



DH + DSHS
IPAC Subcommittee Meeting

November 9, 2021

WHO WE ARE

- Desautel Hege established 1996
- Integrated – PR, advertising, branding, research, digital
- Team of strategists + creatives
- 23-year history of working with Northwest Tribes
- Over 20 years of experience working on statewide public education and behavior change campaigns including:
 - HCA's Tribal Opioid Solutions Campaign
 - DOH's Native and Strong Campaign
 - En Route, LLC's WISe
 - Immunizations, flu hygiene, West Nile Virus prevention, Medicaid and CHIP enrollment, oral health, traffic safety and more

HCA TRIBAL OPIOID SOLUTIONS

An elderly man with glasses and a black hat with a colorful band and a feather. He is wearing a red patterned shirt and looking off to the side with a slight smile. The background shows a landscape with mountains and a body of water under a blue sky with light clouds.

culture is
prevention

Opioid misuse is preventable We all play a part

Connecting to our culture and each other makes us stronger, especially when times are challenging. Build strength and resilience:

- ✓ Participate in cultural activities that bring you joy and connection
- ✓ Make time to connect with your friends, relatives and elders
- ✓ Find healthy ways to manage stress like carving, beading, dancing, singing
- ✓ If you are worried about a friend, ask them how they are doing
- ✓ If you are worried about yourself, reach out for help

Learn more at
WATribalOpioidSolutions.com

Washington State
Health Care Authority

Two women standing outdoors. The woman on the left is wearing a white t-shirt with a colorful geometric pattern and a yellow floral skirt. The woman on the right is wearing a purple sequined dress with a large feather in her hair and a colorful headband. They are both smiling and looking towards the camera. The background is a bright, slightly overcast sky.

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Help keep our community strong

- ✓ Never share an opioid medication with someone else.
- ✓ Have a conversation with your friends and family about the dangers of opioids.
- ✓ Ask about other ways to manage pain.
- ✓ Lock up your medications.

Dispose of old or unused medications to keep your family and the environment safe. Visit MED-Project.org to find a convenient take back location or to request a free, discreet medicine mail-back envelope.

Washington State
Health Care Authority

**We ask. We listen.
We help them
get support.**

When a friend or relative may be thinking about suicide, as good relatives we can help. We can start by saying, "I'm worried about you."

Go to NativeAndStrong.org to learn what to watch for and what to do.

For support, call the Suicide Prevention Lifeline at (800) 273-8255 or text **NATIVE** to 741741.

**We all
make us
all strong.**

**Good relatives
keep us healthy
and safe. We keep
our people whole.**

When someone may be at risk of suicide, getting help is a sign of our strength.

Learn what to watch for and what to do.

Call the Suicide Prevention Lifeline at (800) 273-8255, or text **NATIVE** to 741741.

NativeAndStrong.org

**We all
make us
all strong.**

COUNTING COUP PARTNERSHIP



DSHS: AL TSA, APS + WA CARES FUND

- Custom image library
- New visual look and feel
- Marketing/outreach materials
 - Rack cards
 - Poster
 - Brochure
 - Social media content

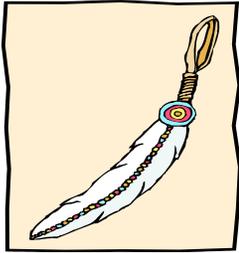
WHY WE ARE HERE TODAY

- We are seeking your input and guidance as we begin development of the image library and materials
- Materials will be shared with tribes to share with their communities
- Specifically, we'd like your input on:
 - Image library
 - Outreach materials look and feel

OUR QUESTIONS FOR YOU

- What kind of imagery would you like to see?
 - Activities? Locations? Multigenerational?
- What type(s) of imagery should we avoid?
- Are there any considerations or reservations around depicting elders in materials?
- Are there any clinics or centers you recommend working with?
- Are there any visual elements or colors for the look and feel you would like to see or would like us to avoid?
- What types of assets are most helpful for social media?

Thank you!



ALSA/DDA/BHA IPAC SUBCOMMITTEE MINUTES

NOVEMBER 9, 2021 9 A.M. TO 12 P.M.

Administrations and Divisions:

Home & Community Services (HCS), Residential Community Services (RCS), Behavioral Health Administration (BHA),

Developmental Disabilities Administration (DDA), Division of Behavioral Health and Recovery (DBHR), Office of the Deaf & Hard of Hearing (ODHH)

Welcome and Introductions – Loni Greninger, Jamestown S'Klallam Tribe Vice-Chair, IPAC Chair, Subcommittee Chair

- Welcoming
- Invocation
- Announcements
 - Interim Tribal Liaison Announcement DDA Marco Tan
- Tribal Updates on Covid
- Roll Call:

Amanda Aseph	HCS Financial Policy Analyst	Jasmine Albinson	DH Marketing
Amber Arndt	Nisqually Tribe	Anita Nez	Yakima
Christine Morris	HCS Office Chief	Brenda Francis-Thomas	Office of Indian Policy Region 3 North Mnaager
Dawn Okrasinski	HCS Resource Development Program Manager	Marco Tan	Interim DDA Tribal Liaison
Loni Greninger	Jamestown S'Klallam Tribe Vice Chair and Deputy Director of Social Services IPAC Chair	Laura Ambrose	Yakama Nation Area on Aging Agency Lead Case Manager
Lori Rolley	ALSA Financial Policy Analyst	Debra Knutson	HCS Resource Support and Development Program Manager
Marissa Morken	Squaxin Island Elders Program	Katheryn Pittelkau	HCS Pace Program Manager

