

PULAALI'I NIKOLAO PULA
GOVERNOR



PULUMATAALA AE AE, JR.
LT. GOVERNOR

**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

PAGO PAGO, AMERICAN SAMOA 96799
Telephone: (684) 633-4116 | (684) 633-4121

EXECUTIVE ORDER NO.: 009 – 25

**AN ORDER ESTABLISHING THE HOME AND COMMUNITY BASED SERVICES
COMMISSION**

Section 1. Authority

This Executive Order is hereby issued under the authority granted to the Governor of American Samoa in Article IV, Section 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111(a).

Section 2. Preamble

WHEREAS, American Samoa is committed to ensuring individuals with disabilities and older adults can live, work, and participate in the most integrated settings consistent with their needs and choices

WHEREAS, on June 19, 2001, President George W. Bush issued Executive Order 13217 directing federal agencies to work closely with individual states and territories to implement the Olmstead Supreme Court decision;

WHEREAS, the Home and Community-Based Services (HCBS) program helps individuals live independently and participate in their communities;

WHEREAS, American Samoa received funding through the Money Follows the Person (MFP) program, administered by CMS, to help transition eligible individuals from institutions to home and community-based settings;

WHEREAS, the American Samoa MFP Work Plan for 2025 – Period 1 requires establishing an HCBS Commission by Q4 2025 to expand qualified HCBS use, reduce institutionalization, and remove barriers for Medicaid-eligible individuals to live in their chosen settings;

WHEREAS, such a Commission is essential to develop and implement a Territory-wide Olmstead Plan that ensures federal compliance, removes systemic barriers, improves person-centered services, and builds sustainable HCBS infrastructure; and

WHEREAS, there is a need for coordinated efforts to develop policies, regulations, and funding strategies to support and expand HCBS in our Territory;

NOW, THEREFORE, I, PULAALI'I NIKOLAO PULA, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution and laws of American Samoa, do hereby order as follows:

Section 3. Establishment of HCBS Commission

Establish the Home and Community-Based Services Commission within the Office of the Governor to advise on the development, implementation, and coordination of HCBS programs and policies in American Samoa.

Section 4. Composition of Commission

- (a) The Commission shall consist of members appointed by the Governor represented by:
 - (1) Health Information subject matter expert
 - (2) Two (2) representatives with lived experience representing target populations, including:
 - (i) Older adults
 - (ii) Individuals with physical disabilities
 - (iii) Other qualified populations as defined by the MFP program
 - (3) Two (2) representatives from family members
 - (4) Pacific Center in Human Security
 - (5) Development Disability Planning Council
 - (6) American Samoa Legal Aid
 - (7) Dementia Friendly of American Samoa
 - (8) Hope House
- (b) The following agencies shall serve in the Commission in an *ex officio* capacity:
 - (1) Office of the Governor
 - (2) Medicaid State Agency
 - (3) LBJ Tropical Medical Center
 - (4) Territory Administration on Aging
 - (5) Department of Commerce
 - (6) Development Bank of American Samoa
 - (7) Department of Health
 - (8) Department of Human & Social Services
 - (9) Department of Education
- (c) Terms of Service

- (1) Members shall serve staggered terms not to exceed two years, except for representatives serving as consumer, lived experience, and family members, whose terms will not exceed three years.
- (2) Initial appointment shall be made with staggered end dates to ensure continuity of the Commission's work.
- (3) Members may be reappointed for additional terms at the discretion of the Governor
- (4) Initial appointments shall follow this stagger schedule:
 - (i) Group A (expires month 1 of Year 2):
 - (1) Department of Commerce
 - (2) Dementia Friendly of American Samoa
 - (3) 2nd Representatives with Lived Experience
 - (4) Territory Administration on Aging
 - (5) Development Disability Planning Council
 - (6) Development Bank of American Samoa
 - (ii) Group B (expires month 6 of Year 2):
 - (1) Department of Human & Social Services
 - (2) LBJ Tropical Medical Center
 - (3) Medicaid State Agency
 - (4) Department of Education
 - (5) Department of Health
 - (6) American Samoa Legal Aid
 - (7) 2nd Representative from family members
 - (iii) Group C (expires month 12 of Year 2):
 - (1) Office of the Governor
 - (2) 1st Representatives with Lived Experience
 - (3) Pacific Center in Human Security
 - (4) Hope House
 - (5) 1st Representative from family members
 - (6) Health Information subject matter expert
- (d) The Governor shall make appointments to fill vacancies for the remainder of the unexpired terms.

