

Transforming lives

Rate Setting Board

July 8, 2024 9:00 a.m. – 3:00 p.m.

In Person/Zoom Attendance

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TAB 1



Consumer Directed Employer Rate Setting Board

Meeting #8

July 8, 2024 Blake Office Park East, 4500 10th Ave SE, Lacey Rose & Trillium Rooms

Agenda

Time	Topic	Presenter(s)
9:00-9:15	> Welcome	Chair
	Approval of Minutes 6.13.2024	
	Opening Remarks/Old Business	
9:15-9:35	Administrative Rate follow-up from 6/13	All
9:35-9:55	Revenue discussion	DSHS
9:55-10:10	Public comment	Chair/Facilitator
10:10-10:25	Break	
10:25-11:00	Review and vote on By-laws, Charter, and Policies	Chair/Facilitator
	(Establishing Rate and Selecting Chairperson)	
11:00-12:00	Lunch	
	Rate Discussion	
12:00-3:00	Rate discussion	All
3:00	Adjourn	

Please note the agenda times may vary due to the flow of the meeting conversation.



Rate Setting Board Members

Charles Reed	Chair
Adam Glickman*	Exclusive Bargaining Unit Designee
Bea Rector*	DSHS Representative
Ben Bledsoe*	CDE Representative
Cynthia Hollimon*	Governor's Office Representative
Rep. Kelly Chambers [^]	House of Representatives (R)
Rep. Steve Tharinger^	House of Representatives (D)
Senator Ron Muzzall [^]	Senate (R)
Senator Annette Cleveland [^]	Senate (D)
Georgiann Dustin^	State Council on Aging Representative
Tammy Bowen^	People with Intellectual or Developmental Disabilities Organization
Open Position^	People with Disabilities Organization
Eric Erickson^	Licensed Home Care Agency
Nellie Prieto^	Home Care Worker

^{*}Voting member, ^Advisory member



Rate Setting Board Meeting Schedule

April 22, 2024 9:00am – 3:00pm	In Person/Zoom
April 24, 2024 9:00am – 3:00pm	In Person/Zoom
May 6, 2024 9:00am – 3:00pm	In Person/Zoom
May 17, 2024 9:00am – 3:00pm	In Person/Zoom
May 29, 2024 9:00am – 3:00pm	In Person/Zoom
June 5, 2024 9:00am – 3:00pm	In Person/Zoom
June 13, 2024 9:00am – 3:00pm	In Person/Zoom
July 8, 2024 9:00am – 3:00pm	In Person/Zoom
July 25, 2024 9:00am – 3:00pm	In Person/Zoom
August 5, 2024 9:00am – 3:00pm	In Person/Zoom
August 19, 2024 9:00am -3:00pm	In Person/Zoom

TAB 2



Rate Setting Board

Approved By-Laws

Approved Charter

Approved Policy Selecting Chairperson

Approved Policy Establishing and Submitting Rates

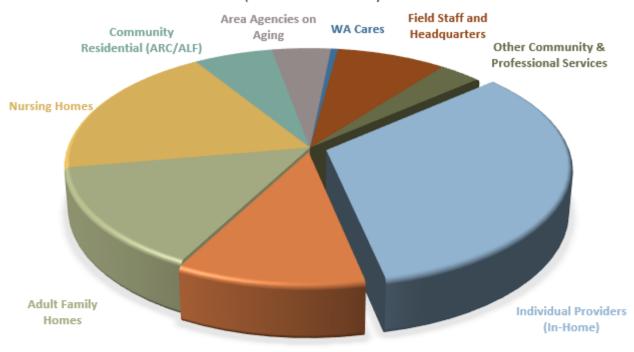
Updated and approved on July 8, 2024

TAB 3

Summer 2024 Caseload & Expenditures Update
Jonathon G. Smith, Rates Data Administrator
Office of Rates Management
Management Services Division, ALTSA

ALTSA 23-25 Biennium Budget Summary

(Dollars in Thousands)



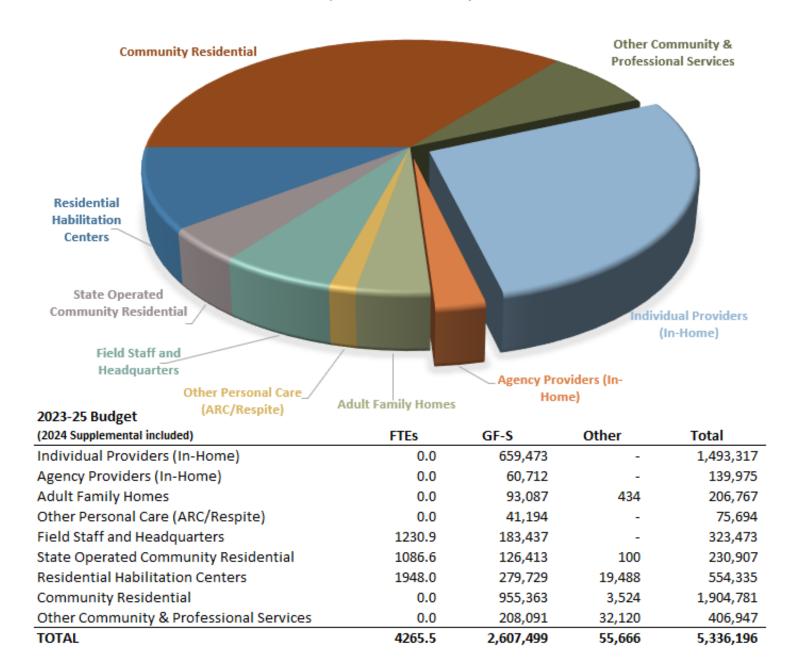
Agency Providers (In-Home)

2023-25 Budget

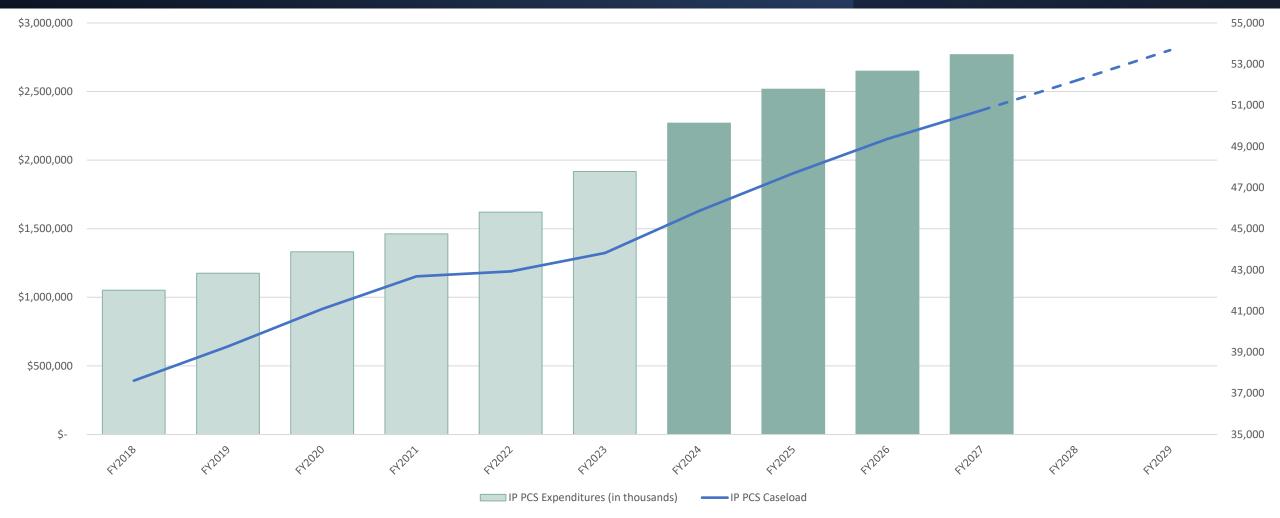
(2024 Supplemental included)	FTEs	GF-S	Other	Total
Individual Providers (In-Home)	0.0	1,464,182	-	3,439,736
Agency Providers (In-Home)	0.0	488,061	-	1,146,579
Adult Family Homes	0.0	670,657	1,978	1,504,322
Nursing Homes	0.0	796,136	134,084	1,963,480
Community Residential (ARC/ALF)	0.0	288,592	202	621,536
Area Agencies on Aging	0.0	243,335	-	463,885
WA Cares	61.4	-	53,701	53,701
Field Staff and Headquarters	2707.7	413,274	55,301	863,936
Other Community & Professional Services	18.1	168,383	-	331,671
TOTAL	2787.1	4,532,620	245,266	10,388,845

(Dollars in Thousands)

