

IHSS Public Authority Advisory Board Meeting
May 15, 2018
MINUTES

Members Present: Bob Stroughter, Cheryl Hewitt, Lori Andersen, Janie Whiteford (via tele-conference), Beverly Lozoff (via tele-conference), Senon Hernandez (via tele-conference); Terri Possley (Ex-Officio)

Members Absent: Dennis Schneider, Tonya York

PA Staff Present: Mary Tinker, Leticia Sabadin

Guests Present: *Gianna Spina, ILS/PAS Coordinator for Silicon Valley Independent Living Center & Potential New AB Member*

Announcements & Public Comment: Gianna Spina announced the 2018 Caregivers Count Conference for Saturday, May 19, 2018 at the Campbell Community Center. Gianna will send Leticia the email with the link and registration information to forward to all AB members. She encouraged all members to attend.

Terri Possley announced two things:

1. May is “Older American’s Month” and the theme is “Engage at Every Age”. Supervisor Simitian presented a proclamation.
2. On June 15th there will be a “World Elder Abuse Awareness Day” held at the San Jose City hall from 8:30am – 12:00pm.

Terri will send Leticia the information and email in order to distribute to all AB members.

Vice Chair Nomination: Took official vote for Cheryl Hewitt as Chair and Dennis Schneider as Vice Chair for the upcoming fiscal year. Motion by Bob Stroughter, seconded by Lori Andersen, vote was unanimous.

Approval of Minutes: No quorum attained at April meeting, no minutes to approve.

CAPA Report: Mary Tinker distributed copies of the CAPA report. CAPA met in Sacramento April 25th and 26th. The 25th meeting was half-day and included a panel discussion about Advisory Committees. Several PAs/Counties have new PA Directors who are new to IHSS and the Public Authority so this provided a valuable opportunity to share the history of Advisory Committees, why they exist, what their role is in IHSS, and the important role they play in the IHSS program.

Paid Sick Leave: CDSS released the final ACL regarding sick leave and has scheduled mailers to go out to both providers and recipients since the new sick leave benefit goes into effect July 1, 2018. They are also planning to do training webinars.

Electronic Timesheets (ETS): Santa Clara County continues to experience steady growth in IPs enrolling in ETs with over **4,502** IPs enrolled at this time. This equals **18.9%** of total IPs here and continues to grow daily; IPs who also enroll in direct deposit report getting paid within 3 days of submitting their electronic timesheets. The PA encourages IPs to enroll in both to help with expeditious payment and to help prevent errors on timesheets. The new flyers made available by CDSS are being distributed widely. A new addition to the PA website provides information and a link to enroll in direct deposit as well.

Electronic Visit Verification (EVV): Electronic Visit Verification (EVV) requirement set forth in the federal 21st Century Cures Act is scheduled for implementation January 1, 2019. CDSS stated they will request an extension to permit more time to implement since there is no way California could be ready to roll it out January 2019.

Legislative Update:

AB 550 (Reyes): State Long-Term Care Ombudsman.

Current law requires the California Department of Aging to allocate federal and state funds for local ombudsman programs according to a specified distribution, but prohibits the department from allocating less than \$35,000 per fiscal year, except in areas with fewer than 10 facilities and fewer than 500 beds. This bill would increase the base allocation for local ombudsman programs to \$100,000 per fiscal year. The bill would appropriate \$2,250,000 from the General Fund to the California Department of Aging for the purpose of increasing base allocation funding for that purpose. ***This bill is currently in the possession of the Senate Human Services Committee. Recommended Position: Support***

AB 614 (Limon): Area Agency on Aging: Alzheimer's and Dementia specialist:

Current law requires the California Department of Aging to adopt policies and guidelines to carry out the purposes of the Alzheimer's Day Care-Resource Center Program, whereby direct services contractors receive funding to provide services to meet the special care needs of, and address the behavioral problems of, individuals with Alzheimer's disease or a disease of a related type. This bill would require each area agency on aging to maintain an Alzheimer's and dementia specialist to provide information, assistance, referrals, and options to families. ***This bill is currently on the Senate Appropriations Suspense File, where it will be taken up for consideration later in the month. Recommended Position: Watch***

AB 1017 (Santiago): Collective Bargaining Agreements: arbitration: litigation. Current law, with regard to disputes concerning collective bargaining agreements for private employment, requires a court to award attorney's fees to a prevailing party in an action to compel arbitration of the disputes unless the other party has raised substantial and credible issues involving complex or significant questions of law or fact regarding whether or not the dispute is arbitrable. Current law also creates, in this context, a right to attorney's fees for a prevailing party in a court action to compel compliance with the decision or award of an arbitrator or grievance panel regarding the disputes, or for a prevailing appellee in the appeal of the decision of an arbitrator regarding the disputes, unless the other party or appellant, respectively, has raised substantial issues involving complex or significant questions of law. This bill would apply these provisions to public employment. ***This bill is currently in the possession of the Senate Desk. Recommended Position: Watch.***

AB 1909 (Nazarian): In-Home Supportive Services: written content translation. Would clarify that the State Department of Social Services is required to provide translations of written content, as defined, in

languages spoken by a substantial number of providers of in-home supportive services. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content. ***This bill is currently in the possession of the Senate Human Services Committee, where it is scheduled to be heard on June 12.*** **Recommended Position: Co-Sponsor.**

AB 1937 (Santiago): Public Employment: payroll deductions. Current law prescribes various duties of the Controller in connection with deductions requested by employee organizations and other bona fide organizations regarding requests for deductions from the salaries and wages of their members. Current law prescribes the duties of the governing boards of school districts in regard to requests by certificated employees for deductions from the salaries and wages, and prescribes similar duties for the governing boards of community college districts. Current law authorizes a trial court employee or interpreter to permit a dues deduction from his or her salary in the same manner provided to public agency employees pursuant to specified law applicable to the state and the Controller, as described above. This bill would revise and recast these provisions. ***This bill is currently in the possession of the Assembly Appropriations Committee, where it is awaiting hearing.*** **Recommended Position: Watch.**

AB 2159 (Chu): Elder and Dependent Adult Financial Abuse. Current law requires persons designated as mandated reporters of suspected financial abuse, as defined, to report known or suspected instances of elder or dependent adult financial abuse and makes failure to comply with these requirements subject to a civil penalty not exceeding one thousand dollars (\$1,000) or if the failure to report is willful, a civil penalty not exceeding five thousand dollars (\$5,000). Current law defines “mandated reporters” for purposes of these requirements as all officers and employees of financial institutions. This bill would also include within the definition of mandated reporters for these purposes, a money transmitter. ***This bill is currently in the possession of the Assembly Appropriations Committee, where it is awaiting hearing.*** **Recommended Position: Watch.**

AB 2430 (Arambula): Medi-Cal: program for aged and disabled persons. Current law requires the department to exercise its option under federal law to implement a program for aged and disabled persons, as described. Current law requires an individual under these provisions to satisfy certain financial eligibility requirements, including, among other things, that his or her countable income does not exceed an income standard equal to 100% of the applicable federal poverty level, plus an income disregard of \$230 for an individual, or \$310 in the case of a couple, except that the income standard determined shall not be less than the SSI/SSP payment level for a disabled individual or couple, as applicable. This bill would instead require, upon receipt of federal approval, all countable income over 100% of the federal poverty level, up to 138% of the federal poverty level, to be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible under the program for aged and disabled persons. ***This bill is currently in the possession of the Assembly Appropriations Committee, where it is awaiting hearing.*** **Recommended Position: Support.**