Matthew Duncan	Art Director at DH Marketing	Hanna Asmussen	DH Marketing
Maureen Woods	Makah Senior Program Manager	Marietta Bobba	AL TSA Tribal Affairs Administrator
Peter Tassoni	WA Able Plan Administrator	Harmony Roebuck	Puyallup Tribe Adult Services Director
Rosalyn Alber	Kinship and Lifespan Respite Program Manager	Heather Hoyle	Office of Indian Policy Region 3 South Manager
Tamara Gaston	AL TSA Tribal Affairs	Tonya Ahsoak-Stevens	AL TSA
Tim Collins	Senior Director, Office of Indian Policy, DSHS	Frances Pickernell	Chehalis Tribe Social Services Director

Aging and Long-Term Services Administration – Marietta Bobba

- Money Follows the Person Tribal Initiative Updates
 - Tribal Reports:
 - Makah Tribe is in the process of upgrading the health home office and training new health home coordinator, a Makah Native. The annual review of the health home contract with Olympic Area Agency on Aging is in process for 2 years since last year was skipped due to pandemic. The Health Home office is tentatively scheduled to open in January.
 - Nisqually Tribe is focusing on covid efforts and working with AIHC's attorney to learn more about the CMS mandate.
 - Yakama Nation co-hosted a Savvy Caregiving class. Dr. Henderson gave the training. A lot of information was made available, and the cultural aspect was appreciated. One aspect that was interesting was exploring Yakama words for dementia as part of the training.
 - Lummi Nation is working with the elder task force to develop a strategic plan for elder needs. Additional funds from AL TSA due to delays from the pandemic are being used to continue the work. Areas being explored are an AFH with the housing dept and elder apartments. The tribe is also exploring a variety of trainings. Additional received a CHAPs grant and AL TSA/OSPI in-home aide trainings at the high school. 800-900 elders reside in the service area so the need to continue to develop services and decrease barriers is a focus of strategic planning.
 - Fall Summit: Registration is strong. The virtual summit is on November 18-19. Workshops will include:
 - Opening and closing songs/blessings; Chief Dan George Prayer Sone, Coast Salish Anthem.
 - Workshops on
 - Living with the Pandemic and our future.

- Trauma, the impact of the pandemic on individuals and culture
 - Service delivery through the pandemic;
 - How to start your own programs -talk to the experts;
 - Elders caring for adult children and other supportive models of care for families
 - Meeting the needs of the community; workforce development;
 - Bits & Pieces – updates on current programs and new initiatives
 - Working together: Tribes, AAAs and health providers.
- Outreach development – DH Marketing – Input needed to develop social media announcements – Jasmine Albinson.
DH marketing shared a PowerPoint. Ideas are being sought to assist in developing marketing materials that will be available to tribes to use on their social media channels and other outlets. DH developed the opioid campaign for HCA (see attached ppt for examples of materials created) and the DOH “NativeandStrong” campaign. Counting Coup, a native owned photography company, will be used to develop customized photos. DH will develop a custom image library, with new visual look and feel, develop culturally informed materials for APS, WA CARES and AL TSA services. Meeting feedback:: representation of PNW tribes and scenery. The Friendship Dance, is multi-generational, may be a source of photos. Develop representation of both eastern/western cultures. Challenges representing tribal employees (casino workers); Represent individuals with strength even if they are going through tough times. Photos from annual gatherings, honoring customs, honoring one another, kinship events. Yakama Nation has Fishermen, basket makers, bead workers, food gathers. They also sponsor root digging in spring and huckleberry picking in the fall. Additional feedback can be sent to Jasmine or Marietta.
 - PACE -Kathryn Pittelkau PACE Policy Program Manager. PowerPoint attached. Program for all inclusive care for the elderly. It’s a managed care program that is paid through Medicare and Medicaid or private pay to provide services. Three PACE programs across the state with multiple locations. PACE coordinates all medical and LTSS for the individual. Service areas are by zip codes rather than county. Eleven different disciplines are available through the program ranging from nursing, dietician, and transportation. Contact information is available in the PowerPoint. Expanding to Pierce County and Snohomish County in 2022.
 - ABL E (Achieve Better Life Experience) Savings Accounts – Peter Tassoni. PowerPoint and information is attached. Saving programs for individuals with disabilities by eliminating the \$2,000 asset limit and spend down issues. All monies in an ABL E account are not counted as income or taxed. Up to \$15,000 a year can be put into an account. Eligibility is based on a disability occurring before age 26 regardless of the age a person opens an account. ABL E funds can be used on a variety of items (see ppt). Working individuals may deposit additional funds in the account.
 - AL TSA Decision Package(s) for 2022 state legislative session: Personal Needs Allowance increase requested for home and community based programs. Current allowance is \$1074 per month. That is below what it costs to maintain a household in WA state. This change will help bridge the current income deficit for HCBS clients. The WA PNA is below the national median of \$2,024 and lower than clients served by WA DDA. This increase has a fiscal note of approximately \$25 million dollars. Materials will be put on AL TSA tribal affairs website.
 - House Bill 1411 Background Check Workgroup: A DTL was sent out on October 21st requesting 2 tribal representatives on the legislatively mandated workgroup. We will also restart the AL TSA only workgroup to provide input to the 2 tribal representatives. The Legislative workgroup is charged with developing a set of recommendations to assist elders to make informed choices when hiring in-home aides that have background check issues. If interested reach out to Marietta at bobbam@dshs.wa.gov .

