**Consumer Directed Employer**

**Rate Setting Board**

**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.
  + 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.