Section 5. Recusal Protocols

- (a) The Commission shall establish recusal protocols to address actual, potential, or apparent conflicts of interest that could:
 - (1) Compromise the integrity of HCBS expansion efforts.
 - (2) Bias decisions favoring one provider or organization over another.
 - (3) Undermine public trust in the Commissions independence.
 - (4) Create federal compliance vulnerabilities.
- (b) Recusal protocols must address the following categories of conflicts of interest:

- (1) Financial conflicts.
 - (2) Organizational/Institutional Conflicts.
 - (3) Advocacy/Bias Conflicts.
 - (4) Informational/Expertise Conflicts
- (c) Recusal protocols shall be reviewed, and if necessary, revised every 2 years.

Section 6. Appointment of Commissioner

- (a) The Governor shall appoint a Commissioner to lead the Home and Community-Based Services Commission, serving at the Governor's pleasure.
- (b) The Commissioner must have strong leadership skills and extensive experience in HCBS, disability rights, or a related field.
- (c) Duties include serving as CEO, overseeing operations, acting as liaison to the Governor, ensuring timely deliverables, representing the Commission publicly, coordinating with stakeholders, supervising staff, reporting progress, recommending policy improvements, and managing the budget.
- (d) Additional responsibilities include strategic planning, seeking grants, building partnerships with federal and territorial programs, promoting HCBS innovation, and ensuring compliance with applicable laws.
- (e) The Commissioner serves as a non-voting ex officio member of the Commission.
- (f) In the event of a Commissioner vacancy, the Governor shall appoint a replacement within 30 days. Until a replacement is appointed, the senior member of the ex officio group shall serve as interim director to maintain operational continuity.

Section 7. Goals and Objectives

The Commission is established to achieve the following goals:

- (a) Expand the use of Home and Community-Based Services (HCBS);
- (b) Remove barriers limiting flexible Medicaid funding for individualized support;
- (c) Improve data sharing among providers and stakeholders for informed decisions;
- (d) Strengthen Medicaid programs to sustain HCBS; and
- (e) Implement policies and protocols to ensure ongoing quality improvement.

Section 8. Responsibilities of the Commission

The Commission shall:

- (a) Meet monthly for six months, then every two months.
- (b) Establish subcommittees as needed.
- (c) Develop an Olmstead Plan to help individuals with disabilities and older adults live, work, and receive services in integrated settings.
- (d) Create policies and regulations to expand and improve HCBS, covering quality standards, provider qualifications, person-centered planning, and service coordination.

- (e) Recommend strategies for local HCBS funding through public-private partnerships, local sources, and innovative financing.
- (f) Assess existing HCBS programs to identify gaps and improvements.
- (g) Report regularly to the Governor on HCBS progress and Olmstead Plan implementation.
- (h) Develop and enforce agency data policies, including standard reporting, interagency sharing agreements, performance metrics, compliance measures, timelines, and public data access.
- (i) Monitor and evaluate implementation under subsection (h) and recommend improvements.

Section 9. Timeline, Reporting, and Meeting Frequency

- (a) The Commission shall:
 - (1) Meet within 30 days of the Executive Order.
 - (2) Submit an initial report with a draft Olmstead Plan within 6 months.
 - (3) Provide quarterly progress reports to the Governor.
 - (4) Publish meeting notices, annual reports, and relevant public information.
- (b) For its first two years, the Commission shall.
 - (1) Hold monthly full-day meetings.
 - (2) Convene subcommittees or workgroups as needed, at least quarterly.

Section 10. Support, Resources, and Compensation

- (a) The Pacific Center in Human Security will provide administrative support and resources to the Commission.
- (b) Compensation:
 - (1) Only consumers, individuals with lived experience, family, and community members on the Commission are eligible for compensation.
 - (2) Eligible members receive a \$250 stipend per meeting, up to \$2,500 per year for the first two years.
 - (3) Eligible members may be reimbursed for reasonable expenses, including travel, lodging, and childcare, under Territory policy.
 - (4) All other members serve without compensation or emoluments.
- (c) The Pacific Center will set procedures for timely stipends and reimbursements.

Section 11. Coordination and Cooperation

All executive departments, agencies, boards, and commissions of the American Samoa Government are directed to cooperate with and provide assistance to the Commission in the execution of its duties.

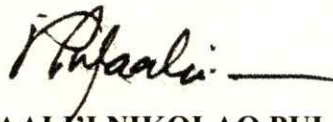
Section 12. Severability

If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Executive Order that can be given effect without the invalid provision or application, and to this end the provisions of this Executive Order are severable.

Section 13. Effective Date

This order shall take effect immediately and will remain in effect until rescinded.

Dated: December 5, 2025

A handwritten signature in black ink, appearing to read 'Pulaali'i', followed by a horizontal line.

PULAAI'I NIKOLAO PULA
Governor of American Samoa