- Adult Protective Services: The ARPA APS funds of \$10,000 per tribe are still available. Five tribes have turned in request letters.
 - All 5 APS Training Academy slots for the January class are full. When new classes are scheduled ALTSA will send that information out to the tribes.
- WA CARES – Commission meeting is scheduled for Wednesday, November 10 at 8 a.m. Agenda will be posted on website. wacaresfund.wa.gov; <https://www.dshs.wa.gov/altsa/stakeholders/long-term-services-and-supports-ltss-trust-commission>
- Intern interest in Vancouver area: What would you like to see from an intern? What would be important for the student to learn?

Developmental Disabilities Administration – Marco Tan

- DDA strategic measure regarding tribal trainings:
 - DDA is reviewing all its strategic measures, and invites tribal representatives to contact Marco Tan, or your Regional Tribal Liaison with comments and suggestions.
 - In spring of 2022, DDA will hold a Quality Summit, and invites Tribal Governments to participate. More information will be forthcoming. If interested, please contact Marco Tan at marco.tan@dshs.wa.gov .



October 2021 DDA
Clients with Self-Ide

- DDA clients with tribal affiliation (self-identified) and receiving DDA services:
 - Attached document includes caseload (residence) type
- DDA is seeking a representative from Tribal governments to participate on the Community Summit Steering Committee
 - The Community Summit is an annual conference that brings together individuals with developmental disabilities, self-advocates, families, allies, providers, and partners to talk about building more inclusive communities in the state of Washington.
 - The 2022 conference will be a series of 10 virtual sessions running weekly from May to June
 - Sessions include presentations on topics such as Advocacy, Technology, Supported Employment, Independent Living, Relationships, and Community Building
 - The committee helps set the vision for the 2022 conference, defining the challenges and issues, trending topics, and important conversations that should be addressed in the series
 - The committee will decide on themes, help select presenters and keynote speakers
 - The time commitment is a monthly 2-hour meeting via Zoom
 - The first meeting is November 18, 10am to 12pm.
 - I am hoping someone can join us for two years - to help plan the 2022 virtual series and HOPEFULLY a return to an in-person conference in 2023.
 - For more information, please contact Community Summit Steering Committee coordinator Ron Bryan Ronald.bryan@dshs.wa.gov
- Questions from Tribal Members – Reach out to Marco Tan with any questions
 - What are your ideas about how DDA can better engage with Tribal Governments during these meetings and in general?

- [Developmental Disabilities Administration Eligibility](#) – To be found eligible as a client of DDA, a person must:
 - Be a Washington State resident;
 - Have evidence of a qualifying developmental disability that began before age 18; and
 - Have evidence of substantial limitations.

The Revised Code of Washington [71A.10.020\(5\)](#) defines a developmental disability as:

- a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological;
 - other condition of an individual found by the secretary to be closely related to an intellectual disability; or
 - to require treatment similar to that required for individuals with intellectual disabilities, which originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.”
- [DDA Eligibility Flow Chart \(PDF\)](#): An overview of the process to apply for DDA eligibility and services.
 - [Intake and Eligibility](#) – Complete the required forms and documents. You can request a packet by filling out a [Service and Information Request](#) (<https://www.dshs.wa.gov/dda/service-and-information-request>) or by returning the information listed below:
 - [Request for DDA Eligibility Determination Form \(14-151\)](#)
 - [Consent \(14-012\)](#)
 - [Notice of Privacy Practices for Client Confidential Information \(03-387\)](#)
 - [Washington State Voter Registration](#) for applicants age 18 or older
 - Documents that support that you have a developmental disability, as described in [DSHS Form 14-459 Eligible Conditions Specific to Age and Type of Evidence](#) such as:
 - Educational records
 - Psychological records
 - Medical records
 - [COVID-19 Updates](#)
 - Contracting with DDA:
 - [Interested in Becoming a Certified Supported Living Provider?](#) Follow the steps below:
 - Apply for a business license
 - Complete an [application](#)
 - Mail the complete application packet to Management Services Division, Business Analysis and Application Unit (BAAU) at DSHS.
 - For US Postal Mail: AL TSA BAAU, PO Box 45600, Olympia, WA 98504-5600
 - For Federal Express: AL TSA BAAU, 4450 10th Ave SE (Blake West), Lacey, WA 98503
 - [Additional DDA Contracts available to Tribes](#). See Contracting and [Frequently Asked Questions](#)
 - Community Guide and Engagement
 - Positive Behavioral Support and Consultation
 - Environmental Accessibility Adaptations

- Etc...
- **Marco Tan** / Social & Health Program Consultant 4
DDA - HQ - Lacey / Developmental Disabilities Administration
Washington State Department of Social and Health Services
(O) 360.890.2208 / (C) 360.890.2208
Email: marco.tan@dshs.wa.gov OR TanMG@dshs.wa.gov

- For any questions, requests or comments, please reach Marco Tan at marco.tan@dshs.wa.gov or your [Local DDA Tribal Liaison](#)

Closing – Loni Greninger

Agenda Items for the November meeting:

- BHA TrueBlood
- BHA Covid Updates
- Money Follows the Person Tribal Initiative Updates
- Adult Protective Services Check-In
- WA CARES

Next meeting is on December -, 2021 from 9 a.m. to 12 p.m.