DDA 23-25 Biennium Budget Summary



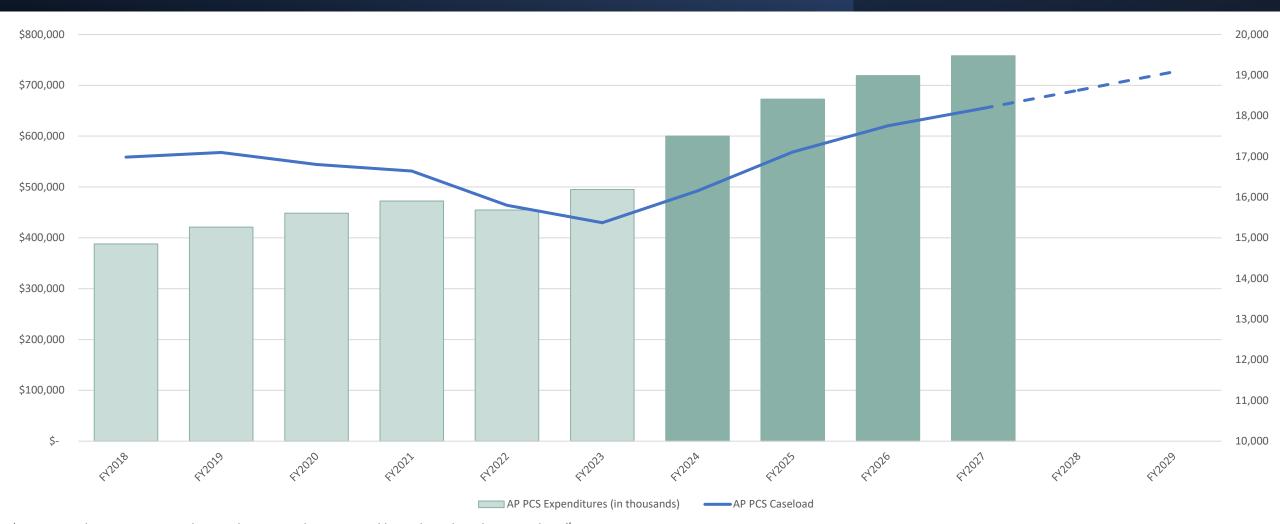
Individual Provider Personal Care Services (PCS) Caseload & Expenditures



^{*}FY2026 and FY2027 projected expenditures pending approval by technical workgroup July 10th, 2024

^{**}FY2028 and FY2029 caseload estimates produced by DSHS

Agency Provider Personal Care Services (PCS) Caseload & Expenditures



^{*}FY2026 and FY2027 projected expenditures pending approval by technical workgroup July 10th, 2024

^{**}FY2028 and FY2029 caseload estimates produced by DSHS

ALTSA Summer 2024 Caseload Numbers and Year-over-Year Growth

	Individual F	Providers Providers	Agency P	roviders	Adult Fam	ily Home	Assiste	d Living	Adult Resid	ential Care	Skilled Nurs	sing Facility
FY24	32,382	4.4%	14,491	5.6%	10,989	13.7%	3,635	2.9%	3,560	4.0%	7,637	0.3%
FY25	33,708	4.1%	15,378	6.1%	12,209	11.1%	3,633	-0.1%	3,562	0.1%	7,841	2.7%
FY26	35,013	3.9%	15,961	3.8%	13,037	6.8%	3,627	-0.2%	3,560	-0.1%	7,904	0.8%
FY27	36,101	3.1%	16,332	2.3%	13,594	4.3%	3,627	0.0%	3,562	0.1%	8,034	1.6%

DDA Summer 2024 Caseload Numbers and Year-over-Year Growth

	<u>Individual I</u>	Providers	Agency P	roviders	Adult Fam	nily Home		esidential eare	<u>Comn</u> <u>Resid</u>		Res	pite
FY24	13,483	5.2%	1,664	1.2%	1,611	6.4%	78	-11.4%	4,324	0.8%	4,010	12.8%
FY25	13,988	3.7%	1,733	4.1%	1,686	4.7%	77	-1.3%	4,380	1.3%	4,380	9.2%
FY26	14,348	2.6%	1,793	3.5%	1,743	3.4%	77	0.0%	4,428	1.1%	4,717	7.7%
FY27	14,658	2.2%	1,853	3.3%	1,791	2.8%	77	0.0%	4,476	1.1%	5,053	7.1%

Overall Year-over-Year Estimated Caseload and Expenditure Growth

	ALTSA Caseload Growth	ALTSA Estimated Expenditure Growth*
FY24	-	-
FY25	5.1%	12.5%
FY26	3.7%	4.9%
FY27	2.7%	7.1%

^{*}Every 1% of expenditure growth equates to ~ \$42.5 - \$50 million total funds

	<u>DDA Caseload</u> Growth	DDA Estimated Expenditure Growth*
	<u>010Wt11</u>	Experiarture Orowth
FY24	-	_
FY25	3.3%	6.9%
FY26	2.4%	4.0%
FY27	2.1%	2.8%

^{*}Every 1% of expenditure growth equates to ~ \$16 - \$20 million total funds

TAB 4

July 2024 2025-27 Operating Budget Overview June Forecast Update OFFICE OF FINANCIAL MANAGEMENT

Overview and Purpose

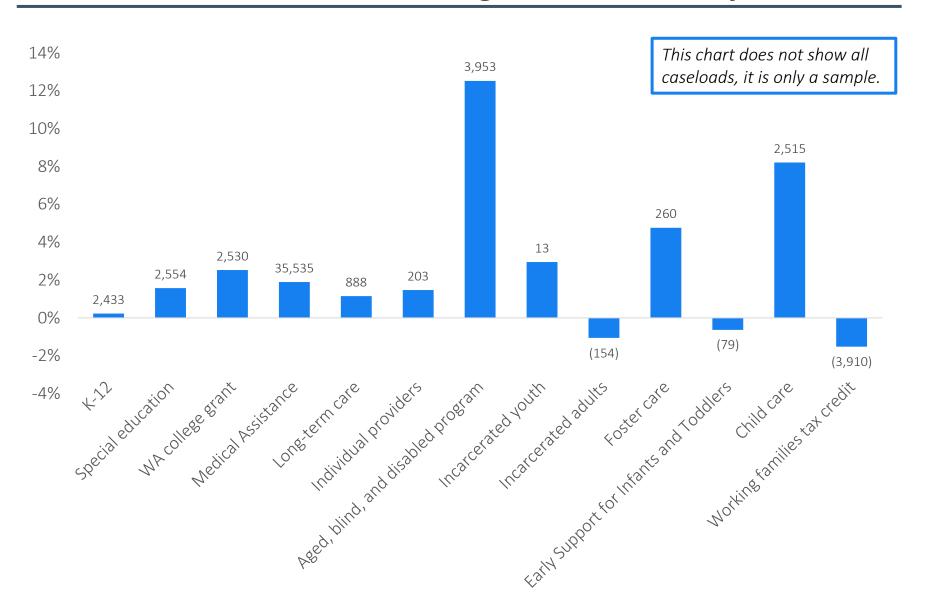
- Revenue forecast and updates
- Caseloads forecast updates and estimated impacts

Current (June) Revenue Forecast

Forecast is provided by the Economic and Revenue Forecast Council

- Unemployment rate, employment growth, oil prices, consumer price index, GDP, exports, etc.
- Revenue collections are forecasted to decrease (June compared to February)
 - For the 2023-25 biennium, revenue decreased by \$477 million (-0.7%)
 - For the 2025-27 biennium, revenue decreased by \$189 million (-0.3%)
 - For the 2027-29 biennium, revenue increased by \$96 million (+0.1%)
- Factors related to revenue forecast.
 - International conflict
 - Economy (employment and wage growth, inflation, consumer spending)
 - Monetary policy (interest rates)

June Caseload Forecast: change from February for FY 25



OFM 7/7/2024

Illustration of potential caseload change impacts

Category	20	25-27 estimate	4-	year estimate
K-12 education	\$	40,000,000	\$	80,000,000
College scholarships	\$	40,000,000	\$	90,000,000
Corrections	\$	-	\$	10,000,000
Juvenile rehabilitation	\$	-	\$	-
Economic services	\$	80,000,000	\$	160,000,000
Early learning	\$	90,000,000	\$	170,000,000
Long-term care	\$	20,000,000	\$	30,000,000
Developmental disabilities	\$	10,000,000	\$	20,000,000
Child welfare	\$	10,000,000	\$	20,000,000
Working families tax credit	\$	(20,000,000)	\$	(40,000,000)
Mental health	\$	10,000,000	\$	20,000,000
Medical assistance	\$	60,000,000	\$	120,000,000
Total caseload impact	\$	340,000,000	\$	680,000,000

Above estimates are for caseload changes only, these do not include things like changes in per capita costs or FMAP adjustments.

