



# LTSS Trust Commission

Recommendations to the Legislature and Executive Agencies

RCW 50B.04.030

January 1, 2021

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# LTSS Trust Recommendations to the Legislature and Executive Agencies

## 1. Statutory Requirement

Per Chapter 50B.04.030 RCW, beginning January 1, 2021, the Long-Term Services and Supports Trust Commission shall propose recommendations to the Legislature or the appropriate Executive Agency regarding the following aspects of the LTSS Trust Program:

- a. The establishment of criteria for determining that an individual has met the requirements to be a qualified individual;
- b. The establishment of criteria for determining that an individual has met the requirements to be an eligible beneficiary;
- c. The establishment of criteria for minimum qualifications for the registration of long-term services and supports providers who provide approved services to eligible beneficiaries;
- d. The establishment of payment maximums for approved services;
- e. Changes to rules or policies to improve the operation of the program;
- f. Providing a recommendation to the LTSS Trust Council for the annual adjustment of the benefit unit;
- g. A refund of premiums for a deceased qualified individual with a dependent who is an individual with a developmental disability who is dependent for support from a qualified individual;
- h. Assisting the state actuary with the preparation of regular actuarial reports on the solvency and financial status of the program and advising the legislature on actions necessary to maintain trust solvency. The office of the state actuary shall provide any recommendations to the commission and the legislature on actions necessary to maintain trust solvency;
- i. For the January 1, 2021, report only
  - i. Recommendations on whether and how to extend coverage to individuals who became disabled before the age of eighteen, including the impact on the financial status and solvency of the trust; and
  - ii. The commission shall consult with the office of the state actuary on the development of an actuarial report of the projected solvency and financial status of the program. The office of the state actuary shall provide any recommendations to the commission and the legislature on actions necessary to achieve trust solvency.

## 2. Background

The Long-Term Services and Supports Trust Act was created through the passage of SSB 1087 in April of 2019. The legislation established the LTSS Trust Commission to advise the Legislature and Executive Agencies on specific aspects of the LTSS Trust program. The Commission's recommendations and decisions are guided by the joint goals of maintaining benefit adequacy and maintaining LTSS Trust solvency and sustainability.

## 3. Recommendations

- a. **The establishment of criteria for determining that an individual has met the requirements to be a qualified individual as established in RCW 50B.04.050 or an eligible beneficiary as established in RCW 50B.04.060**

*<Draft Qualified Individual criteria content to be developed for the September 2020 Commission meeting>*

The recommendation on the criteria to be an eligible beneficiary is expected in the January 2022 report.

**b. The establishment of criteria for minimum qualifications for the registration of long-term services and supports providers who provide approved services to eligible beneficiaries**

This recommendation is expected in the January 2023 report.

**c. The establishment of payment maximums for approved services consistent with actuarial soundness which shall not be lower than Medicaid payments for comparable services. A service or supply may be limited by dollar amount, duration, or number of visits. The commission shall engage affected stakeholders to develop this recommendation**

This recommendation is expected in the January 2023 report.

**d. Changes to rules or policies to improve the operation of the program**

This will be a recurring recommendation starting in the January 2024 report.

**e. Providing a recommendation to the LTSS Trust Council for the annual adjustment of the benefit unit in accordance with RCW 50B.04.010 and 50B.04.040**

This will be a recurring recommendation starting in the January 2024 report.

**f. A refund of premiums for a deceased qualified individual with a dependent who is an individual with a developmental disability who is dependent for support from a qualified individual**

This recommendation is expected in the January 2022 report.

**g. Assisting the state actuary with the preparation of regular actuarial reports on the solvency and financial status of the program and advising the legislature on actions necessary to maintain trust solvency.**

This will be a recurring recommendation starting in the January 2022 report and will include recommendations to the Commission and the Legislature from the Office of the State Actuary on actions necessary to maintain trust solvency.

**h. For the January 1, 2021, report only**

- i. Recommendations on whether and how to extend coverage to individuals who became disabled before the age of eighteen

*<Draft content to be developed for the September 2020 Commission meeting – This will include the impact on the financial status and solvency of the trust. The commission shall engage affected stakeholders to develop this recommendation>*

- ii. The commission shall consult with the office of the state actuary on the development of an actuarial report of the projected solvency and financial status of the program.

*<Draft content to be developed for the September 2020 Commission meeting – This will include recommendations to the Commission and the Legislature from the Office of the State Actuary on actions necessary to achieve trust solvency.>*

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