Transforming
Lives

Request to increase the in-home Personal Needs Allowance



Increase Personal Needs Allowance

- The current in-home PNA for Home and Community Service HCBS Waiver clients is \$1,074 per month.
- This is far below what it actually costs to maintain a household in any part of Washington state.
- The low allowance results in clients making a difficult choice and reduces their options to get needed services in their own home.

Example: How PNA Works with Monthly Client Costs for In-Home Long-Term Services and Supports

Client Income	\$2,950
Personal Needs Allowance	\$1,074
Participation	\$1,876
Average Cost of Living	\$2,901
Income deficit	\$1,827

Increase Personal Needs Allowance

- Washington's PNA is far below the national median of \$2024
- PNA for AL TSA clients is far lower than clients served in DDA creating an inequity
- Clients who refuse services due to the high cost of care rate often re-enter Medicaid when their needs are higher and more expensive for the state.
- They may seek emergency care or have long-term hospital stays and frequently end up in higher levels of care – which are both costly and, in many cases, preventable.

Thank you

Amanda Aseph, Financial Policy Analyst
Amanda.Aseph@dshs.wa.gov

Lori Rolley, Financial Policy Analyst
Lori.Rolley@dshs.wa.gov





STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
Adult Protective Services Division
PO Box 45600, Olympia, WA 98504-5600

October 29, 2021

Dear Tribal Leader:

Subject: Notice of Adult Protective Services (APS) Academy Training Tribal Opportunity

The Department of Social and Health Services (DSHS), Aging and Long-Term Support Administration (AL TSA), Adult Protective Services (APS) is holding the APS Training Academy and inviting tribal partners to participate. The academy is three full weeks and will cover all facets of state APS.

The training will be held daily between 8:30 a.m. – 3:30 p.m. on the following dates:

Week 1 - January 3-7

Week 2 – January 10-14

Week 3 – January 18-21 & January 24 (January 17 state holiday no training)

Training content is specific to DSHS APS policy and procedures (Chapter 6). APS headquarters and regional training staff will be conducting the training. The training is interactive and will be held virtually using the Zoom platform. All participants will be expected to have cameras on for this interactive training.

There are 5 slots available for tribal staff on a first call basis. Please forward the name, physical address, phone number, and email address of the person from your tribe wishing to attend the training to APSHQTraining@dshs.wa.gov.

An individual from the training team will contact the participant by email to confirm registration and provide details and training information. For any questions regarding the information in this letter, please contact the headquarters training team at APSHQTraining@dshs.wa.gov.

Sincerely,

Paula Hughes, Deputy Director for Kathy Morgan, Director
Adult Protective Services Division

cc: Tim Collins, Senior Director, Office of Indian Policy
IPAC Delegates
Vicky Gawlik, Office Chief, APS
Marietta Bobba, Tribal Affairs Administrator, AL TSA

Bills December ALTA Update Message

This time last year I was more than ready to bid farewell to 2020 and welcome 2021 with hope and optimism. Admittedly, this year did not go as I had originally thought it would. Much like 2020 it tested my patience and challenged me both personally and professionally. And yet here we are again, on the cusp of a new year and I find myself with the unavoidable feelings of hope and optimism.

I am hopeful that 2022 will offer us the grace we all deserve. All of you have been through a lot. You have worked tirelessly to ensure that our operations remain intact so that we can continue to provide clients with the support and services they need. I sincerely hope the coming year welcomes you all with health and happiness.

I realize that circumstances do not suddenly improve simply because the calendar rolls over to a new year. But nonetheless there are many reasons I will be welcoming 2022 with optimism. COVID-19 vaccines, including boosters, have become more available and widespread, those of you wanting to return to your office settings have been able to do so, more places reopened this year allowing us to attend social settings such as restaurants, sporting events and theatres and we are able to spend time more safely with our family and friends. Yes, I am optimistic that 2022 will help get us closer to where I think we all want to be.

I cannot thank you enough for your work this year. Your adaptability and drive to support others are something I have always admired. You truly make ALTA a wonderful place to work and I look forward to the coming year and watching you reach new milestones, strive for progress and develop creative programs and ideas that will generate positive change for us and our clients.

I hope you enjoy your time off this holiday season and join me in reflecting on how 2022 can be shaped by our united hope and optimism. Thank you again and please enjoy this virtual holiday card from myself and your ALTA directors.

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Commented [KK((2): This will be linked.

Report Title: Number of AI/AN Patients

Facility	Number of AI/AN Patients^{1,2}
ESH	22
WSH	16
CSTC	-
SCC	-
Maple Lane	-
Yakima ³	0
FSCRCP	0

¹Data are based on self-report and are as of October 1, 2021.

²Data has been suppressed for numbers less than 11.

³Yakima closed on August 14, 2021.