UNOFFICIAL ESTIMATES FOR ILLUSTRATION ONLY

- Numbers are rough, unofficial estimates of June forecast impacts
- Provided here to give an idea of the size of the fiscal impact of caseload changes in the context of the change in expected revenue
- Agencies do not provide estimates for the June forecast, but will calculate impacts after the November forecast
- This assumes the June forecast for fiscal year 2025 continues with no change through fiscal year 2029

OFM 7/7/2024 5

2025-27 Budget

- Collective bargaining agreements
- Economic and monetary policy factors
- Maintenance level and caseloads
- ➤ K-12 schools
- Initiatives
- Continued needs for homelessness and housing, behavioral health, health care, opioid crises and other priorities



For more information:

OFM

OFFICE OF FINANCIAL MANAGEMENT

TAB 5

CDWA Admin Rate Proposal 7/8/2024

Customer Service + Inflation

LOW - 10.7% Customer Service Improvement	Current FTE	Current Ratio to CDE Participants	Workforce Increase %	New FTE	Total FTE	Ratio	Ratio Reduction %
Administrative Coordination	80	586	11.5%	10	90	521	-11.1%
Service Coordination	196	239	11.5%	23	219	214	-10.5%
Total Customer Service	276	170		33	309	152	-10.7%
Supervision	29	NA	10%	4	33	NA	NA
Note: This level of workforce increase allows for marginal							
improvement in IP satisfaction.						FY26	FY27
	_				Customer Service Cost	\$ 3,135,246	\$ 3,276,332
		LO	W - Base Inflatio	n 4.5% per Year	Inflation Cost	\$ 4,378,500	\$ 8,954,032
					Total Cost	\$ 7,513,746	\$ 12,230,364
				LOW - Total	Admin Rate Increase Per Hour	\$ 0.1073	\$ 0.1747
					Admin Rate Increase %	7.7%	12.6%
					FMAP Rate	50%	50%
					Cost to State of Washington	\$ 3,756,873	\$ 6,115,182

MID - 14% Customer Service Improvement	Current FTE	Current Ratio to CDE Participants	Workforce Increase %	New FTE	Total FTE	Ratio	Ratio Reduction %
Administrative Coordination	80	586	16.0%	13	93	504	-14.0%
Service Coordination	196	239	16.0%	32	228	206	-14.0%
Total Customer Service	276	170		45	321	146	-14.0%
Supervision	29	NA	10%	4	33	NA	NA
Note: This level of workforce increase allows for material							
improvement in IP satisfaction, faster IP/participant							
matching.							
_						FY26	FY27
					Customer Service Cost		
	ſ	M	D - Base Inflatio	n 4.5% per Year		\$ 4,012,529	\$ 4,193,093
		M	D - Base Inflatio	n 4.5% per Year		\$ 4,012,529 \$ 4,378,500	\$ 4,193,093 \$ 8,954,032
		M	D - Base Inflatio	n 4.5% per Year MID - Total	Inflation Cost Total Cost	\$ 4,012,529 \$ 4,378,500 \$ 8,391,029	\$ 4,193,093 \$ 8,954,032 \$ 13,147,125
		M	D - Base Inflatio	•	Inflation Cost Total Cost	\$ 4,012,529 \$ 4,378,500 \$ 8,391,029 \$ 0.1199	\$ 4,193,093 \$ 8,954,032 \$ 13,147,125 \$ 0.1878
		M	D - Base Inflatio	•	Inflation Cost Total Cost Admin Rate Increase Per Hour	\$ 4,012,529 \$ 4,378,500 \$ 8,391,029 \$ 0.1199 8.6%	\$ 4,193,093 \$ 8,954,032 \$ 13,147,125 \$ 0.1878

CDWA Admin Rate Proposal 7/8/2024

Customer Service + Inflation

HIGH - 16.9% Customer Service Improvement	Current FTE	Current Ratio to CDE Participants	Workforce Increase %	New FTE	Total FTE	Ratio	Ratio Reduction %
Administrative Coordination	I 80	586	20.0%	16	96		-16.7%
Service Coordination	196	239	20.0%	40	236	199	-16.9%
Total Customer Service	276	170		56	332	141	-16.9%
Supervision	29	NA	10%	4	33	NA	NA
Note: This level of workforce increase allows for significant improvement in IP satisfaction, faster IP/participant matching, timely training/certification expiration resolution						FY26	FY27
	_				Customer Service Cost	\$ 4,814,320	\$ 5,030,964
		Hig	gh - Base Inflatio	n 4.5% per Year	Inflation Cost	\$ 4,378,500	\$ 8,954,032
	\$ 9,192,820	\$ 13,984,997					
				HIGH - Total	Admin Rate Increase Per Hour	\$ 0.1313	\$ 0.1998
					Admin Rate Increase %	9.4%	14.4%
	_				FMAP Rate	50%	50%
					Cost to State of Washington	\$ 4,596,410	\$ 6,992,498

CDWA Admin Rate Proposal 7/8/2024

Administrative Staffing Cost of Living Increase Options

Dependent Proposal - Additional Inflation		FY26				FY27						
		10%		15%		20%		10%		15%		20%
CDWA Admin Staff Wage+Benefits Increase	\$	9,271,304	\$	13,906,957	\$	18,542,609	\$	9,688,513	\$	14,532,770	\$	19,377,026
Rate Per Hour	\$	0.1324	\$	0.1987	\$	0.2649	\$	0.1384	\$	0.2076	\$	0.2768
Rate Increase %		9.5%		14.3%		19.1%		10.0%		14.9%		19.9%
Cost to State of Washington	\$	4,635,652	\$	6,953,478	\$	9,271,304	\$	4,844,257	\$	7,266,385	\$	9,688,513

