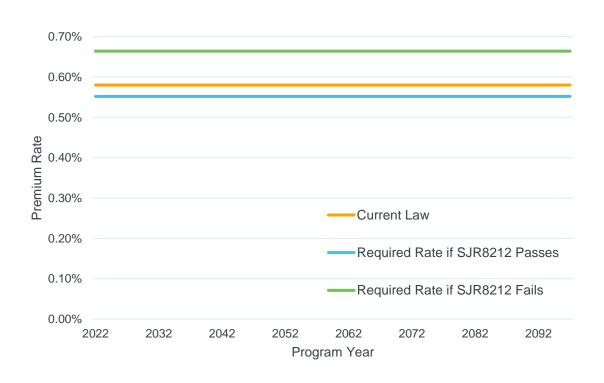
WEDNESDAY, SEPTEMBER 30, 2020



### **Premium Rate Calculation Refresher – Baseline**

- Payroll premium assessment
  - Current law: 0.58%
  - Required rate if SJR8212 fails: 0.66%
  - Required rate if SJR8212 passes: 0.55%
- Used an initial 75-year window to estimate revised premium
- SJR8212 fails scenario used in this presentation to illustrate marginal impact of alternative testing
  - Impact of alternative testing varies by SJR8212 scenario due to amount of investment income contribution to program revenue

## Baseline Testing Current Law vs. SJR8212 Scenarios





### **Qualified Individual Requirements**

### **Vesting Interpretation**

- Current legislation defines the vesting requirement as paying the LTSS premiums:
  - A total of ten years without interruption of five or more consecutive years; or
  - Three years within the last six years
- Tested alternative where individual becomes vested by contributing premium for three
  years in <u>any</u> six-year period; remains vested regardless of whether they continue to earn
  wages or not
- 2. Tested #1 above, but just for those born 1960 and before, i.e., age 65 by 2025

Alternative	75-Year Payroll Premium <sup>1</sup>	Change from Base Plan
Base Plan - SJR8212 Fails	0.66%	-
"3 of any 6 years" vesting	0.67%	0.01%
"3 of any 6 years" vesting		
for those born before 1960	0.67%	<0.01%

<sup>&</sup>lt;sup>1</sup> Base Plan premium is 0.55% under SJR8212 passes; impact of vesting alternatives varies but anticipated to be similar for this scenario.

Increase in Vested Lives vs. Base Plan Year "3 of any 6" before 1960			
2025	0	0	
2030	106,000	22,000	
2040	98,000	12,000	
2050	78,000	5,000	



- Under the Base Plan, individuals must be age 18 or older before becoming benefit eligible and receiving benefits
- 1. Tested alternative with no minimum age requirement for individuals to receive benefits; assumes vesting requirements must still be satisfied to receive benefits
- 2. Tested alternative where premium would be refunded into a trust for a developmentally disabled dependent if a vested becomes deceased; assumes premiums are only eligible to be refunded if the vested individual does not receive LTSS services preceding death

Alternative	75-Year Payroll Premium <sup>1</sup>	Change from Base Plan
Base Plan - SJR8212 Fails	0.66%	-
No minimum age for disability	0.67%	0.01%
Premium refund – developmentally disabled dependent	0.67%	<0.01%

<sup>&</sup>lt;sup>1</sup> Base Plan premium is 0.55% under SJR8212 passes; impact of minimum age for benefits alternatives varies but anticipated to be similar for this scenario.



# **Workgroups to support LTSS Trust Commission Recommendations**

Recommendations due January 1, 2021, per RCW 50B.04:

- Propose recommendations to the appropriate executive agency or the legislature regarding the establishment of criteria for determining that an individual has met the requirements to be a <u>qualified individual</u> as established in RCW 50B.04.050.
- Provide recommendations on whether and how to <u>extend coverage to individuals</u> who became disabled before the age of eighteen, including the impact on the financial status and solvency of the trust. The Commission shall engage affected stakeholders to develop this recommendation.