DSHS Research and Data Analysis

Data Sources: ESH - HIIS System - Yaroslav Trusevich; WSH - Cache - Julie Klingbeil; CSTC - Lisa Davis; SCC - Timothy Edgren; Maple Lane, Yakima, and Fort Steilacoom Competency Restoration Program (FSCRCP) - Weekly Spreadsheets

Date of Report: 10/06/2021

Ticket 558 (Update to Tickets 149, 202, 241, 278, 280, 342, 385, 439, 470, 514)

Comparison between DDET and ABLER plans in Washington State

Washington State DD Endowment Trust Fund RCW 43.330.431	Washington State ABLER Savings Plan RCW 43.330.460
<p>Purpose A special needs trust that excludes its assets from federal means tested benefit programs for large and small contributors alike</p>	<p>Purpose A tax-advantaged savings that excludes its assets from federal means tested benefit programs for smaller and medium contributors</p>
<p>Tagline Protect Today. Provide for Tomorrow.</p>	<p>Tagline A flexible and convenient way for people living with disabilities to invest in their quality of life</p>
What is it?	What is it?
<p>Who is it for?</p> <ul style="list-style-type: none"> • A Washington resident under age 65 with a developmental disability, determined eligible for state DDA services • Condition happened before age 18 	<p>Who is it for?</p> <ul style="list-style-type: none"> • A Washington resident who is eligible for SSI or SSDI or can document a qualifying diagnosis from a licensed physician • Condition happened before age 26
<p>What is it, legally?</p> <ul style="list-style-type: none"> • Special Needs Trust – exempted funds <ul style="list-style-type: none"> ○ Trust 1 Third Party Trust (mom & dad) ○ Trust 2 Self-Settled Trust (beneficiary) • Social Security Act §1396 	<p>What is it, legally?</p> <ul style="list-style-type: none"> • 529A savings plan – exempted funds <ul style="list-style-type: none"> ○ Tax advantaged savings account ○ Regardless of the source money for the contribution, account is considered 1st party money (beneficiary) • IRS tax code §529A
<p>Who owns the money?</p> <ul style="list-style-type: none"> • Assets belong to the trust account holder and must be used in the interest of the beneficiary 	<p>Who owns the money?</p> <ul style="list-style-type: none"> • Assets belong to the account owner (beneficiary) and must be used in the interest of the beneficiary
Why DDET?	Why ABLER?
<p>What is the advantage?</p> <ul style="list-style-type: none"> • Funds are exempt from federal means tested benefits like SSI, Medicaid, SNAP and HUD • Funds do not count towards the \$2,000 resources limit • Funds usually do not count towards the \$3,000 limit on money in a guardianship without bond or block • \$5 million original endowment and its market earnings pays for program fee matches 	<p>What is the advantage?</p> <ul style="list-style-type: none"> • Funds are exempt from federal means tested benefits like SSI, Medicaid, SNAP and HUD • Funds do not count towards the \$2,000 resources limit
<p>Why would I want one?</p> <ul style="list-style-type: none"> • Beneficiary not competent to spend the money wisely or appropriately • Testamentary trust to transfer wealth to younger generations • Trust managers ensure money only goes for legally intended uses • Provide resources that benefit the beneficiary • Maintain a large balance while shifting funds to an ABLER account for more flexible spending 	<p>Why would I want one?</p> <ul style="list-style-type: none"> • Beneficiary may or may not be competent to spend the money • Broader eligibility • Beneficiary or authorized legal guardian retains control over the funds (but also has greater responsibility to stick to intended uses of money) • Cheaper and more flexible than a special needs trust

Washington State DD Endowment Trust Fund RCW 43.330.431	Washington State ABLER SAVINGS PLAN RCW 43.330.460
	<ul style="list-style-type: none"> Paired with DDEF, can allow more flexible spending
How is it managed?	How is it managed?
What is the governance structure? <ul style="list-style-type: none"> Governor appointed board members govern the program Department of Commerce supports the program 	What is the governance structure? <ul style="list-style-type: none"> Four Governor appointed board members and three state agency representatives govern the program Department of Commerce supports the program
Who invests the money? <ul style="list-style-type: none"> Washington State's State Investment Board, following an asset allocation strategy approved by the governing board The investment option is pre-determined. Private contributions are passively managed in the Vanguard Balanced Fund State funds equity are passively managed by State Street Global Advisors while fixed income is actively managed by the State Investment Board 	Who invests the money? <ul style="list-style-type: none"> Investment Services, a subsidiary of BNY Mellon, following an asset allocation strategy designed by an investment advisor and approved by the governing board The account owner (beneficiary) chooses which investment option to put their money Funds are passively managed in seven Vanguard mutual funds and one Dimensional Funds Advisors fund FDIC insured cash is held in a custodial account by BNY Mellon
Who handles customer service, deposits and disbursements? <ul style="list-style-type: none"> The Arc Washington State 	Who handles customer service, contributions and distributions? <ul style="list-style-type: none"> Sumday, a subsidiary of BNY Mellon
What does it cost (fees)? <ul style="list-style-type: none"> Enrollment fee of \$600 Annual asset management fee \$75 - \$750 Annual \$75 tax prep fee Some fees are currently offset by a state match (subject to future appropriations) 	What does it cost (fees)? <ul style="list-style-type: none"> Annual fee of \$35 Annual investment fee of 0.30% - 0.38% on assets Optional prepaid card \$1.25 per month Mailing fees and others may apply
Deposits	Deposits
Who can make contributions? <ul style="list-style-type: none"> Anyone but the beneficiary can contribute to a 3rd party trust account via check or bill pay Only the beneficiary can contribute to a 1st party trust account via check or bill pay 	Who can make contributions? <ul style="list-style-type: none"> Anyone can contribute to the account via check or bill pay or bank account transfers Anyone can contribute via E-gifting using debit or credit cards
What are the limits to contributions? <ul style="list-style-type: none"> None. As many and as large as you want Accumulations are unlimited too Does not affect SSI or Medicaid eligibility 	What are the limits to contributions? <ul style="list-style-type: none"> Unlimited number of contributions but capped at \$15,000/year unless employed* \$500,000 lifetime balance limit First \$100,000 does not affect SSI eligibility
How to make Contributions? <ul style="list-style-type: none"> Send paper checks 	How to make Contributions? <ul style="list-style-type: none"> Send paper checks <p>*The ABLER to Work feature allows eligible beneficiaries who are employed to contribute an amount equal to their current year's gross income (up to a maximum of \$12,760) in addition to the \$15,000 annual limit through 2025</p>
How to make Contributions? <ul style="list-style-type: none"> Send paper checks 	How to make Contributions? <ul style="list-style-type: none"> Send paper checks