TAB 6

Rate Setting Board Budget Deliveries

7/8/2024

Gwen Goodfellow



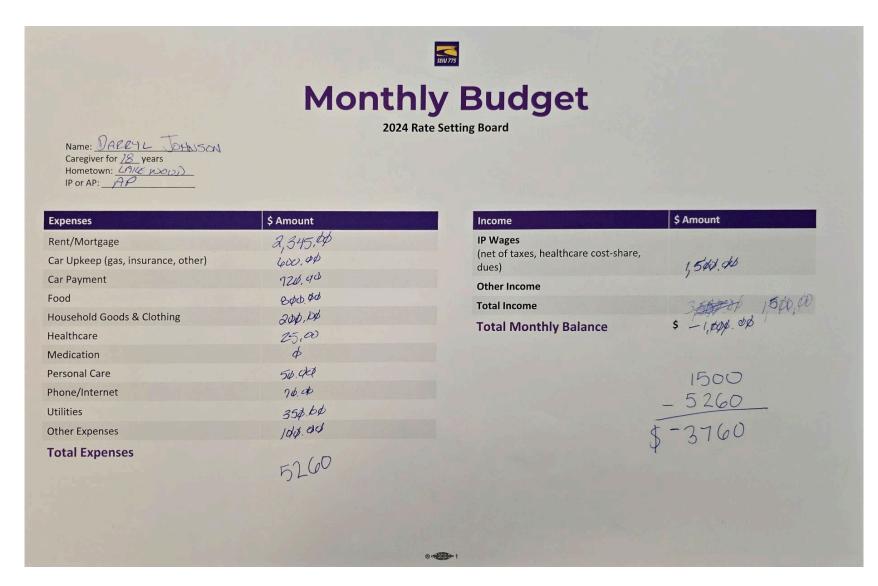
Gwen Goodfellow



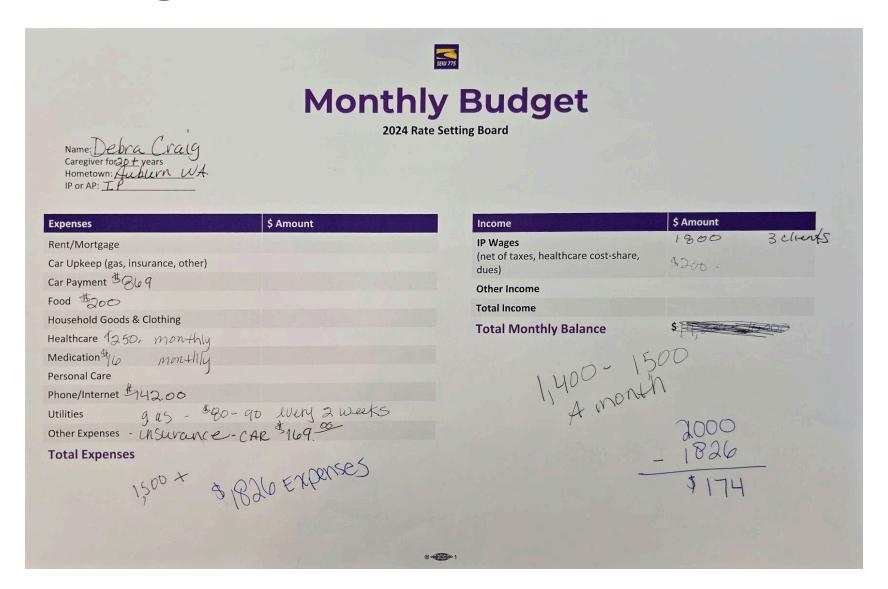
Juanita Mackey



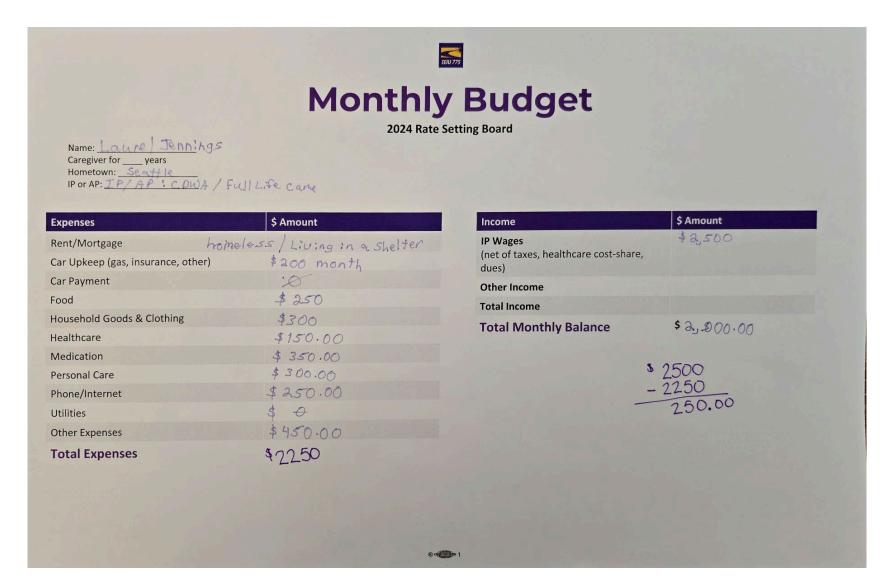
Darryl Johnson



Debra Craig



Laurel Jennings



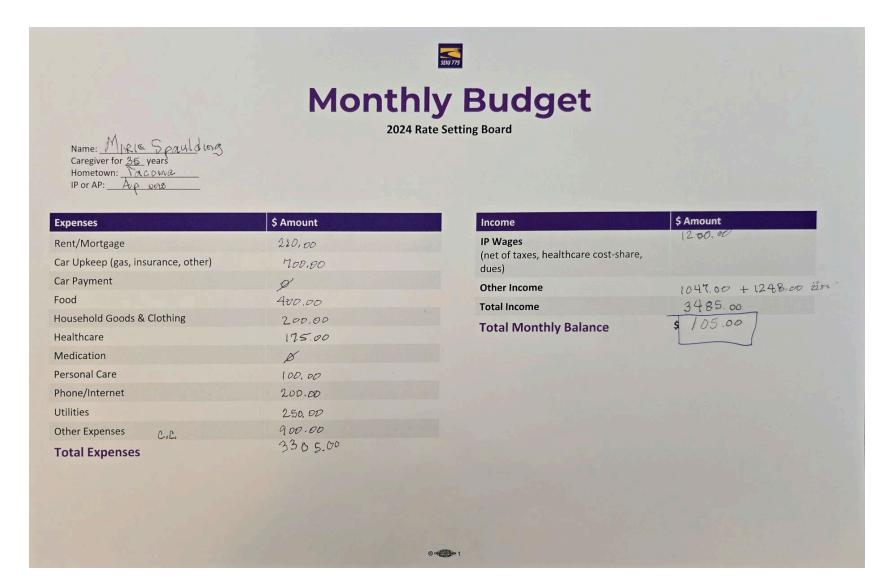
Quiyan Xue



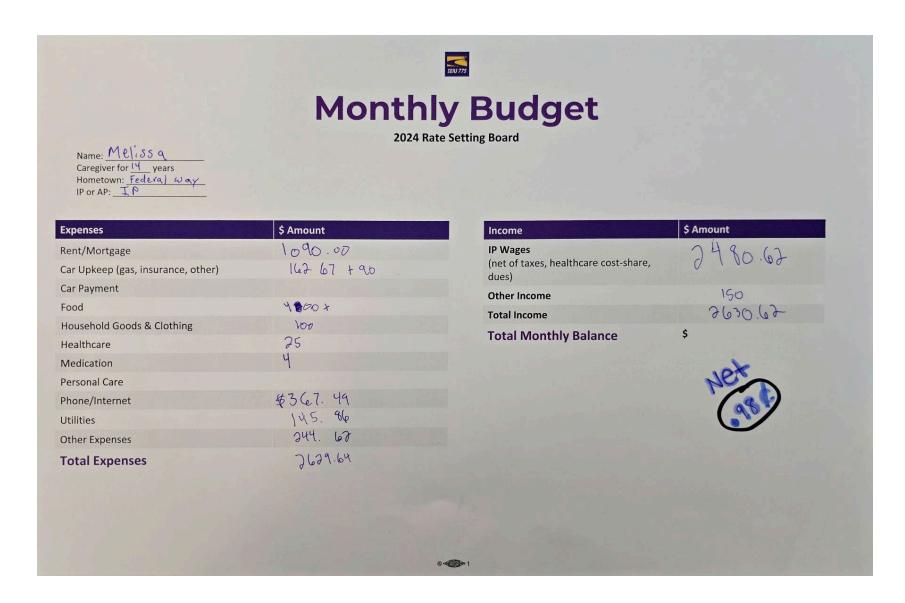
Karl V



Marie Spaulding



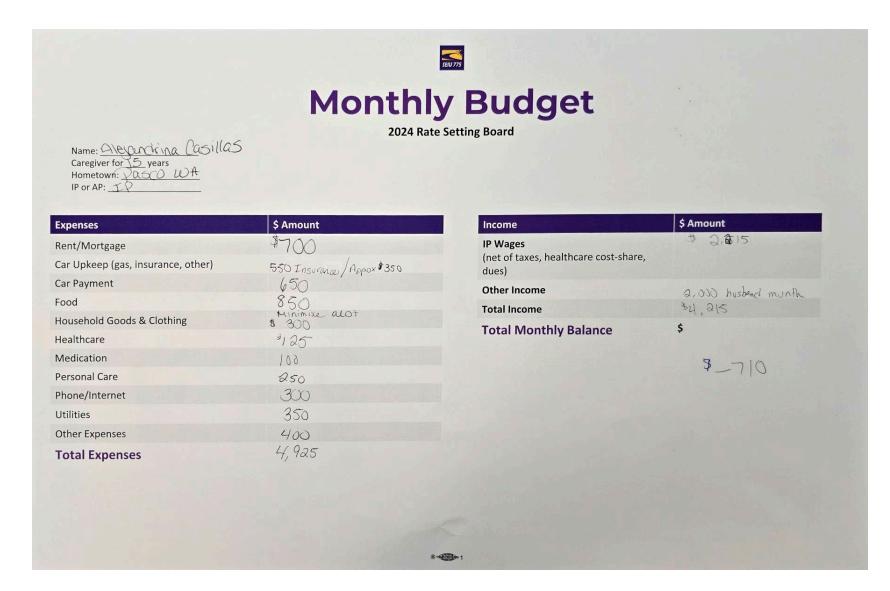
Melissa Hornbeck



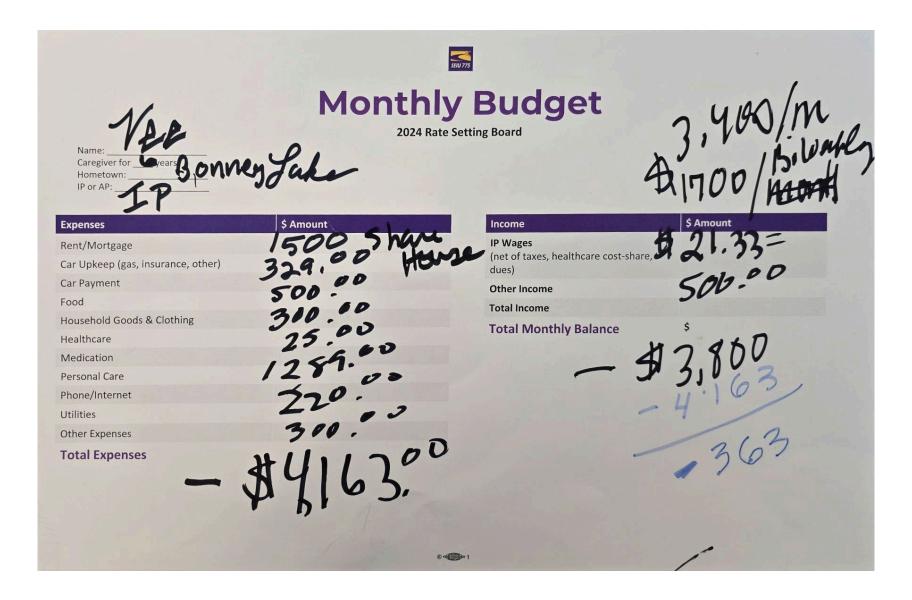
Amy Green

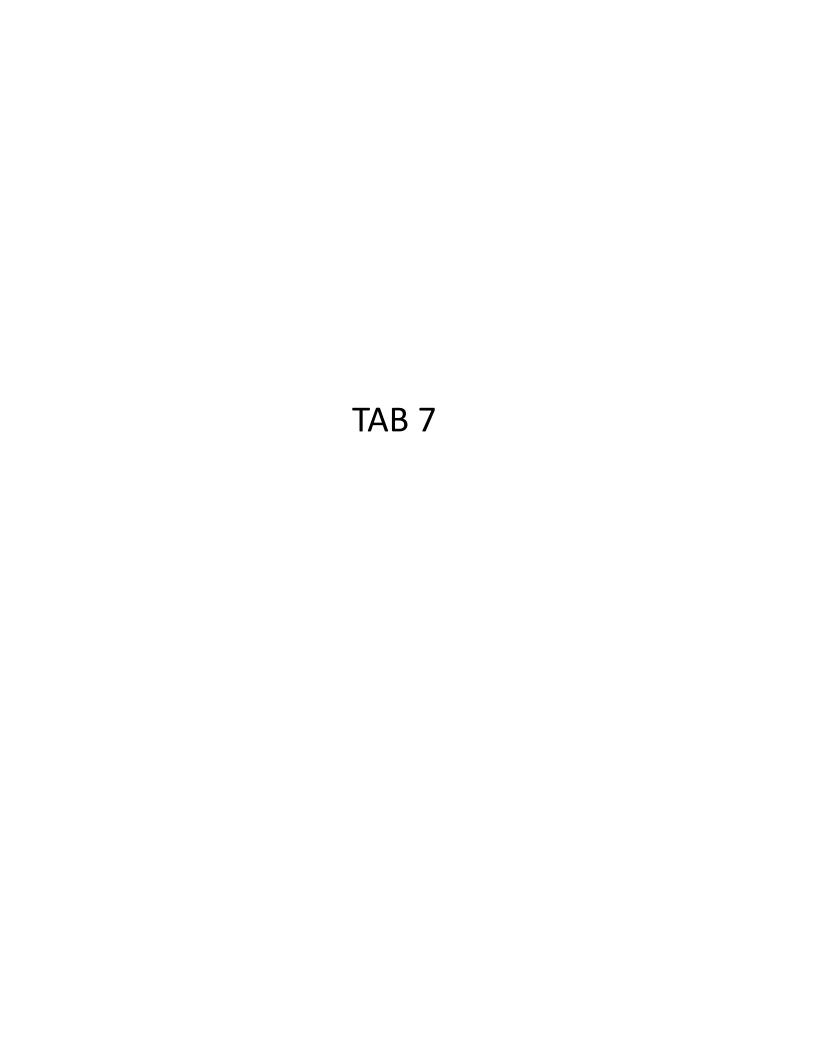


Alejandrina "Minnie" Casillas



Veronica "Vee" Taulsili





CHARTER

Background

In the 2018 legislative session, ESSB 6199 gave DSHS the authority to establish a Consumer Directed Employer (CDE) program. The CDE is the legal employer for administrative purposes for all individual providers (IPs) in Washington State. The statute established a 14-person Rate-Setting Board (the Board).

Purpose

The Board was established per RCW 74.39A.530 to evaluate and determine a proposed rate paid to the CDE. The rate consists of a combined labor and an administrative component. In addition, the Board may make a recommendation regarding the administrative rate for home care agencies that serve Medicaid clients.

Responsibilities

The Board functions as the public body responsible to collaboratively review, discuss, and determine the rate to be paid to the CDE and may make a recommendation on the home care agency administrative rate. Subject to the Rate Setting Board By-laws, the Board has authority and is responsible to:

- Convene beginning in 2022 and every even year afterward of the regular rate setting meeting cycle.
- Support an environment that promotes inclusion, respect, and confidence for all members and participants.
- Be familiar with, and comply with, the Open Public Meetings Act.
- Identify data needed for rate-setting purposes.
- Evaluate and apply critical analysis to all information presented and testimony provided during meetings.
- Recommend a CDE combined labor and administrative rate to the legislature by October 1st of the year the Board meets.
 - o If an agreement on either the labor, an administrative rate, or both, is not reached by a majority of the voting members of the Board by July 1st, then:
 - The labor rate can be determined by the tie-breaking vote of the Chair; and
 - The administrative rate component can be determined by DSHS.
- Take testimony and make a recommendation regarding the administrative vendor rate for home care agencies that service Medicaid clients.
- Establish, review, amend, and adopt Board governance documents, such as by-laws, policies and procedures, and meeting norms.

- Convene additional off cycle meetings when the rate must be changed due to unforeseen circumstances or if the legislature rejects the proposed rate.
- Not participate in the collective bargaining process during RSB meetings.

Bylaws

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Article I. Name

The name of this body shall be the Consumer Directed Employer Rate Setting Board, also known as the "Board".

Article II. Mission Statement

The Board's mission is to attempt to determine a proposed labor and administrative rate, including a specific amount for health benefits for the Consumer Directed Employer (CDE) and the Individual Provider (IP) workforce. In addition, the Board may take testimony and make a recommendation regarding the administrative rate for home care agencies that serve Medicaid clients.

Article III. Definitions

<u>Administrative Rate</u>: The portion of a consumer directed employer's hourly rate that is to be used by the consumer directed employer to perform its administrative duties.

Board Staff: A member of the Department of Social and Health Services CDE Program Unit.

<u>Home Care Agency Administrative Rate</u>: The portion of the home care agency rate that is not subject to direct care worker parity (<u>RCW 74.39A.310</u>).

<u>Labor Rate</u>: The portion of the consumer directed employer's hourly rate that is to be used by the consumer directed employer to compensate its workers, including wages, benefits, and any associated taxes.

<u>Open Public Meetings Act (OPMA)</u>: The statute that requires that all meetings of governing bodies of public agencies, including cities, counties, and special purpose districts, be open to the public.

Article IV. Purpose, Function, and Responsibilities

Section 1. Purpose

The Board was established per RCW 74.39A.530 to evaluate and determine a proposed rate paid to the CDE. The rate consists of a combined labor and an administrative component. In addition, the Board may make a recommendation regarding the administrative rate for home care agencies that serve Medicaid clients.

If there are two contracted consumer directed employers, then all references to the CDE shall be interpreted in the plural throughout the bylaws.

Section 2. Function/Responsibilities