## Requirements to be a qualified individual

Two workgroup meetings of 6 Commission members, ESD, and DSHS staff in September addressed the following, with an emphasis on clarity for (1)(b):

- According to RCW 50B.04.050, the Employment Security Department (ESD) shall deem a person to be a qualified individual if the person has paid the LTSS premiums required by RCW 50B.04.080 for the equivalent of either:
  - (1)(a) A total of ten years without interruption of five or more consecutive years;
  - (1)(b) Three years within the last six years.
- When deeming a person to be a qualified individual, ESD shall require that the person have worked at least five hundred hours during each of the ten years in subsection (1)(a) of this section or each of the three years in subsection (1)(b) of this section.

### Requirements to be a qualified individual

- Five approaches were discussed to determine how 'three of the last six years' could be interpreted.
- Recommended approach: Use the date of application for benefits as the start of the lookback period for determining if the individual has paid premiums and meets the required work history for three of the last six years.
  - Assumes application occurs at the time someone identifies a need for LTSS. Once someone is determined qualified by ESD based on premium payments and work history, qualified status is permanent even if their need for LTSS is temporary and needs to be reassessed by DSHS
  - Consistent with actuarial modeling for current premium payment amount
  - Provides coverage for individuals with an immediate need for LTSS during their working years
  - Does not provide meaningful coverage for near retirees who need LTSS later in life
- Other approaches included allowing the lookback period to be based on when an individual inquires about their status, creating cohorts to apply the three of the last six years based on age, and providing half of the benefit to those that qualify based on three of the last six years

## Requirements to be a qualified individual

Concerns about lack of meaningful coverage to near retirees

- Desire to determine other options to serve individuals nearing retirement before they could meet 10-year qualification requirement
- Challenges of covering those nearing retirement today throughout their retirement would be too complex (and expensive) to address now
- New actuarial modeling will be available from Milliman in 2021 and the workgroup may wish to reconvene to consider options then

- Three feedback sessions held in September included one LTSS Trust Commissioner, DSHS staff, and individuals representing:
  - Arc of Washington
  - Developmental Disabilities Council
  - Developmental Disabilities Ombuds
  - People First
  - Self Advocates in Leadership (SAIL)
  - Traumatic Brain Injury Council
  - Washington Association of Area Agencies on Aging
  - Washington Business Association
  - Washington Initiative for Supported Employment (WISE)
  - Washington State Independent Living Council

- The workgroup discussed
  - LTSS Trust benefits
  - Current landscape of services and eligibility requirements
  - Potential scenarios of individuals
  - Options for coverage

- Three approaches were considered to determine whether and how to cover this group
- Recommended approach: Remove the requirement to exclude all individuals disabled prior to age 18
  - Based on current data, 30%-60% are likely to meet work and premium payment requirements, and only those individuals would be eligible to receive benefits
  - Increases the premium required to achieve solvency from 0.55% to 0.57%,
  - Eliminates inequity and administrative complexity
- Other approaches considered but rejected:
  - Extend coverage only to those whose childhood disability did not correlate with LTSS need (e.g. the non-IDD population); this corresponds to existing solvency modeling and would not raise the required premium rate, but is hard to administer
  - Continue to exclude all individuals disabled prior to age 18 (hard to administer)

Approaches that continue to exclude individuals disabled prior to the age of 18 carry significant administrative complexity and equity concerns from stakeholders

- Screening every individual who applies in older age for a disability in youth presents significant challenges and could cause delays in eligibility.
- There are many systems that determine disability with different definitions and records from 30 60 years ago will be difficult to uncover.
- Due to the unclear definition in current law, individuals whose disability in youth does not correlate with an LTSS need in adulthood could be excluded, causing significant equity issues
- Exclusion of individuals that pay into the LTSS Trust and are not covered due to a disability prior to the age of 18 brings a potential for lawsuits due to the ADA
- Individuals with disabilities do not have all of their needs met through existing LTSS systems due to waitlists, income and resource caps, and other restrictions on receiving services