Washington State DD Endowment Trust Fund RCW 43.330.431	Washington State ABLER SAVINGS PLAN RCW 43.330.460
<ul style="list-style-type: none"> • Bill pay from your financial institution 	<ul style="list-style-type: none"> • Online transfers from bank account • Automatic deductions from bank account • E-gift contributions
<p>Who chooses how to invest the funds?</p> <ul style="list-style-type: none"> • The governing board chose a pooled trust format so contributions go into the Vanguard Balanced Index Mutual Fund 	<p>Who chooses how to invest the funds?</p> <ul style="list-style-type: none"> • The beneficiary (account owner) or their authorized legal representative. • You can choose to: <ul style="list-style-type: none"> ○ invest in one of three options ○ save in an FDIC-insured account ○ both (save and invest)
<p>Withdrawals</p>	<p>Withdrawals</p>
<p>What can the funds be spent on?</p> <ul style="list-style-type: none"> • Transportation • Education • Assistive Technology • Employment Training • Personal Support Services • Legal Fees • Funeral & Burial (Prepaid only) • Health & Wellness (vacations, entertainment) • Financial Management 	<p>What can the funds be spent on?</p> <ul style="list-style-type: none"> • Basic Living Expenses (groceries) • Housing (rent, down payment, renovations) • Transportation • Education • Assistive Technology • Employment Training • Personal Support Services • Legal Fees • Funeral & Burial • Health & Wellness (vacations, entertainment) • Financial Management
<p>How to make a withdrawal?</p> <ul style="list-style-type: none"> • Send in disbursement request and receipts • Paper checks will be mailed to reimburse you, vendors, and service providers • No debit card option 	<p>How to make a withdrawal?</p> <ul style="list-style-type: none"> • Transfer ABLER funds to your bank account • Request paper check be mailed • Transfer ABLER funds to prepaid ABLER debit card (\$1.25 monthly fee, transfer as little as \$10 and maximum of \$15,000 per withdrawal)
<p>Can funds be transferred between DDETTF and ABLER accounts?</p> <ul style="list-style-type: none"> • Funds can be disbursed from the special needs trust as a contribution to the ABLER account • Funds cannot be moved from an ABLER account to the DDETTF 	<p>Can funds be transferred between ABLER and DDETTF accounts?</p> <ul style="list-style-type: none"> • Funds cannot be moved from the ABLER to the special needs trust account • Funds can be disbursed from the special needs trust as a contribution to the ABLER account
<p>Who decides on how to spend the money?</p> <ul style="list-style-type: none"> • Primary representatives like parents, guardians and rep payees submit reimbursement requests to the trust manager • The trust manager determines what the money can be spent upon to avoid ineligible items or services that violate SSA regulations or the joinder agreement provisions • The trust manager mails out reimbursement checks to vendors and primary representatives 	<p>Who decides on how to spend the money?</p> <ul style="list-style-type: none"> • The beneficiary and/or their authorized legal representative • Account owners owe taxes and penalties for items and services purchased that are not qualified disabilities expenditures • Non-qualified disabilities expenditures may jeopardize SSA and other public benefits
<p>Are there limits on spending?</p> <ul style="list-style-type: none"> • SSI recipients may not use trust funds for room and board 	<p>Are there limits on spending?</p> <ul style="list-style-type: none"> • Funds cannot be used for ineligible expenses like gambling or illegal activities

Washington State DD Endowment Trust Fund RCW 43.330.431	Washington State ABL Savings Plan RCW 43.330.460
<ul style="list-style-type: none"> Spending trust funds does not affect SSI or Medicaid eligibility or benefits 	<ul style="list-style-type: none"> Ineligible expenditures may jeopardize SSI and Medicaid eligibility or benefits
Death and Taxes	Death and Taxes
<p>Are federal income taxes involved?</p> <ul style="list-style-type: none"> Earnings from investments are potentially taxed Qualified Disability Trust (3rd party) or Grantor Trust (1st party) generate form 1041 	<p>Are federal income taxes involved?</p> <ul style="list-style-type: none"> Earnings from investments and withdrawals from the account are exempt from taxes Distributions for ineligible expenses must pay federal taxes and a 10% penalty Form 1099-QA and 5498-QA are generated
<p>What occurs if the beneficiary passes away?</p> <ul style="list-style-type: none"> Trust 1 Third Party: no pay back required; remainder assets distributed according to Trust documents Trust 2 Self-Settled: Medicaid/Medical Assistance Recovery before distribution of assets according to Trust documents 	<p>What occurs if the beneficiary passes away?</p> <ul style="list-style-type: none"> ABLE account balance is transferred to beneficiary’s estate to pay outstanding ABLE-eligible expenses and funeral/burial expenses Then Medicaid/Medical Assistance Recovery (regardless of contributor) is paid before distribution of assets to remainder beneficiaries pursuant to a will or the court’s probate process
More Information	More Information
<p>How to Enroll?</p> <ul style="list-style-type: none"> Download forms from website or request a packet be mailed to you Fill out paperwork and submit to trust office 	<p>How to Enroll?</p> <ul style="list-style-type: none"> Apply online and upload documents Mail in completed forms downloaded from website
<p>DDETTF Trust Office 1-888-754-8798 and ETInfo@arcwa.org</p> <p>Developmental Disabilities Endowment Trust Fund Protect today, Provide for tomorrow (wa.gov)</p>	<p>ABLE Call Center 1-844-600-2253 – TTY and Chat available too</p> <p>Washington State ABL Savings Plan</p>



