



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes



Washington State Governing Board Meeting Minutes

Date: January 23, 2017
Time: 9:30a.m. to 2:30p.m.
Location: WA State Department of Commerce

Governing Board Members Present: Jeff Manson, Betty Lochner, Carole McRae, Amy Patterson, Brad Hendrickson

Governing Board Members Not Present: Shane Hamlin (excused)

Department of Commerce, Disabilities Workgroup Present: Peter Tassoni, Chris Gagnon, Jessicarae Nuñez

Department of Commerce Staff Members Present: Connie Shumate, Sharlene Hickman, Regina Stark

Community Stakeholders Present: Michael Bennion, WSAC/GET, Emily Rogers, DD Council, David Bell, ABLE of Oregon

Meeting Called to Order by Jeffrey Manson, ABLE Governing Board Chair 9:38a.m.

Chair Manson calls for any changes to the meeting agenda?

Amy Patterson notes that the date should read 2017, instead of 2016. Noted.

Peter Tassoni informs the board that Heather Sachs had a last minute emergency and could not appear by phone to give her legislative update. He shares that she sent the questions and answers over via email and asks if the board members would like him to read them during her designated time slot? Consensus is yes.

Peter also brings attention to the need for an executive session at some point during day to discuss information shared from other state's ABLE programs due to a non-disclosure agreement that Dept. of Commerce was required to sign. Limited information to share today. Should we postpone executive session to next month's meeting so we can gather more information? Consensus is no. That the



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

executive session should still occur with whatever limited information is available. Moved to the end of the day so that other, non-member attendees could leave if desired.

Betty Lochner makes a motion to accept the newly proposed agenda with changes. Amy Patterson seconds. Unanimously approved.

Chair Manson requests any substantive changes to December's meeting minutes? No substantive changes, only name changes and type-o's. Make changes, Carol McRae makes a motion to approve the minutes with edits; Brad Hendrickson seconds. Unanimously approved.

Bi-law amendments review. Everything looks good. Amendments approved.

Round robin introductions of all present.

Governing Board Member Activities:

Betty Lochner shared that there is a conference in Minnesota, May 9-12, 2017 where they will be hosting a presentation on ABLE. Most likely one half of the last day. She is helping to organize. Will bring back further information next month. Suggests that it may be a good idea to send someone to this meeting if possible to represent WA ABLE.

Legislative Activity:

Peter reported there are no current bills that are directly related to ABLE thus far. The only cross over would be a bill with connection to SSI. Peter contacted Carole McRae to ask her questions based on her expertise. Peter stated that he will seek out particular board members who hold expertise in the bill's subject matter if a non-ABLE bill is dropped or being considered for input that might affect the ABLE program.

Board Candidates for Vacant position update:

The Governor's Office contacted Peter last week to talk to him about four candidates that are being considered for the vacant board position. Person 1 is a person with a disability. Person 2 a planner who provides support with local benefits, information. Persons 3 and 4 are both attorneys who support persons of disabilities with estate planning. Based on the recommendations from the board last month, Peter recommended to the Governor's Office that the person with a disability be considered first to be sure that the disabilities community is well represented on the ABLE board. The ABLE Board Members were very much in agreement to move forward with that recommendation.

Public Comment:

Emily Rogers, DDC, spoke to the importance of this work and thanked the board and staff members for their work and efforts.



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

Regina Stark, Commerce, spoke to the financial capability and financial education of our community's members who have disabilities. Aleese Coday and Unbank Communities has a disabilities workgroup that is a not-for-profit and Seattle-based. She is honored to be the liaison.

David Bell, Oregon ABLE, commented that the Oregon ABLE workgroup included persons who had been working for years to pass ABLE legislation and that the financial empowerment piece to this is extremely important.

Heather Sachs NDSS Update: Peter Tassoni gave a verbal update in her absence. The Disabilities Workgroup will forward Heather's email with questions and answers because there are many hyperlinks with valuable information. Too much for this verbal overview. The three bills will be reintroduced to the new Congress including: Converting 529 college savings plan to ABLE; Raising yearly amount from \$14,000 up to \$25,000 based on national poverty levels; Raising the age of onset from 26 to 46 years old. This has many challenges due to the budget implications if the onset age is raised.

Various states are working towards having the Medicaid claw back removed from the federal legislation or their own state's legislation / rules. If passed, this would protect a person's ABLE funds from being used to pay back past benefits to the state that they received those benefits through during life.

Overall, NDSS is hearing from its constituents that there is still much misinformation. The states and financial planners do not have current and correct information regarding ABLE. However, Oregon is doing a great job implementing its ABLE program.