#### Feedback from stakeholders

- I think it is important to recognize that people with disabilities (by any definition) actually WORK and should be just as eligible for a benefit they pay into as anyone else. If they make it through their vesting period, they should be just as eligible as anyone else. If it means paying \*very\* slightly higher premiums in order to achieve equity, that is the way to go.
- Exclusion causes a huge equity and fairness issue. If this exclusion remains, then anyone who is deemed disabled prior to the age of 18 are ineligible for LTSS then they should be exempt from paying into the fund.
- Including individuals disabled prior to the age of 18 would mean the average WA worker would only pay around \$8 more a year.
- The state will save admin costs because you won't have to chase down information on disability before age 18 if you include this group.
- It is important to remember that this is a program that people pay into in order to receive benefits, not a social services program. It is important to only include people who pay in.



## **New Business**

Part Two

### **New Business Part Two**

- Responses to Commission questions on Actuarial Analysis Part 1 (slides 37-41)
  - Opt-out/Opt-in benchmarks, assumptions used and ways to discourage nonparticipation and adverse selection
  - Elimination periods
  - % of contributions vs. investment income over 75 years
  - Return rates for the equity market vs. the treasury market
- Review draft Actuarial Analysis Part 2 Portability/Divesting Alternatives (slides 42-43)
- Next Steps (slide 46)

# **Long-Term Services and Supports Actuarial Study**

September Commission Meeting

Christopher Giese, FSA, MAAA

WEDNESDAY, SEPTEMBER 30, 2020



Private Market LTC Insurance Opt-out Testing

- One-time option over 15-month window
- Scenarios Tested (individuals and wages carved out at start of program)
  - 20% Top Decile, 10% Second Decile Opt-Out: 3% of wage earners & 9% of wages
  - Opt-Out: 44% of wage earners & 77% of wages
  - Opt-Out: 5% of wage earners & 24% of wages
- Results showed premium rate is sensitive to modeled opt-out outcomes
- Considerations to reduce uncertainty and adverse selection
  - Limit by purchase date (e.g., must have bought coverage before 12/31/2019)
  - Require coverage is kept inforce for certain number of years
  - Define level of coverage that qualifies (e.g., aggregate benefit levels or premium as proxy)
  - Define type of coverage (e.g., stand-alone LTC insurance vs. LTC coverage embedded in other insurance)



Self-employed Opt-In Testing

- Option available over lifetime, subject to vesting and other program rules
- Scenarios Tested
  - 0% of Wages, 100% of Benefits
  - 10% of Wages, 100% of Benefits
  - 50% of Wages, 100% of Benefits
- Results showed premium rate is sensitive to modeled opt-in outcomes
- Considerations to reduce uncertainty and adverse selection
  - Restrict ability to opt-in close to when LTSS is needed (e.g., make opt-in a one-time choice below certain age)
  - Do not let individuals opt back in after opting out
  - Require minimum level of wages for premium assessment



#### Elimination Period Alternatives

 The elimination period is the number of days that a beneficiary must wait after becoming benefit eligible before receiving benefits.

The Base Plan assumes a 45-day elimination period (EP); EP is not specified in the current

law

Alternative	75-Year Payroll Premium <sup>1</sup>	Change from Base Plan
Base Plan - SJR8212 Fails	0.66%	-
0-day elimination period	0.70%	0.04%
90-day elimination period	0.64%	-0.03%

<sup>&</sup>lt;sup>1</sup> Base Plan premium is 0.55% under SJR8212 passes; impact of EP alternatives varies but anticipated to be similar for this scenario.