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
PO Box 45050, Olympia, WA 98504-5050

October 21, 2021

Dear Tribal Leader:

The 2020-21 State legislative session passed HB 1411: Healthcare Workforce Eligibility-Criminal Records. This important legislation has made changes to existing background check regulations, processes for restoration certification review and directs the department to:

- **Identify recommendations on informed choice so older adults and individuals with disabilities may hire a trusted individual with a criminal record who would otherwise, be disqualified.**

The Department of Social and Health Services (Department), Aging and Long-Term Support Administration (AL TSA), and the Developmental Disabilities Administration (DDA) will be convening and facilitating a workgroup to expand the long-term care workforce while continuing to recognize the importance of protecting vulnerable adults. The workgroup will create a set of recommendations by December 2022 for the state legislature.

The Department is seeking two tribal representatives to assist with developing recommendations to the state legislature. The legislation asks for tribal representatives from federally recognized tribes east and west of the Cascade Mountains. The workgroup will include representatives from a variety of organizations and individuals who may be impacted by this work. A fact sheet with specific elements of the legislation, including areas for recommendations and workgroup composition is included.

The workgroup meetings will be held virtually, tentatively monthly starting Fall/Winter 2021 and continue through June 2022. Each meeting is anticipated to be one-hour long. Meeting details will be finalized at the first meeting.

If you are interested in participating in the HB 1411 workgroup as a delegate or alternate, please contact either Marietta Bobba, AL TSA Tribal Affairs Administrator, by telephone at (360) 725-2618 or via email at bobbam@dshs.wa.gov, or Nina Banken, Long-term Care Workforce Project Manager via email at nina.banken@dshs.wa.gov.

The discussions held in 2019, with tribes to identify barriers to employment for tribal members assisted in identifying the need to move forward on this important issue. The IPAC subcommittee will continue to seek additional input from the committee in order to provide broader input and feedback to the tribal representatives to the HB1411 workgroup.

Sincerely,

Bill Moss
Assistant Secretary,
Aging and Long-Term Support Administration
"Transforming Lives"

Debbie Roberts
Assistant Secretary,
Developmental Disabilities Administration

HB1411 Workgroup Participation Invitation

October 21, 2021

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Enclosures (2):

HB1411 Legislation

HB1411 Fact Sheet

cc: Tim Collins, Senior Director, Senior Director of Indian Policy
Marietta Bobba, Tribal Affairs Administrator
Alec Graham, Office Chief, Home and Community Services
Nina Banken, Project Manager, Home and Community Services

House Bill 1411

Client Informed Choice

Background Checks/Disqualifying Crimes

What is House Bill 1411?

House Bill 1411 seeks workgroup recommendations on ways to lessen criminal history barriers to employment for Long-term care workers. Specifically, recommendations on how clients can hire a trusted individual whose disqualifying crimes prevent them from being hired.

What direction has the Legislature provided to DSHS?

The Department of Social and Health Services (DSHS) will convene a workgroup to discuss a process which would allow a client to make an informed choice to hire a trusted person to provide care, although, that individual is automatically disqualified from having unsupervised access to clients due to their criminal record under the current rule.

What is the history of HB 1411?

An individual with an automatically disqualifying conviction, pending charge, or negative action cannot be hired by a client, regardless of the wishes of the client.

DSHS has rules in place that determine who can have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. Within those rules is a list of crimes and pending charges that are automatically disqualifying. Some of the listed disqualifying crimes are time limited. Once the defined amount of time has passed, the person may be allowed to work in a position with access to minors and vulnerable adults depending on the results of an employer review called a Character, Competence and Suitability review.

In July 2021, some of the automatically disqualifying crimes were modified and new time parameters were added.

Selling Marijuana to a person under RCW 69.500.401	After 3 years or more have passed between the most recent conviction and the date the background check is processed
Theft in the first degree under RCW 9A.56.030 after 10 years or more have passed between the most recent conviction and the date the background check is processed	After 10 years or more have passed between the most recent conviction and the date the background check is processed
Robbery in the second degree under RCW.9A.56.210	After five years or more have passed between the most recent conviction and the date the background check is processed
Extortion in the second degree under RCW 9A.36.021	After five years or more have passed between the most recent conviction and the date the background check is processed
Assault in the second degree under RCW 9A.36.021	After five years or more have passed between the most recent conviction and the date the background check is processed
Assault in the third degree under RCW 9A.36.031	After five years or more have passed between the most recent conviction and the date the background check is processed.

House Bill 1411
Client Informed Choice
Background Checks/Disqualifying Crimes

Who will be represented in the HB 1411 Workgroup?