Gina shared that HUD still has not replied to the letters they have received regarding person's being denied housing due to their ABLE accounts. She suggests that the board might consider drafting a letter to HUD also to be proactive about sharing the information with their office.

David Bell shared that the NW Regional HUD Director sent him an email saying that persons with disabilities in our region (which includes WA State) are safe from being denied housing due to ABLE. He will forward the email to Disabilities Workgroup to then be forwarded to ABLE Board Members.

HCA will begin rule making for ABLE in mid – late Summer.

David Bell, Oregon Working Group:

Oregon is still working from 'proposed' regulations from the IRS dating back to the 1990's.

Oregon was the 6th state to launch in early December 2016. Some states were very helpful with the process and Oregon would like to reciprocate that. He will provide a written high-level overview. He was hired to launch a partnership with the treasury. There were indirect and direct sales of 529 and ABLE plans sold.

They work under the same tax code as the 529 plans. The Working Group was set up to understand persons, programs and changes needed. The majority of participants in Oregon's Working Group are not-for-profits and stakeholders.



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

ABLE will be different in each state. The Workgroup met monthly for 2-3 hours. This slowed the overall process some, but not much and it was well worth it. Consensus from Department of Health and Human Services and Disability Oregon is that this was a great joint effort in team work. There were many tax savings, financial inclusion, many persons still needing financial literacy across the board, additional resources need to be built out, a continued need for on the ground and virtual support, a call center. Prioritization was a huge consideration. Not an and, but an or. They had to decide to launch and what should come first.

The notoriety from national disability groups has been a great support to their program in Oregon because of the Workgroup and outreach has been made easier because of inclusion and connections with NDSS. They truly benefited from the buy-in from the persons being served participating in the Workgroup. David came on board in October 2015. The launch process was from September through November 2016 and BNYMellon came on as the Program Manager. They looked to a smaller business model. Possibly Trulink from the Bay area, but it quickly became clear that they could not keep up with the potential capacity of the program. Didn't want to crash their company. They needed more dynamic options for participants. It was decided that it was good to have a larger company to be sure that they didn't put the hosting company out of business. Oregon proposed investment options to BNYMellon. No basis points paid to BNYMellon on in state residence accounts. Oregon had the ability to negotiate fees and terms of agreement. Oregon pays a flat fee rate per account holder per year. \$40/account/Year for in state residence and \$55/account/Year for national program. Oregon receives \$5/account/Year. 8 basis points paid for out of state/national ABLE accounts. ABLE used their appropriation to buy down BNYMellon's per person/yearly account fee to \$22/account/Year. Oregon has 8 employees who were specifically trained for the ABLE call center to handle all incoming calls. BNYMellon handles all administrative services, management of funds and account holders have the option to change investment options whenever they want.

Juliana Crist from Ohio was a helpful contact. Virginia has a single rate for everyone; in or out of state. David found that the consortium in development was very bureaucratic and simply not for Oregon moving forward. With the work and efforts put into the Workgroup, it made the launch more expensive, but it was definitely worth it.

Brad Hendrickson. Q. Is Oregon still interested in partners or only being a host state?

David Bell. A. Yes, Oregon is very much interested in partnering with like missioned states. Washington's missions and goals are aligned with Oregon's. Oregon did turn down another state that was interested in partnering due to having a difference in vision and their mission statements weren't aligned. A partnership would be utilizing Oregon's work thus far. A partner state would have their own authority. Not the same model as a consortium. Oregon is currently interested in a partnership or collaboration with 3 other states that they feel have aligned mission statements and goals; Washington State being one of the 3. Oregon did not have to go through a Request for Proposal(RFP) process. They circulated a Request for Information(RFI) instead as was allowed through their state's procurement



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

process. They received information and looked at TIAA-CREF, TruLink, and BNYMellon. Oregon left the consortium conversation in February/March 2016. They knew it was not for them.

Michael Bennion. Q. What does your BNYMellon contract look like?

David Bell. A. We signed a 5-year contract with BNYMellon that we can leave at any time for any reason. Their safety is that we have to pay them a nominal fee for early termination. I think it's \$50,000/year flat fee.

Michael Bennion. Q. You had a 2015 launch? What is the total cost estimate for launch and what expenses does the total cost cover?