- EP considerations
  - Longer EP helps keep program costs lower and focuses program benefits on longer-term care needs vs. rehab
  - Coordination of benefits with other private and public programs (such as Medicaid) needs to be defined
  - Medicare provides benefit for 100 days following hospitalization
  - Evaluate most effective source of financing (Trust vs. Medicaid) from State's view to provide assistance for those who cannot afford costs during EP



Rates of Return Under SJR8212 Fails and SJR8212 Passes Tests

- Senate Joint Resolution 8212 (SJR8212) plays significant role in the level of funding needed
- Assumed investments in Treasuries under the "SJR8212 fails" scenario would be consistent with investment approach currently anticipated
- Passage of SJR8212 would allow additional flexibility to invest the Trust Account in stocks and other forms of investment

Investment Return Rates Net of Investment Expenses				
Calendar Year	SJR8212 Fails	SJR8212 Passes		
2022	0.53%	3.36%		
2023	0.68%	3.52%		
2024	0.82%	3.67%		
2025	0.95%	3.83%		
2030	1.44%	4.20%		
2050	2.32%	4.82%		
2070	2.32%	4.82%		
2090	2.32%	4.82%		



Illustration of Premium Contributions vs. Investment Income Over 75 Years

Percentage of revenue from investment income depends on investment strategy

	SJR8212	2 Fails	SJR8212	Passes
Calendar		Investment		Investment
Year	Contributions	Income	Contributions	Income
2030	93%	7%	81%	19%
2050	82%	18%	59%	41%
2070	94%	6%	63%	37%
2090	111%	-11%	75%	25%

- Revenue portion attributable to investment income:
  - Increases in early years as fund builds when yearly premiums > expenditures
  - Decreases in later years as fund draws down when yearly premiums < expenditures</li>
- Contributions > 100% implies Trust would need to borrow from sources other than premiums



### **Qualified Individual Requirements**

### Portability / Divesting Alternatives

- The portability / divesting alternatives consider how individuals who leave the state of Washington will retain vesting in the LTSS benefit
- In the Base Plan, only Washington residents are eligible for program benefits; this includes both individuals who never leave the state and vested individuals that return to the state

Alternative	75-Year Payroll Premium <sup>1</sup>	Change from Base Plan		
Base Plan - SJR8212 Fails	0.66%			
Full divesting after leaving the state	0.65%	-0.01%		
Full divesting after leaving the state for 5 years	0.65% to 0.66%	N/A		
50% of benefit after leaving the state	0.88%	0.22%		
25% of benefit after leaving the state	0.77%	0.11%		
10% of benefit after leaving the state	0.71%	0.04%		
<sup>1</sup> Base Plan premium is 0.55% under SJR8212 passes: impact of divesting alternatives varies but anticipated to be similar for				

<sup>&</sup>lt;sup>1</sup> Base Plan premium is 0.55% under SJR8212 passes; impact of divesting alternatives varies but anticipated to be similar for this scenario.



### Milliman Next Steps

- Final actuarial report to be delivered to DSHS and OSA in early October
- Perform additional analyses as requested to inform program parameter choices
  - New alternatives
  - Combined impact of alternatives from actuarial report
- Support discussions on:
  - Margin or "Cushion," potentially including additional sensitivity / scenario testing
  - Framework and experience monitoring system for ongoing evaluation of program's financial soundness
  - Investment strategy and related possible returns over different time horizons



### **Caveats and Limitations**

The data provided in this presentation has been prepared for the internal use of the Washington State Office of the State Actuary (OSA) and Washington State Department of Social and Health Services (DSHS), and it should not be distributed, in whole or in part, to any external parties without the prior permission of Milliman. We do not intend this information to benefit or create a legal liability to any third party. This communication must be read in its entirety.

This information provides preliminary numeric results supporting our analysis updating the feasibility study of the WA LTSS Trust Program. It may not be appropriate, and should not be used, for other purposes. This information is provided as a draft for discussion purposes only and should not be relied upon. All numbers are subject to change.

In completing this analysis, we relied on information provided by OSA, DSHS, and publicly available data, which we accepted without audit. We accepted without audit but reviewed the information for general reasonableness. Our summary may not be appropriate if this information is not accurate.

Many assumptions were used to construct the estimates in this presentation. Actual results will differ from the projections. Experience should be monitored as it emerges and corrective actions taken when necessary.

Guidelines issued by the American Academy of Actuaries require actuaries to include their professional qualifications in all actuarial communications. Chris Giese is a member of the American Academy of Actuaries and meets the qualification standards for performing the analyses in this presentation.