- DSHS
- Community-based agencies representing criminally disqualified individuals, unpaid caregivers, consumers of personal care, individuals with disabilities (or their representatives)
- Tribal Partners
- Advocacy groups representing minority and immigrant populations
- Representatives from the Ombuds office, Area Agencies on Aging, Attorneys General, SEIU, Medicaid, and the Consumer-Directed Employer program.

What are the goals of the Workgroup?

- Include the following topics as part of the discussion on “informed choice”:
 - Protecting vulnerable adults/client safety
 - Client Direction
 - Racial Equity
 - Cultural competence
 - Economic consequences of unpaid caregiving on caregivers and people receiving care
 - Categories of eligible workers (family, friend, trusted individuals, or others)
 - Disqualifying crimes, if any
 - Mechanisms for consideration (attestation, petition, other)
 - Workforce development

What will the workgroup deliver to the legislature?

- DSHS will deliver a report by December 1, 2022, with workgroup recommendations for:
- A process of “informed choice”
- Additional workforce ideas
- Recommendations for how to communicate changes to clients and individual providers

What are the role and responsibilities of the Work Group?

- Provide a 1-2 sentence introduction to the workgroup at the first meeting
- Provide questions and/or concerns to the facilitator or group
- Attend scheduled meetings or provide a representative if you cannot attend a meeting
- Consistently balance the goals of client safety with expansion of the workforce



Increasing Washington's in-home Personal Needs Allowance will promote client choice in long-term care

Washington's current in-home Personal Needs Allowance is inadequate and inequitable, creating a barrier to individuals receiving necessary care in their own homes

Background

In-home services are the most preferred and often least costly form of long-term care. Clients who receive these services through Medicaid are required to pay a co-pay, which is calculated by taking their income and subtracting a Personal Needs Allowance, or PNA. Clients need this PNA to cover household costs, including rent/mortgage, groceries, utilities, transportation, home maintenance and any other household needs. The rest of their income goes to fund their co-pay for in-home services. Medicaid then makes up the difference between that co-pay and the full cost of their care. Under Medicaid, States have wide latitude to determine the PNA which equates to how much income in-home clients are allowed to keep to maintain their households.

Example: How PNA Works with Monthly Client Costs for In-Home Long-Term Services and Supports

Client Income	\$2,950
Personal Needs Allowance	\$1,074
Participation	\$1,876
Average Cost of Living	\$2,901
Income deficit	\$1,827

The Current PNA is Inadequate and Results in Co-Pays Clients Can't Afford

The current in-home PNA is set at 100% of the federal poverty level, which is \$1,074 per month for an unmarried individual. This is far below what it actually costs to maintain a household in Washington State.

- Someone with a modest income of \$3,000 per month would be left with only about a third of that (\$1,074) to maintain their household. The remaining two-thirds of their income (\$1,926) would be paid to their providers in order to receive care.
- That is far below Washington's 2020 average cost of living, which is \$2,901, as estimated by the Elder Index.
- For older adults and individuals with disabilities who want to stay in their homes, this means that they might:
 - Have to choose between paying for homecare and covering basic household expenses
 - Have to cut corners – skipping meals, or skipping rent, utility payments or necessary home maintenance
 - Live in substandard or unsafe housing
- Many clients refuse needed care or accept less care than they need because of the cost.
- Clients who refuse services due to the high co-pay often re-enter Medicaid when their needs are higher and more expensive for the state. They may seek emergency care or have long-term hospital stays and frequently end up in higher levels of care – which are both costly and, in many cases, preventable.
- When clients are unable to pay their co-pay, providers are saddled with bad debt.



Washington's PNA Level is Far Below the National Average

	2021 In-Home PNA	2020 Average Cost of Living
Washington	\$1,074	\$2,901
Colorado	\$2,382	\$2,709
Massachusetts	\$2,382	\$3,347
Michigan	\$2,382	\$2,494
New Jersey	\$2,382	\$3,512

Median PNA Nationally (2018): \$2,024

Washington's PNA for Long-Term Care is Far Behind the PNA for Developmental Disabilities

DDA and AL TSA in-home clients receive significantly different PNAs, despite the cost of living being the same. For DDA clients, the PNA for in-home clients at the Developmental Disabilities Administration is currently \$2,349 per month, which is 300% of the Federal Benefit Rate. Increasing the PNA for AL TSA long-term care clients would align policy and treat individuals with in-home care needs in Washington equally.

The Solution: Increase In-Home PNA to 300% Federal Benefit Rate Cost: \$25.6 GF-S, \$58M total funds for FY23

Increasing the PNA for AL TSA in-home clients to 300% of the federal benefit rate promotes client choice and allows seniors and individuals with disabilities to remain in their own home. Currently, 300% FBR is \$2,382; this is the federal maximum for HCBS Waivers.

This change would:

- Reduce poverty among clients receiving personal care in their own homes.
- Enable clients to successfully transition out of acute care hospitals, nursing facilities and state psychiatric hospitals and live in their own homes.
- Enable more clients to stay at home if they prefer it, reducing costs to the State.
- Create equity across disability groups receiving personal care in their own homes in Washington.
- Significantly minimize administrative and accounting burden of collecting client participation on home care agencies, in-home providers, and the Consumer Directed Employer.

The current PNA creates an unnecessary barrier for many Washingtonians who prefer to be served in their own homes. Increasing the in-home PNA would allow older adults and people with disabilities to have a viable choice to remain in their own homes.