AB 2872 (Carrillo): In-Home Supportive Services: peer-to-peer training. Current law authorizes a county board of supervisors to contract with a nonprofit consortium, or to establish a public authority, to provide in-home supportive services and requires those entities to perform specified functions, including providing training to providers and recipients. This bill would require the department to designate the hours, per county, to compensate providers of in-home supportive services for educating other providers, using peer-to-peer training, in subject areas relating to the program, including how to enroll as a new provider and how to navigate the program, as specified. ***This bill is currently on the Assembly Appropriations Committee Suspense Calendar, where it will be taken up for consideration next month.*** **Recommended Position: Watch.**

AB 3082 (Gonzalez-Fletcher): In-Home Supportive Services. Would require the department, on or before July 1, 2019, in consultation with interested stakeholders, to develop a program to address the issue of sexual harassment of IHSS providers. The bill would require the program to include a uniform statewide protocol to follow whenever a provider reports sexual harassment, a continuing program of sexual harassment education for providers and recipients, a procedure for providers to report sexual harassment with guidelines and timelines for investigation, and a procedure to ensure protection against retaliation. The bill would require the department, on or before July 1, 2020, and annually thereafter, to submit a report to the Legislature summarizing the outcomes of the program. ***This bill is currently in the possession of the Assembly Appropriations Committee, where it is awaiting hearing.***
Recommended Position: Support.

AB 3114 (Thurmond): Personal Care Services. Would authorize a county board of supervisors to contract with a nonprofit consortium or to establish a public authority to provide waiver personal care services. The bill would authorize certain entities to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for an individual who is employed by a recipient of waiver personal care services. The bill would also make conforming changes. ***This bill did not meet the policy committee deadline in its house of origin, and accordingly is dead for the 2018 Legislative year.*** **Recommended Position: Sponsor.**

AB 3200 (Kalra): Public Social Services: SSI/SSP. Under current law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, with an annual cost-of-living adjustment, effective January 1 of each year. Current law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Current law continuously appropriates funds for the implementation of SSP. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2019 calendar year. ***This bill is currently on the Assembly Suspense File, where it will be taken up for consideration later this month.***
Recommended Position: Support.

SB 120 (Committee on Budget) In-Home Supportive Services Provider Wages: emergency caregiver payments for foster care: civil immigration detainees: recording fees. The California Values Act prohibits state and local law enforcement agencies from contracting with the federal government for use of their facilities to house individuals as federal detainees, except as specified. This bill would specify that state and local law enforcement agencies are prohibited from contracting with the federal government for use of their facilities to house individuals as federal detainees for purposes of civil immigration custody, except as specified. ***This bill is currently on the Assembly Inactive File.***
Recommended Position: Support.

SB 1040 (Dodd) In-Home Supportive Services: natural disaster resulting in a state of emergency. The California Emergency Services Act authorizes the Governor to declare a state of emergency under specified conditions and requires a county, including a city and county, to update its emergency plan to address, among other things, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering. This bill would require a county to use a void and reissue warrant process for any provider who lost or had damaged an uncashed warrant because of a natural disaster resulting in a state of emergency. The bill would require a county, including a city and county, at the next update to its emergency plan, to integrate and require the assessment and provision of supportive services to IHSS recipients. ***This bill has been dual referred to Assembly Human Services and Assembly Housing Committees, where it has yet to be scheduled for hearings.*** **Recommended Position: Sponsor.**

Mary also mentioned concerns some IPs have been calling about regarding various city minimum wage ordinances. IPs want to know why they are not receiving the city minimum wage of \$15/hour when they work within those cities. Because they are part of a collective bargaining unit with the union, it is the collectively bargained rate that they are paid which is \$13/hour at this time.

PROGRAMS REPORT: Mary Tinker distributed and reported the following.

Benefits Administration: There were **11,187** IPs enrolled in the Valley Health Plan with **5,362** of those in the Classic Plan and **5,825** in the Preferred Plan. There were **11,857** IPs enrolled in the Dental/Vision plans during the month of April. There were **500** Smart Pass VTA Cards issued.