The Board functions as the public body responsible to collaboratively review, discuss, and determine the rate to be paid to the CDE. This is accomplished on an even year cycle and between cycles if needed.

Board members are responsible to evaluate and propose changes in the rate to be paid to the CDE that includes a labor component to be used exclusively for paying the wages, associate taxes, and benefits of IPs; and an administrative component that is fair and sufficient to generate a reasonable rate of return for the CDE vendor and consider an increase to the home care agency administrative rate. Responsibilities of the Board include the following. Board members will:

- Comply with the Open Public Meetings Act (OPMA) requirements,
- Receive rate setting materials and information prior to each meeting, as available,
- Review the material and come prepared for discussion.
- Collaboratively discuss the materials and listen to testimony.
- Have an opportunity to ask questions or request more information.

The agreed upon CDE rate and recommended home care agency administrative rate will be submitted to OFM to determine if the rates are financially feasible for the state. If certified, the rates will be included in the Governor's budget for the legislature to approve or reject the request for funds as a whole during regular session of each odd year. If the legislature rejects the request, the matter shall return to the Board for further consideration and development of a revised proposed rates.

Article V. Membership

Section 1. Appointments

The Board consists of members as outlined in RCW 74.39A.530.

- 1. Voting Members
 - a. One representative from the Governor's office
 - b. One representative from the Department of Social and Health Services (DSHS)
 - c. One representative from each Consumer Directed Employer
 - d. One designee from the exclusive bargaining unit. In the absence of an exclusive bargaining representative, a designee from the consumer directed employer workforce chosen by the employees of the Consumer Directed Employer
 - e. A fifth voting member shall be selected at the commencement of the Board's activities by the aforementioned members. This person shall Chair the Board and cast a tie-breaking vote if the voting members are unable to pass by majority vote on the labor rate component. The selection process for the Chair is outlined in the Selecting the Rate Setting Board Chair Policy & Procedure.

2. Non-voting, advisory members

- a. Four legislators, one member from each caucus of the House of Representatives and the Senate
- b. One representative from the State Council on Aging
- c. One representative of an organization representing people with intellectual or developmental disabilities;
- d. One representative of an organization representing people with physical disabilities;
- e. One representative from the licensed home care agency industry chosen by the state's largest association of home care agencies that primarily serves state-funded clients
- f. One home care worker chosen by the state's largest organization of home care workers

Other than the legislators, state agency representatives, and Chair identified in this section, members of the Board are appointed by the Governor for terms of two years, except the Governor shall appoint the

initial members identified in (1,c.), (1,d.), and (2,b.) through (2,f.) of the section to staggered terms not to exceed four years.

Section 2. Board Chair

At the start of the Board's rate setting activities, the voting members must first select an additional voting member, who will Chair the Board. The Chair is responsible to:

- 1. Preside over Board meetings.
- 2. Cast a tie-breaking vote if the voting members fail to reach agreement on the labor rate by July 1.
- 3. Act as the Board's formal spokesperson. If an alternate spokesperson is needed the Board can designate a particular spokesperson for a specific issue as needed. Public statements by the Chair or designated spokesperson on behalf of the Board must reflect the Board's adopted recommendations and positions.

Section 3. Vacancies and Removal

- 1. The Governor's appointments shall be made by April 1 of each even-numbered year.
- 2. All mid-term vacancy of an appointed Board member, or an appointment from the appointing authority replacing a former member shall be for the remainder for the unexpired term.
- 3. When one of the Governor appointed Board seats is vacant, the Board and DSHS may make a recommendation to the Governor on filling the vacant seat.
- 4. Governor or legislative appointed members appointed to fill a vacancy with a remaining term of less than one and one-half years may be reappointed for the next two-year term.

Section 4. Resignations

If a Governor appointed Board member is unable to complete their term, they must inform the Governor's Office and the Board staff. A letter of resignation should be sent to the Governor indicating the date their resignation is effective and whether they are able to serve until a replacement is named.