The terms of the Personal Services Contract with Washington State OSA effective February 26, 2020, apply to this information.





# Thank you!

## **Next steps**

- Establish process to address challenges of non-participation and adverse selection
- Propose establishing a workgroup to work on options
- Will report back at the October 20<sup>th</sup> meeting

# **New Business**

Part Three

### **New Business Part Three**

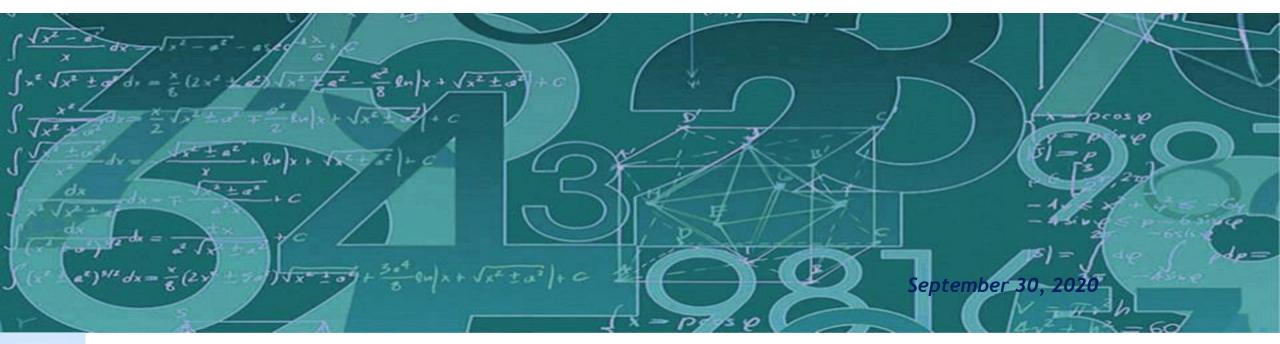
- Actuarial report of projected solvency and financial status of the program: draft outline (slides 50-53)
- Draft Administrative Expenses Report, due 11/15/2020 (slides 55-57)
- Tribal participation in the LTSS Trust (slide 58)

### **OSA Report on Solvency**



#### **Presentation to: LTSS Trust Commission**

Matthew M. Smith, State Actuary





### **Background**

- Per <u>Chapter 50B.04.030 RCW</u>, the Office of the State Actuary (OSA) is responsible for providing recommendations to the Commission and the Legislature on actions necessary to achieve and maintain trust solvency
- First report due by the end of this year
- OSA report to be contained within a section of a larger report from the Commission
- Initial OSA report will look different than subsequent reports due to the emerging details and definition of the program

### **Draft Report Outline**

- Executive Summary
- What is the Current Situation?
  - Document relevant portions of current law and program governance
- What Actuarial Analysis Has Been Performed and What Does It Show?
  - Document Milliman's role in providing actuarial analysis
  - Highlight key takeaways from Milliman's most recent study
- What are Relevant Considerations When Looking to Achieve and Maintain Trust Solvency?
  - Discuss risk management considerations and levers
  - Share feedback received from the Commission on their risk management goals

### **Draft Report Outline (Continued)**

- OSA Recommendations
  - Perform updated actuarial analysis once all program provisions are defined and the investment policy is established
  - Establish a risk management framework for the program consistent with the goals of the program
  - Establish a funding policy consistent with the above
- What Will Future Actuarial Solvency Reports Look Like?
  - Document planned frequency of future reports and recipients, per statute
  - Share proposed key metrics to monitor the program's solvency
- Attachment
  - Milliman's latest study

### **Next Steps**

- Receive your feedback today on the draft report outline
  - Feedback welcome after the meeting too
- OSA will share full draft report at the October meeting
  - Further opportunity to provide feedback
- Finalize and submit report by the end of the year