Enrollment:

Number of IPs enrolled: **478**

Number of IPs partially done: **445**

Fingerprints:

- Rejected prints: **19**
- Failed: **2**

The number of individuals attending the group enrollment sessions was 55 to 70 per session. Group sessions are generally held on Fridays with approximately **490** attending in April.

Registry Services: There are **497** active IPs on the registry and **1055** active consumers.

The registry:

- Completed **63** new consumer intakes and reactivated **92** consumers
- Attained **63** matches
- Provided **592** new interventions

The “**Consumer Connection**” newsletter was mailed to **23,570** IHSS consumers in April. It can also be viewed at the Public Authority website at:

<http://www.pascc.org/resources/newsletter.html>

Public Authority Phone Calls: The Public Authority handled a total of **5,421** phone calls during April. Breakdown of the calls:

- Registry **3,194**
- Enrollment **389**
- General **742**
- Benefits **1,096**

Care Coaching: The Registry received **16** referrals for Care Coaching in the month of April. Three referrals were received from Santa Clara Family Health Plan, none from Anthem Blue Cross. **One** home visits was conducted at a hospital or other facility to prepare for discharge of the individual. There were **45** in-home visits made.

Urgent Care Registry There was **40** hours of services authorized in April.

Expedited Registry: Expedited Registry received **6** referrals in April.

Registry Introductory Training (RIT): There was **1** RIT session held in April with **9** individuals invited and **7** actually participating.

- Conducted **11** interviews
- Called **38** references
- Completed **14** reference checks
- Added **6** new IPs to the registry

RIT sessions are recruitment training workshops held for individuals who wish to join the registry. This is one of the screening requirements for being added to the registry. Next steps required include checking references, in-person interview with staff, and completion of mandatory enrollment process which includes DOJ criminal background check. Because of the amount of work required to get someone added to the registry there are generally people being added on a continuous basis.

Training for Providers: The Public Authority provided **17** classes during April training **300** IPs. Classes provided were:

- Alzheimer' and Dementia Basics provided in English with **30** participants
- First Aid provided in Vietnamese with **21** participants
- Nutrition provided in English with **15** participants
- CPR provided in Spanish with **21** participants
- Safety and Infection Prevention provided in Mandarin with **9** participants
- Emergency and Disaster Preparedness provided in English with **8** participants
- First Aid provided in English with **18** participants
- Understanding Diabetes provided in English with **11** participants
- Alzheimer' and Dementia Basics provided in Mandarin with **14** participants
- CPR provided in English with **17** participants
- Caregiver Stress provided in English with **33** participants
- Mental Health provided in English with **9** participants
- Skilled Care Provider provided in English with **31** participants
- CPR provided in Mandarin with **22** participants
- First Aid provided in English with **21** participants
- Safe Lifting and Transferring provided in English with **12** participants
- Safe Lifting and Transferring provided in Mandarin with **9** participants

Over Time Training: There were **12** IPs who were provided training/counseling on overtime issues and how to properly complete their timesheet.

Timesheet Training Video on PA Website: The Public Authority developed a great new video that instructs providers on how to complete their timesheets and prevent OT issues. It is quite thorough and easy to understand. As of May 1st **it has been viewed over 50,875 times since its launch May 10, 2017.** The video is on the PA website and available to anyone who wants to view it at: <http://www.pascc.org/services/TimeSheetVid.html>

Under Programs there was discussion on how to interest consumers in training and setting up more training for consumers. Mary shared that in years past Janie Whiteford spent a great deal of time providing consumer training in various locations around the county. They were held in senior living communities and other locations where IHSS consumers could have easy access. It has always been a tough nut to crack, and that's statewide.

It was suggested that interpersonal skills training for consumers in how to interact and work with providers would be a good start. Lori Andersen suggested some type of brief training to new consumers when they are first introduced into IHSS. Cheryl Hewitt added that there needs to be 'real' information given to consumers as far as expectations and guidelines for IHSS.