Section 5. Attendance

- 1. Regular and consistent attendance of Board Members is critical to effective functioning and to meet the requirements as outlined in RCW 74.39A.530. Board members are expected to attend the majority of the meetings.
- Staff taking the minutes of a Board meeting shall record the attendance. The meeting minutes will reflect those voting and non-voting members who attended in person, virtually, or were absent.
- 3. If a Board member is unable to attend two meetings in a row, the Board will review whether the position on the Board should be forfeited. The voting members will vote on any recommended action.

Section 6. Compensation and Reimbursement for Expenses

If funding is available DSHS may reimburse Board members eligible for travel and other bona fide expenses in accordance with RCW 43.03.050 and 43.03.060.

Article VI. Meetings

Section 1. Overview

All Board meetings shall be held to conform to the Open Public Meetings Act, RCW 42.30. Meeting notices will be posted on the CDE internet website.

Section 2. Frequency

1. Regular Board Meetings

- a. By January 30 of each even year, Board staff will send to the Code Reviser's Office for publication the date, time and location for regular Board meetings for that year.
- b. The date, time and location for regular Board meetings shall be set by majority vote of the voting members of the Board or by the Chair. The Chair may cancel a regular Board meeting for justifiable reasons, including the lack of sufficient agenda items or lack of a quorum.

2. Special Board Meetings

- a. The Chair may call a special meeting of the Board at any time.
- b. Board members may call a special meeting at any time provided a majority of the voting board members agree.
- c. Notice must be delivered 72 hours before the meeting to each member of the Board.
- d. The general public must also be given 72 hours notice.
- e. The notice must specify the time, place and the nature of the business to be conducted at the meeting. The Board may not take final action on any item not listed in the public notice.

Section 3. Quorum

- 1. A majority of the voting members of the Board shall constitute a quorum for the transaction of business and is necessary for any action to taken by the Board. In the event there are vacancies on the Board, a majority of existing voting members shall constitute a quorum.
- 2. Any Board action may be taken by voice vote. Whenever a vote is non-unanimous, the Chair shall call for a show of hands. At the request of any board member, the Chair shall poll the members individually to record their votes.

Section 4. Process and Manner of Voting

Voting Process

When the board membership has four voting members listed in Article V., Section 1, each voting member shall have one vote. When there are five voting members due to two CDEs representatives, each voting member shall have two votes with the exception of the CDE representatives who shall have one vote. Voting members cannot split their votes. A majority of the voting members of the Board constitutes a quorum.

Manner of Voting

- 1. The voting on Chair election, motions, and resolutions shall be conducted by voice vote.
- 2. In lieu of voice vote, a Board member may request a vote by roll call, and the Chair will honor any such request.
- 3. Absentee voting is not permitted.
- 4. The use of proxies is not permitted.
- 5. Secret votes are not permitted.

6. Only Board members identified in Article IV., Section 1, may vote.

Section 5. Rules of Procedure

- 1. The procedures used to conduct Board business will be determined by these Bylaws, the Open Public Meetings Act, RCW 42.56, and the Board's authorizing statute, RCW 74.39A.530.
- 2. Robert's Rules of Order shall be used for formal Board actions and will be used when taking official positions, when approving the agenda and minutes of Board meetings, and when amending the Bylaws. In all other instances informal or formal procedures may be used.

Section 6. Meeting Minutes and Agendas

- 1. Agenda for all meetings proposed by the Chair, no less than seven days prior to meeting
- 2. Chair reserves right to change and modify the proposed agenda of a regularly scheduled meeting at any time prior.
- 3. The agenda shall be adopted by majority vote of the voting members of the board.
- 4. Board members are encouraged to submit meeting agenda items to the Chair for consideration at least 10 business days prior to the meeting.
- 5. Board staff will assist the Chair with the administrative duties.
- 6. The meeting minutes will be posted once they have been approved by the Board.

Section 7. Board Staff

The Department of Social and Health Services shall provide administrative and operational support to the Board.

Section 8. Public Comment

The Chair may solicit public comment on any or all agenda items during meetings. The Chair of the Board will set the time limit of speakers. Based on the content, some agendas may not include a public comment period.

Section 9. Legal Advice

Each board and commission is assigned an Assistant Attorney General (AAG) to provide valuable information and advice about statutes and legal issues. Requests can be made by the Chair to the Board AAG regarding decisions, conflict of interest, review proposed documents, complaints, and general legal advice about Board actions and activities.

Each involved Administration/Agencies will continue to have the ability to work with and seek legal advice from their respective AAG or private attorney's about CDE business which could involve rate setting matters. Under statute that advice would be kept under client attorney privilege unless endorsed by the attorney involved.

Section 10. Lobbying

- 1. No Board member or Board staff may use the name of the Board to support or oppose any issue or cause.
- 2. The Board and its members can lobby in their official capacity as Board members in support or opposition to legislative proposals if authorized by a vote of the Board or is required as a function of the Board, such as testifying as a Board member.
- 3. Board members may provide information to appropriate parties about proposed legislation

and its potential effect on the Board.

4. Board members are permitted to lobby in support or opposition to legislative proposals on behalf of organizations they represent or in their individual capacity, provided they do not connect their activities to their position as a Board member in any way.

Article VII. Amendment Procedures

Section 1. How to Amend the Board Bylaws

- 1. These bylaws may be amended by any meeting of the Board that meets quorum requirements outlined in Article VI., Section 3 of these bylaws.
- 2. Proposed amendments shall be presented at a Board meeting for discussion and to get all questions answered. Recommended amendments will then be voted on at a subsequent Board meeting.
- 3. Approval of a majority of the Board who are in attendance is required. The Chair may be included in the approval process to break a tie vote if applicable.

Bylaws Approval

The Board approved the bylaws by majority vote on April 18, 2022.

The Board approved revisions to the bylaws by majority vote on July 8, 2024.

Consumer Directed Employer (CDE) Rate Setting Board

Policy & Procedure # 02: Establishing the Labor and Administrative Rates

Policy:

In accordance with <u>RCW 74.39A.530</u>, beginning in the year following the establishment of the initial rate and in in every even-numbered year thereafter, the CDE Rate Setting Board (Board) shall attempt to determine a proposed CDE rate consisting of a labor and an administrative component, and may make a recommendation on the home care agency administrative rate. The labor rate must include a specific amount identified for health benefits.

If an agreement on a proposed labor rate is not reached by a majority of the voting members of the rate-setting board by July 1, then the chair can cast a tie-breaking vote to create a majority for the labor rate. If an agreement on a proposed administrative rate is not reached by a majority of the voting members of the rate-setting board by July 1, the administrative rate can be determined by the department. DSHS must send the proposed CDE rate to the Office of Financial Management (OFM) by October 1 of that year to be considered for review as described in the statute.

Original Effective Date: 08/08/22 Revision Date: 07/08/2024

Definitions:

<u>Administrative Rate</u>: The portion of a consumer directed employer's hourly rate that is to be used by the consumer directed employer to perform its administrative duties.

Board Staff: A member of the Department of Social and Health Services CDE Program Unit.

<u>Home Care Agency Administrative Rate</u>: The portion of the home care agency rate that is not subject to direct care worker parity (<u>RCW 74.39A.310</u>).

<u>Labor Rate</u>: The portion of the consumer directed employer's hourly rate that is to be used by the consumer directed employer to compensate its workers; including wages, benefits, and any associated taxes.

Purpose:

The Board was established per RCW 74.39A.530 to evaluate and determine a proposed rate paid to the CDE. The rate consists of a combined labor and an administrative component. In addition, the Board may make a recommendation regarding the administrative rate for home care agencies that serve Medicaid clients.

Procedure:

Prior to Board Commencement:

Board Staff will provide, to the extent possible, Board members with the following information and other supporting materials, including requested information from Board members seven days prior to the meeting(s), but no later than two days prior if circumstances necessitate.

A workgroup including staff (with no more than 2 board members) from the CDE, SEIU, and DSHS will meet prior to the Rate Setting Board meeting to discuss and propose what information should be provided.

- 1. A planning tool that will show how changes in compensation increase to the overall rate and the Agency Provider parity rate.
- 2. Current labor rate with all components broken out.
- 3. Data on actual and projected # of total caregivers and new caregivers.
- 4. Data on actual Individual Provider (IP) information:
 - a. Number of IPs
 - b. Turnover rate
 - c. Overtime use
 - d. Mileage
- 5. Data on actual Agency Provider (AP) hours by month.
- 6. Program considerations (expansion, new programs, changes to programs).
- 7. DSHS IP case load growth forecast based on the two most recent biennia data.
- 8. Cost of living information pursuant to RCW 41.56.465(1).
- 9. An analysis of new requirements related to the labor rate to account for any "legally required benefits or labor costs" that were not included in the labor rate such as new taxes or programmatic changes.
- 10. Information on the administration of the CDE, including costs to meet the CDE contract requirements over the previous year.
- 11. Labor rate breakout between wage, non-wage, and healthcare.
- 12. Comparable rate comparisons as defined in RCW41.56.465(5).

The Board members shall thoroughly review the materials provided in advance of the Board meeting(s) and come prepared to discuss the rates, ask applicable questions, or request more information if needed.