#### **Questions? Please Contact:**

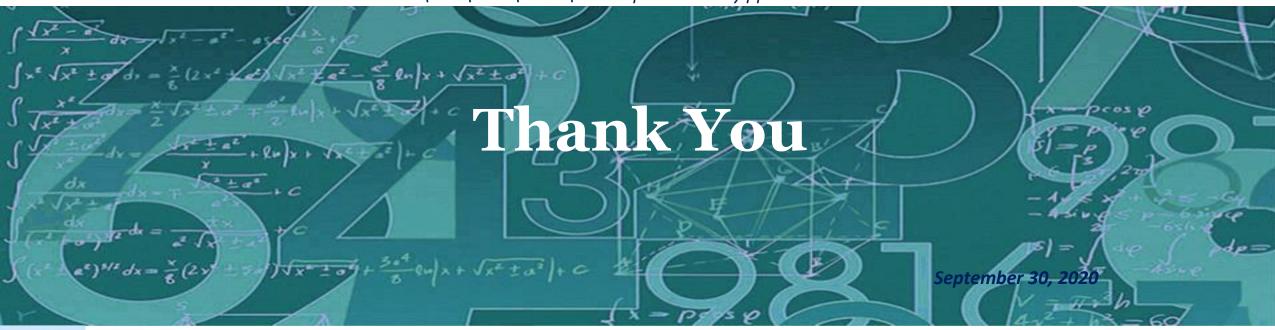
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# **Draft Administrative Expenses Report**

- The Commission is charged with monitoring agency administrative expenses over time.
- Annually, beginning 11/15/20 the Commission must report to the Governor and the fiscal committees of the Legislature on agency spending for administrative expenses and anticipated administrative expenses as the program shifts into different phases of implementation and operation.
- An outline and format for the annual report was sent to Commission members 7/31 and discussed at the 8/4 Commission meeting.
   Commission members indicated they are okay with the format as presented.

# **Draft Administrative Expenses Report**

- The draft report provided for discussion at today's meeting covers:
  - 19-20 budget appropriations by agency
  - High-level list of work done in SFY20
  - SFY20 expenditures by agency, and a breakout of spending by object
  - SFY21 anticipated expenditures by agency
  - High-level list of planned activities by agency in SYF21, SFY22 and SFY23
- The final report will be delivered for Commission approval at the 10/20 Commission meeting.
- Agency heads on the Commission may advise the Commission on the reports, but must recuse themselves from the Commission's process for review, approval, and submission to the Legislature.

# **Draft Administrative Expenses Report**

- The appropriations made for the LTSS Trust in the 19-21 biennium constitute a loan from the state general fund and must be repaid, with interest, by June 30, 2022.
  - ESD will start collecting premiums in 2022 and deposit the premiums into the LTSS Trust Account.
  - Money in the Trust Account will be used to repay the general fund.
  - Going forward, costs for administering the LTSS Trust and paying benefits will be funded from LTSS Trust revenue directly.
- The 11/15/25 report must include recommendations for a method of calculating future agency administrative expenses to limit administrative expenses while providing sufficient funds to adequately operate the program.

## **Tribal participation in the LTSS Trust**

- Propose establishing a workgroup to work on options
- Workgroup will report back at the October 20 meeting

### **Public Comment**

- Please indicate your interest in making a public comment in the Chat tool
- Each person has 2 minutes to address the Commission
- The Commission receives input, but does not generally respond to comments
- Please unmute and turn on your video when recognized by the Chair or the facilitator

# **Set Agenda for October Meeting**

- Dates of Commission meetings through 2020
  - October 20, December 3
- Potential topics for October 20 meeting:
  - Approval of the Administrative Expenses Report that is due 11/15/2020
  - Discussion about rate setting, margins and risk tolerance
  - Review final report from Milliman
  - Review OSA draft report on recommendations to the Commission and the Legislature on actions necessary to achieve and maintain trust solvency
  - Review draft Commission recommendations report due 1/1/2021 including:
    - Requirements to be a qualified individual
    - Coverage for individuals who become disabled before the age of 18
    - Changes to rules or policies to improve the operation of the program, including tradeoffs around participation, revenue, benefits, and coverage
  - Cross Agency workgroup report on Tribal participation

# Wrap-Up

- Review action items
- Is there anything you need to support your work as Commissioners?