David Bell. A. The estimate is \$400 – 450, 000 for launch. It covers a full FTE for David who's position is titled "Outreach Director", travel, marketing, local PR firm's contract at \$10,000, National PR firm's contract \$30,000, \$35,000 to BNYMellon for start-up costs. Very grass roots marketing and public relations. The governor did a public service announcement for the ABLE program and stations picked it up. No media buys currently. The website is not completely live yet. The front end information has been built. Advice is to be sure that a strong back end is possible and created for your web site. Oregon introduced webinars. Having a system that allows participants to set goals, track goals and for information collection is important to the Oregon Workgroup. Helps to support the goal of individual financial literacy for participants of ABLE program. They are offering these through BNYMellon's "Someday Platform".

Gina Stark. Q. How did you plan your web site to assure plain language for enrollees and participants?

David Bell. A. We had a team created of the program managers. Rachel was responsible for building the site and Sara created the majority of the content as these were their expertise. A recommendation to Washington moving forward it to not just be ADA compliant, but strive to go way beyond that expectation when planning and building web site. Focusing again on financial empowerment, legal plain speak, strengthening financial literacy.

Emily Rogers. Q. Does Oregon offer any in-person contact options? My husband is not a person who finds the internet friendly at all to search or navigate. Is there a current option or possible plan to involve the availability of financial planners to help enrollees sign up, make choices, support?

David Bell. A. No. We do not currently have an in-person option available to our participants. I know that they are currently developing phone apps for program participants who use their mobile devices and not a personal computer. We built our process through the Working group. People can come down and walk through the process, but not an option for someone to come to you. I know that the Aging and Disability Resource Center (ARDC) has trainings. You can go in or call for non-internet help and support. We have looked into housing in-person registration at a local credit union. Although there is no financial benefit to the credit union, they get free talk advertising and public relations by providing a much needed service to their community members.



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

The state bill was signed the summer of 2015; which puts Oregon about one year ahead of Washington.

In the first month after launch, Oregon has ~220 local accounts opened. Ohio currently has 1300.

We have new accounts opening daily. We chose to focus on less options; FDIC, Conservative and a Cash option.

Virginia has an indirect sold plan through a financial advisor. It seems as if other states offer too many options.

Peter Tassoni. Q. Is the call support center remote or local?

David Bell. A. The call center is a remote center. Supported by BNYMellon. The open times are 8:00am – 5:00pm. There was some initial concern that persons needing assistance would not be able to call during 'regular working/business hours'. This concern was dispelled by looking at data from other call centers and finding that they were most utilized during 'regular working/business hours'. The national remote call center is staffed east coast time, so is open at 5:00am.

Peter Tassoni. Q. Do you have any data on how often or when the call centers are currently being utilized by ABLE enrollees?

David Bell. A. No, we do not currently have that data.

The majority of account funds to date have been placed in conservative option, Cash option, aggressive option. Not many have opened with the moderate option is what we know. We also know that the process for enrolling has been mostly persons using the self-certification through SSI or SSDI. Not many using a physician's form.

The NWDSA have been providing outreach to families on behalf of ABLE program. Angela Jarvis in an advocate. Much media outreach where people are able to tell their own stories is the most affective.

In Virginia, options are not awesome. An enrollee MUST first have at least \$2,000 in cash in order to utilize the investment option. The people in Virginia in charge of the ABLE program are great however.

Michael Bennion. Q. How will you get the 30 basis points back? What is the plan if you don't receive a 2017 appropriation?

David Bell. A. We are allowed to pay back the initial \$680,000 whenever possible. There is no timeline for that. The buy down on fees to BNYMellon is currently only through 2017. The average account is currently at \$3,500. Our projections for accounts were at \$1,000 per account through the first 5 years, so these actual amounts in the first month are a welcome surprise.

Peter Tassoni. Q. Are the enrollees tax forms included in the record keeping from BNYMellon?

David Bell. A. Yes, the tax forms are included.

Gina Stark. Q. Who else is using BNYMellon?



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

David Bell. A. No one as of yet. They have responded to two other state's RFP's, but have not signed on to support any other state as of yet. BNYMellon offered a very fair contract/package to Oregon. They (and no other financial institutions) want to be seen as 'taking/making money from the disability community'.

Peter Tassoni. Q. Are Community Reinvestment Accounts affected?

Gina Stark. A. Financial institutions get tax credits for investing in programs that support low/moderate income communities. They have to actually prove that they are investing. It is quite a process, but very worthwhile for the institutions.

Peter Tassoni. A federal law to stop urban blight created the credits. Now it is the carrot. BNYMellon contacted us and will give the disabilities workgroup a presentation.

Betty Lochner. Q. Is it okay to have them give presentations as it relates to future procurement processes through Department of Commerce?

Peter Tassoni. A. Yes. It is okay for them to come give informational presentations prior to the procurement process. They are not giving us anything but information about services.