During the Board meetings:

- The Board shall have the opportunity to hear testimony, request additional information, and ask questions.
- If necessary, Board staff will prioritize questions from voting members of the Board related to information or data.
- Board members are encouraged to submit questions as early as possible in the process.
- The Board may consider testimony and make a recommendation on the administrative rate for home care agencies.
- The Board voting process is outlined in the RSB Bylaws.
- The Board shall discuss the materials provided and propose a labor rate that considers at minimum the following elements:
 - All wages, payroll taxes, mileage, and paid time off.
 - A specific amount for health benefits.

- Current collective bargaining agreement(s) provisions.
- The factors listed in RCW 41.56.465(1) and (5).
- If the voting members of the Board fail to reach an agreement on the labor rate by July
 1, the Chair can cast a tie-breaking vote.
- The Board shall discuss the materials provided and propose an administrative rate for the CDE vendor.
 - If the voting members of the Board are unable to reach an agreement on the administrative rate by July 1, the Department of Social and Health Services can determine the administrative rate.

The Board may make a recommendation regarding the administrative rate for home care agencies that serve Medicaid clients.

After the Board has agreed to a proposed rate:

- a. The Board staff will submit the agreed upon rates information to OFM no later than October 1st of the year the Board meets.
- b. If the Director of the OFM certifies the rates as being financially feasible for the state, the Governor shall include a request for funds necessary to implement the proposed rates as part of the Governor's budget document submitted under RCW 43.88.030 and 43.88.060.
- c. The Legislature shall approve or reject the request for funds as a whole.
- d. If the Legislature rejects the request, the matter shall return to the Board for further consideration. The current labor rate shall stay in effect until the Legislature approves a request for funds.

Consumer Directed Employer (CDE) Rate Setting Board

Policy & Procedure #01: Selecting the Rate Setting Board Chairperson

Policy:

The Rate Setting Board (Board) will select a Chairperson (Chair) as the first order of business of each two-year cycle as described in RCW 74.39A.530 Section 5.

Original Effective Date: 04/18/2022

Revision Date: 07/08/2024

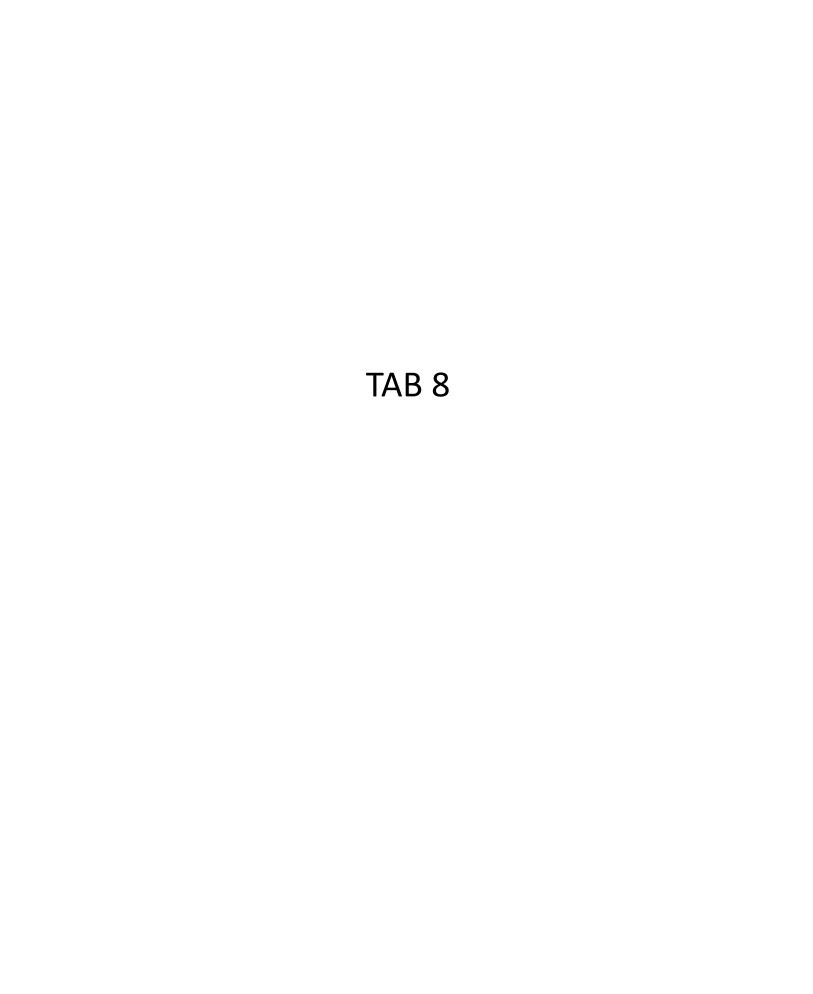
Purpose:

This procedure describes the process for selecting the Board Chair, who's duties will include, among others, casting the tie-breaking vote if the voting members are unable to pass the labor rate by majority vote.

Procedure:

- 1. As the first order of business, the voting members of the Board shall select, by majority vote, an additional voting member who will chair the Board. Each voting member may bring 2 potential candidate names for discussion. Previous Board Chairs can serve again, if willing, and by Board vote. Those candidates must be willing and able to serve in this role.
- 2. If the voting members fail to select a Chair, the following selection process will be pursued:
- 3. The first time that the voting members fail to select a tie-breaking member by a majority vote:
 - a. The voting member representing the governor's office shall bring to the meeting a list of five qualified arbitrators, or six if there are two CDEs, from the federal mediation and conciliation service.
 - b. If a majority of the voting members of the Board cannot agree on the selection of a neutral arbitrator from the list, the following order of Board members strike names off the list:
 - (i) Representative from the CDE who first contacted the department (contracted).
 - (ii) The representative from the governor's office.
 - (iii) The designee from the exclusive bargaining representative or, in the absence of an exclusive bargaining representative, the designee from the consumer directed employer workforce.
 - (iv) If there are two consumer directed employers, the second representative shall strike a name.
 - (v) The representative from the department.
 - c. The name of the arbitrator remaining after the final strike shall be the Chair.
 - d. If that person is not willing or available to be the Chair, the second to last person remaining on the list shall be asked to be the Chair.
 - e. If the second to last person is not willing or available, the third to last person shall be asked to be the Chair.
 - f. This process of selecting an arbitrator shall continue until a Chair is appointed.
- 4. The subsequent time the voting Board members fail to select a Chair by a majority vote, the Chair will be selected using the method described in items 3(b) through 3(f) of this procedure, except that the order of Board members striking names from the list described shall be reversed.

- 5. On each successive occasion that the voting members fail to select a Chair by a majority vote, the order of Board members striking names from the list will continue to alternate between the order described in items 3(b) through 3(f) of this procedure.
- 6. The need to invoke steps and the sequence in which Board members struck names from the list described above shall be detailed in the meeting minutes.





Consumer Directed Employer (CDE) Rate Setting Board (RSB)

Meeting #8 | Agenda | July 8, 2024

Blake Office Park East 4500 10th Avenue SE, Lacey 9:00 am – 3:00 pm



Agenda overview, 9:00 – 3:00

- > Welcome
- ➤ Administrative Rate follow-up from 6/13
- State revenue discussion
- Public comment
 Break
- Review and vote on By-laws, Charter, and Policies Lunch
- > Rate discussion

Welcome

Facilitator, Chair

- > Welcome
- > Approval of Minutes 06.13.2024
- Opening Remarks/Old Business

Morning Agenda

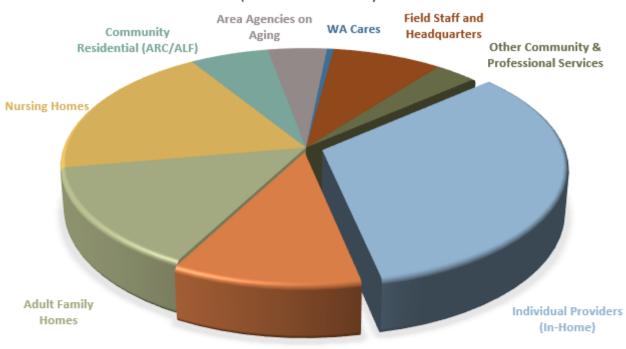
Chair/Facilitator

- ➤ Administrative Rate follow-up from 6/13
- > State revenue discussion, DSHS
- > Public comment

Summer 2024 Caseload & Expenditures Update
Jonathon G. Smith, Rates Data Administrator
Office of Rates Management
Management Services Division, ALTSA

ALTSA 23-25 Biennium Budget Summary

(Dollars in Thousands)