The main issue is getting consumers to participate in training. The Public Authority offers the monthly Call 'n Connect teleconference calls but they are not well attended. People who have participated indicate they found it valuable it's just difficult to get people to participate. Mary Tinker would like to brainstorm more ideas with the members and also Janie would like to get this going again as soon as she is doing better and at home she would like to actively seek various options. Gianna Spina offered to setup a committee for this and Beverly Lozoff offered to assist in this endeavor and it will be something brought up again in the month of July.

Cheryl Hewitt mentioned the regional center framework and how it works or may not be working very well with regards to payment. She mentioned that IHSS money is applied first and then the regional money is applied afterwards and she does not think everyone is aware of this.

California IHSS Consumer Alliance Report (CICA): Janie Whiteford reported that she did not have much new to report. CICA is working collaboratively with CAPA and the current issues. Janie mentioned the 3rd Wednesday CICA conference call from 10am-11am and encouraged all members to try to call in. CICA is doing their best to keep everyone up to speed with current issues (such as EVV-Electronic Visit Verification) but they are also going back to basics and tailoring some of the future calls to such things as:

- Training
- Mandates
- Advocacy for Consumers
- Securing additional providers when theirs are out sick or taking a vacation.

Janie says that both Cindy and Charlie at CICA are handling the Regional Meetings and that she would share any upcoming information as she gets it.

Report from Social Services Agency: Terri Possley made a few announcements which were reported under "Announcements & Public Comment". Terri also gave everyone a brief update and current status of the IHSS budget. Basically it is not good news. Terri said that they requested and submitted for 28 new positions and bottom line, only ONE position was approved. This new position is for a Social Work Coordinator I who will do referrals for fraud. They are also approved for a total of 8 temporary workers for a 6 month timeframe. Needless to say all members were shocked that this happened. Terri says that there will be a budget workshop scheduled on May 23rd to see what happens next.

Other items Terri mentioned were:

- In April, CMIPS and payroll systems were down and that caused IHSS to fall behind with phone calls and it took a while to catch up. There were quite a few complaints during that time and afterwards but everything is much better now.
Gianna Spina offered Terri some assistance as to maybe working with a youth program within SVILC and have Terri hire them, some kind of internship. Terri asked Gianna to work on this off-line and to have Gianna email her.
- Terri gave a quick update as to their new building site/space back on Julian Street. It's in the works and will take time. They will have new space on the 5th floor over at Julian and since there is a lot of construction to be done and details to sort through this will probably not be available and move time will not be until late 2019.

Education and Outreach Ad hoc Committee Report: Beverly Lozoff did email Mary Tinker with upcoming outreach events and Mary will let Beverly know which ones are applicable and have the IHSS support. Agreed to have this agenda item removed from future agendas.

Relationship with Board of Supervisors Report: Lori Andersen reported that the ad hoc committee still not had met.

Lori asked Terri, "What can the AB do now with regards to the 28 positions and trying to get more of those positions approved"? Is there any wiggle room? Is there any way the county can approve more positions, at this point? Mary Tinker made some recommendations:

#1-setup a conference call with members and setup a committee for this action item, on this call there will be some talking points and justification for approval of more positions within IHSS. There should be some data available to reflect how much IHSS has grown and correlate staff growth with justification for more staff.

#2-Attend the budget workshop on May 23rd.

Mary Tinker took the lead on this to organize and plan.

Committee members: Mary, Janie, Lori, Cheryl, Beverly

Operational Issues Ad hoc Committee Report: Defer to next agenda.

Next Meeting: **Propose new date in June**

The next meeting of the Advisory Board is **Tuesday, June 19th but we are proposing a new date: Tuesday, June 12, 2018** from 11:30 – 1:00pm at the Sourcewise Main Office, 2115 The Alameda, San Jose, CA. 95126.