Betty Lochner. Q. Have you done any other advertising other than the grass roots mentioned?

David Bell. A. We have mostly utilized social media and personal outreach by me. We will likely do radio ads, but mostly continue with what has been done already and word of mouth.

Peter Tassoni shares that we are having 3 individual and simultaneous conversations with Oregon: 1) Host State 2) Working Group and 3) Partnership

Logo / Branding Update:

Gina Stark shares that she looked into DFI and in-house options. DFI cannot offer any cost free options. Another option is utilizing the Evergreen State College. She spoke with the head of the art department and they are very much interested. They could offer a cost free or very low cost option for services. This could be a win-win situation having our needs met and supporting education. First step would be to develop a scope of work. Jessicarae offered that getting feedback directly from our community members with disabilities should be a priority. Emily offered feedback on the current, temporary logo that Jessicarae created. Liked the ABLE and Washington state outline, but would prefer it not have trees.

Betty Lochner moved to task Gina to follow up by reaching out to Evergreen again. Brad Hendrickson seconded. Unanimously approved. Jessicarae will provide in house support to Gina if it is needed through this process.

Budget Update:



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

Peter Tassoni shared that Commerce requested approximately \$600,000 in flat funding for each state fiscal year in the next biennium.

Brad Hendrickson. Q. How are the funds being dispersed through Commerce?

Connie Shumate. A. Indirect is applied to both operating and capital budgets at a rate of 20% on expenditures in Objects A-Salaries; B-Benefits; E-Good & Services; G-Travel; J-Capital Outlay; and at a rate of .25% on expenditures in Objects C-Purchased Services and N-Grants. We report expenditures by fiscal month (FM) close and December FM closed on January 13th.

Michael Bennion. Q. How much was requested in the fiscal note for ABLE?

Peter Tassoni. A. \$572,000 was requested in the fiscal note for the Governor's budget for ABLE. The request had bi-partisan support and is very unlikely to have any pull back.

Motion made to move the Executive Session to the end of the agenda. Seconded. Approved unanimously.

CA Survey Results:

CA ABLE website has lots of meetings materials published but when opened, they all say verbal report to be given to board. Nonetheless, they provided a 25-page report that was condensed by the Commerce Disabilities Workgroup to a 1-page summary. Discussion surrounding results, criteria for survey, data collected. Contrast and comparisons to Washington's populations.

Gina Stark. We have a rural population. It might make sense to do a survey here because of that.

David Bell shares that Oregon did not do a survey. They relied on the information collected and shared by their workgroup. Florida possibly had a survey. Ohio asked questions, but no survey was conducted.

Amy Patterson. Maybe talk with the stakeholders to gather information, opinions, data instead of a survey?

Gina Stark. We use our disability workgroup (not Commerce unit) to host Listening Groups. It is a way to actively hear a person's information, opinions, stories in a way that more accurately reflects their actual experiences.

Brad Hendrickson. Agrees with talking with persons who know their own groups, as opposed to polling.

Betty Lochner. Information collecting makes sense for Washington specifically because of our populations and how they are spread out in more rural areas as Gina suggested.

Emily Rogers. Information will greatly differ depending on who you are talking with: A person with a disability, parents or caregivers of a person with a disability, the person's accessibility to report their answers or information.



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

Peter Tassoni. We should use both direct and indirect way of collecting information. Listening groups let a person's own voice be heard.

David Bell remarked to be sure you can provide solutions to potential problems that may arise when you ask so be careful about how you frame questions.

Jeff Manson. Q. Do you have information on who are the actual ABLE account holders in Oregon?

David Bell. A. I do not have that on me, but I would be able to share that when I get back. I will email myself to share that with the group when I get back.

GET Draft Program Manager Costs Update:

Michael Bennion defers to Betty Lochner on feasibility and status of their procurement process and award.

Betty Lochner. The procurement process for a vendor was almost to completion. A vendor was awarded and then withdrew. They expressed conflicts with the timing, competition, affordability and profitability. They will re-release a new RFP based on that feedback, but this is slowly the process considerably.

Peter Tassoni. Our procurement process at Commerce is likely to be slower and costlier since we do not have the IT staff in place to create the platform and its backend.