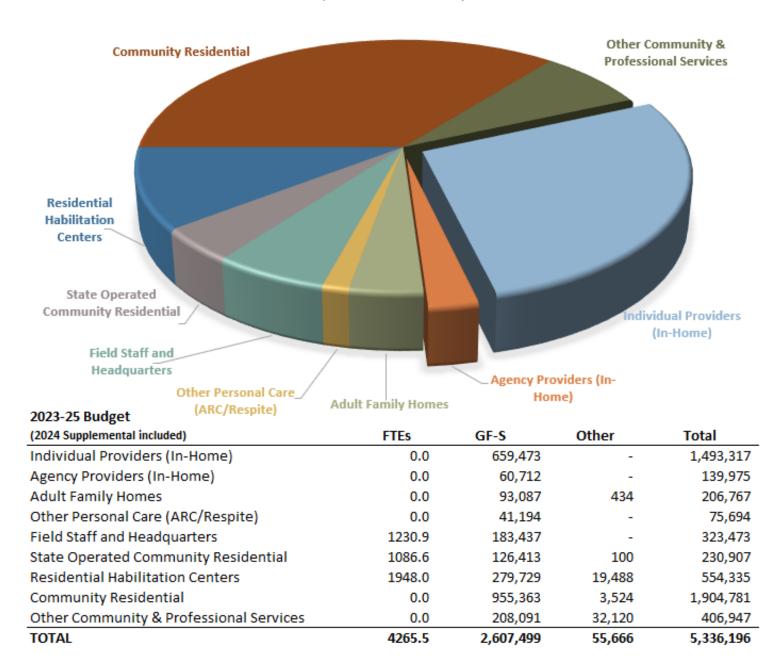
Agency Providers (In-Home)

2023-25 Budget

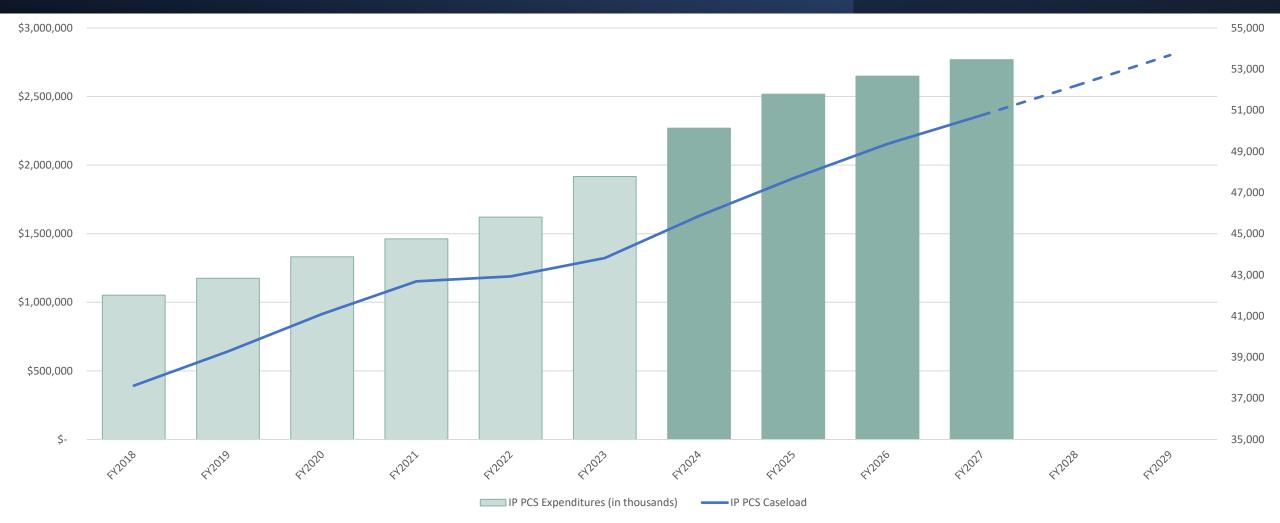
(2024 Supplemental included)	FTEs	GF-S	Other	Total
Individual Providers (In-Home)	0.0	1,464,182	-	3,439,736
Agency Providers (In-Home)	0.0	488,061	-	1,146,579
Adult Family Homes	0.0	670,657	1,978	1,504,322
Nursing Homes	0.0	796,136	134,084	1,963,480
Community Residential (ARC/ALF)	0.0	288,592	202	621,536
Area Agencies on Aging	0.0	243,335	-	463,885
WA Cares	61.4	-	53,701	53,701
Field Staff and Headquarters	2707.7	413,274	55,301	863,936
Other Community & Professional Services	18.1	168,383	-	331,671
TOTAL	2787.1	4,532,620	245,266	10,388,845

(Dollars in Thousands)

DDA 23-25 Biennium Budget Summary



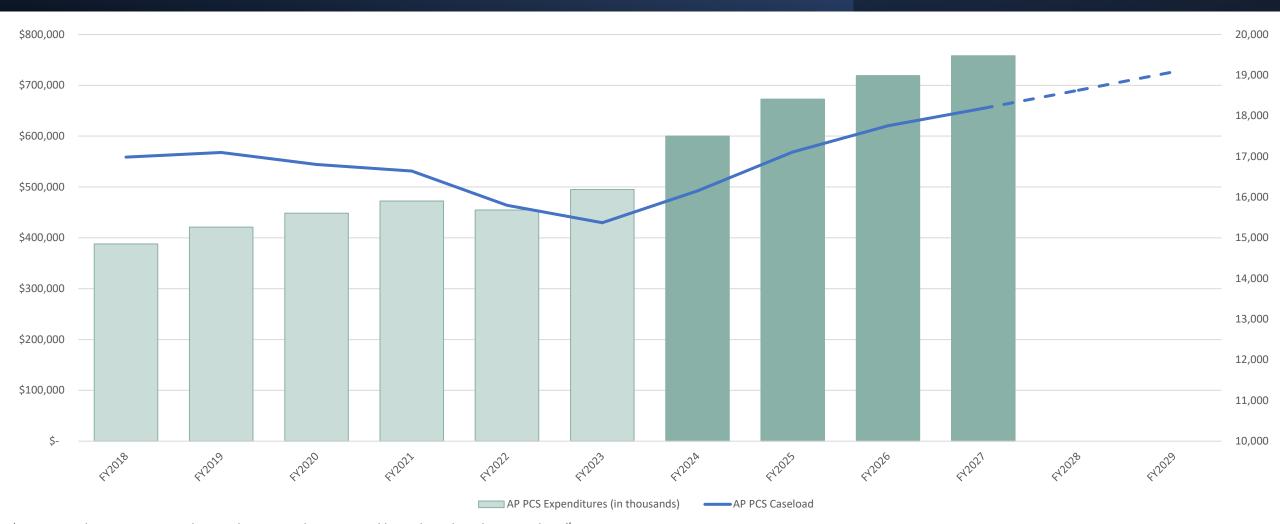
Individual Provider Personal Care Services (PCS) Caseload & Expenditures



^{*}FY2026 and FY2027 projected expenditures pending approval by technical workgroup July 10th, 2024

^{**}FY2028 and FY2029 caseload estimates produced by DSHS

Agency Provider Personal Care Services (PCS) Caseload & Expenditures



^{*}FY2026 and FY2027 projected expenditures pending approval by technical workgroup July 10th, 2024

^{**}FY2028 and FY2029 caseload estimates produced by DSHS

ALTSA Summer 2024 Caseload Numbers and Year-over-Year Growth

	Individual F	Providers Providers	Agency P	roviders	Adult Fam	nily Home	Assiste	d Living	Adult Resid	ential Care	Skilled Nurs	sing Facility
FY24	32,382	4.4%	14,491	5.6%	10,989	13.7%	3,635	2.9%	3,560	4.0%	7,637	0.3%
FY25	33,708	4.1%	15,378	6.1%	12,209	11.1%	3,633	-0.1%	3,562	0.1%	7,841	2.7%
FY26	35,013	3.9%	15,961	3.8%	13,037	6.8%	3,627	-0.2%	3,560	-0.1%	7,904	0.8%
FY27	36,101	3.1%	16,332	2.3%	13,594	4.3%	3,627	0.0%	3,562	0.1%	8,034	1.6%

DDA Summer 2024 Caseload Numbers and Year-over-Year Growth

	<u>Individual I</u>	Providers	Agency P	roviders	Adult Fam	nily Home		esidential care	<u>Comn</u> <u>Resid</u>	-	Res	pite
FY24	13,483	5.2%	1,664	1.2%	1,611	6.4%	78	-11.4%	4,324	0.8%	4,010	12.8%
FY25	13,988	3.7%	1,733	4.1%	1,686	4.7%	77	-1.3%	4,380	1.3%	4,380	9.2%
FY26	14,348	2.6%	1,793	3.5%	1,743	3.4%	77	0.0%	4,428	1.1%	4,717	7.7%
FY27	14,658	2.2%	1,853	3.3%	1,791	2.8%	77	0.0%	4,476	1.1%	5,053	7.1%

Overall Year-over-Year Estimated Caseload and Expenditure Growth

	ALTSA Caseload Growth	ALTSA Estimated Expenditure Growth*
FY24	-	_
FY25	5.1%	12.5%
FY26	3.7%	4.9%
FY27	2.7%	7.1%

^{*}Every 1% of expenditure growth equates to ~ \$42.5 - \$50 million total funds

	DDA Caseload Growth	<u>DDA Estimated</u> <u>Expenditure Growth*</u>
FY24	-	-
FY25	3.3%	6.9%
FY26	2.4%	4.0%
FY27	2.1%	2.8%

^{*}Every 1% of expenditure growth equates to ~ \$16 - \$20 million total funds

Break

Morning Agenda continued Chair/Facilitator

➤ Review and vote on By-laws, Charter, and Policies (Establishing Rate and Selecting Chairperson)

Lunch

Afternoon Agenda

> Rate Discussion

Adjourn