Brainstorming Session of Additional Potential Stakeholders:

Independent Living Centers (state council)	Disabilities Self Advocacy Groups
Not for Profits	Autistic Self Advocacy Network (ANAN)
Disability Rights WA	Self Advocates in Leadership (SAIL)
Arc of Washington	People First
Employment Centers and Coaches (employers, associations)	Workfirst
Rehabilitation Council	County Benefits Planners
Parent to Parent	Long Term Care Ombuds
DSHS – DDA, ALTA, CSD (TANF, SNAP, etc.)	Estate Planner, elder law
Governor's Office	UW Do It and Highline CC's program
SEIU 775 NW	Universities, Community Colleges, SBTCC, higher education council



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

WA State Bar and Bench Associations, estate planning attorneys, elder law

Partnerships for Action,

Voices for Empowerment (PAVE) parent trainings

Developmental Disability Endowment Trust Fund (DDETF)

NW Access Fund

Vocational Rehab Services (DSHS)

Developmental Disability Administration (DSHS)

Community Services Division (SNAP, TANF – DSHS)

Office of the Superintendent of Public Instruction (OSPI)

Special Education Service Providers

K-12

Educational Services District

Special Education Directors and their Staff Members

State, Summer, Special Education Conferences (IEPs and 504's are not sufficient documentation to qualify for an ABLE account on their own)

Parents, Guardians, and those who hold Power of Attorney

State Interagency Coordinating Councils

per Individual County, Birth through 3 years

Children's Hospital, their therapy centers, social workers

Dev Dis Assoc Case Managers: Reach out to them to share information with families

Financial Literacy Groups:

K-12 ESD Group

Department of Early Learning

VISTA tax service groups

Volunteer Tax Prep Groups

Child Support Officers

Association of Financial Advisors

Office of the Deaf and Hard of Hearing

School for the Blind

Mental Health Agencies (SeaMar and Compass Health)

Housing Authorities:

Case Managers and Case Workers for sharing information with service populations

Native American Groups

Tribal Connections

Legal Aid

Health Care Authority Tribal Connections

Women In Student Affairs (WISA)

Tribal Payouts to Members with Disabilities (How does this affect them? Gina will reach out to Snohomish tribes to touch base)

Guardianship trainings / Superior Court

Arc of King County / On-line resources

WA State Employee Assistance Program



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

Public Utilities Districts (statewide) water, telephone, low income, energy assistance programs

Federal / State / Local means tested programs.

Association of WA Cities and Counties and some big cities especially king county

Recreational organizations/clubs: WA Topp Soccer, Special Olympics, Boys and Girls Clubs, Horse Riding Programs, YMCA, community summit.

Mass Mutual Special Care Units/Teams - Conferences across the state (build a list)

In Commerce: LiHEAP, Workfirst and other internal programs who hold conferences

National Association of State Treasures (NAST)

ABLE National Resource Center

Traumatic Brain Injury Council

Snohomish County resource guide and Arc of King County resource guide

Mass mutual special care team

Guardianship association

EAS and EAP employment assistance / association

Governor's Committee on Disability Issues and Employment (GCDE)

National Alliance on Mental Illness (NAMI) state or local chapters

PERSONAL CONNECTIONS - MOST IMPORTANT

David Bell. Wisconsin decided that ABLE in their state was a no go. Is the cost included regarding taxes. They recognized that it would lower revenue. Did not care. No one even blinked at the \$45-50 cost for an ABLE account. There is a \$310,000 cap on Oregon accounts for college savings and ABLE. The federal limit is \$100,000. This is considered when determining qualifications for SSI and SSDI, but not any other services. SSI services will discontinue if accounts go over the \$100,000 amount and are 'frozen' until after that amount is brought below the \$100,000 allowable amount again.

Philosophical Items for Decision-Making

7a. Support own program or partner with a host state? Not enough information.

7b. Contract with financial institution / nonprofit to provide services or have Commerce or GET do it? No for GET and No for Commerce

Agenda Items for Next Meeting

Follow up items per Peter Tassoni.

- NE, OR, CA all have Requests For Information (RFI's) out for potential partnerships. Betty Lochner moves that as part of our due diligence, the board should request that staff do an RFI for potential state partners? Seconded by Amy Patterson to defer to staff to create an RFI in the interest of time and as part of the Board's due diligence. Motion passed unanimously.
- The Assistant Attorney General, Sandra Atix, will be attending our February meeting.



Department of Commerce

ABLE Washington State Governing Board Meeting Minutes

Board goes into Executive Session from 1:45 – 2:05 PM **Draft Host State Costs**

Meeting adjourned 2:06 PM

Gina Stark. Q. How do we keep the front line staffers informed?

David Bell. A. It is very important, but there is a high level of turnover and there isn't a standardized training set up as part of their positions. Have to decide what level of power that you want the front line persons to have for the information that is there? They aren't the experts. Possibility of misinformation. Received 150 emails regarding the confusion surrounding the age of onset being 26. We provided resource updates through our list serves.