

IHSS Public Authority Advisory Board Meeting
August 21, 2018
MINUTES

Members Present: Bob Stroughter; Cheryl Hewitt; Janie Whiteford; Beverly Lozoff; Tonya York
Dennis Schneider

Members Absent: Senon Hernandez; Lori Andersen; Terri Possley (Ex-Officio)

PA Staff Present: Mary Tinker, Leticia Sabadin

Guests Present: Wayne Glusker, Assistant to Cheryl Hewitt

Announcements & Public Comment:

- Welcome back to Janie Whiteford who was out on a medical leave for 8 months, glad she is doing better and here with us today!
- Beverly Lozoff reminded everyone about the NAMI Walks Event scheduled for September 22, 2018. It would be great to have everyone participate in this important event.

Approval of Minutes: Motion by Janie Whiteford to approve July 17, 2018 meeting minutes as written, seconded by Bob Stroughter, vote was unanimous.

CAPA Report: CAPA didn't meet in July.

Paid Sick Leave: The new IHSS sick leave benefit went into effect July 1, 2018. The state has setup excellent videos and information sheets on their website so consumers and providers can access information anytime. Use this link <http://www.cdss.ca.gov/inforesources/IHSS-Providers/Resources/Timesheet-Information> and scroll down to find the section titled, "Paid Sick Leave Program Learning Options".

Electronic Timesheets (ETS): Santa Clara County continues to experience steady growth in IPs enrolling in ETs with over **5,024** IPs enrolled. This equals **20.6%** of total IPs in Santa Clara County and continues to grow daily; IPs who also enroll in direct deposit report getting paid within 3 days of submitting their electronic timesheets.

Electronic Visit Verification (EVV): Senate passed H.R. 6042 <https://www.congress.gov/bill/115th-congress/house-bill/6042?r=7>, which implements a 12 month delay of the FMAP penalties for personal care services delivered without Electronic Visit Verification. The bill was signed by the President so those penalties will become effective on January 1, 2020 instead of 2019 as previously scheduled. As passed, the bill does two things:

- 1) Delays FMAP reductions from 2019 to 2020, and extends the “good faith effort exemption” from FMAP penalties through the end of Calendar Year 2020 for those states that qualify; and
- 2) Requires CMS to conduct at least one public meeting and communicate regularly with stakeholders during the implementation process.

Legislative Update: The Legislature reconvened August 6th, after a month off. They hit the ground running with Senate Appropriations Committee meeting, and will continue the heavy lifting with Assembly Appropriations Committee meeting on Wednesday. For the remainder of August, the Legislature will be busy with fiscal committee hearings, floor hearings. Below, please find status reports on the bills we are tracking this session:

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 in August. 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 at the Senate Desk. Recommended Position: Watch.***

AB 1823 (Committee on Budget): In-Home Supportive Services: provider orientation.

Current law requires prospective providers of in-home supportive services to complete a provider orientation at the time of enrollment, and requires representatives of the recognized employee organization in the county to be permitted to make a presentation of up to 30 minutes at that orientation. Current law requires each public employer, as defined, to provide the exclusive representative mandatory access to its new employee orientations, and requires the parties, upon request of the employer or the exclusive representative, to negotiate regarding the structure, time, and manner of that access. This bill would provide that the above-described requirement to negotiate regarding the structure, time, and manner of the access of the exclusive representative to a new employee orientation applies to IHSS provider orientations in the Counties of Los Angeles, Merced, and Orange. ***This bill is currently on the Senate Inactive File. Recommended Position: Oppose.***

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 on the Senate Third Reading file, where it will be taken up for consideration in August.***
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 Senate Appropriations Committee, where it is scheduled to be heard on August 6.*** **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 on the Senate Appropriations Committee Suspense file, where it will be taken up in August.*** **Recommended Position: Support.**

AB 2461 (Flora): Criminal History Information: subsequent arrest notification. Current law authorizes the Department of Justice to provide subsequent state or federal arrest or disposition notification to an entity authorized by state or federal law to receive state or federal summary criminal history information to assist in fulfilling employment, licensing, certification duties, or the duties of approving relative caregivers, nonrelative extended family members, and resource families upon the arrest or disposition of a person whose fingerprints are maintained on file at the Department of Justice or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval. This bill would require the department to provide that information. ***This bill is currently in the possession of the Senate Appropriations Committee, where it is scheduled to be heard on August 6.***
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 in the possession of the Senate Appropriations Committee, where it is scheduled to be heard on August 6.*** 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 Senate Appropriations Committee, where it is scheduled to be heard on August 6.*** Recommended Position: Support.

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 in the possession of the Senate Appropriations Committee, where it is scheduled to be heard on August 6.*** 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 is currently in the possession of the Assembly Appropriations Committee, where it will be heard August 8th.*** Recommended Position: Sponsor.

PROGRAMS REPORT

Benefits Administration: There were **11,302** IPs enrolled in the Valley Health Plan with **5,183** of those in the Classic Plan and **6,119** in the Preferred Plan in July. There were **11,981** IPs enrolled in the Dental/Vision plans during the month of July. There were **103** Smart Pass VTA Cards issued.

Enrollment:

Number of IPs enrolled: **480**

Fingerprints Failed: **0**

Estimated number of individuals attending group enrollment sessions was 50 to 70 per session. Group sessions are generally held on Fridays with approximately **480** attending in July.

Registry Services: There are **468** active IPs on the registry and **1068** active consumers.

The registry:

- Completed **62** new consumer intakes and reactivated **78** consumers
- Attained **42** matches
- Provided **526** new interventions

Consumer Training: The Call and Connect session scheduled for July, “Staying Cool and Active in Summer Heat” was cancelled due to no one pre-registering.

Public Authority Phone Calls: The Public Authority handled a total of **5,589** phone calls during July. Breakdown of the calls:

- Registry **3,449**
- Enrollment **698**
- General **314**
- Benefits **1,128**

Care Coaching: The Registry received **23** referrals for Care Coaching in the month of July. **Four** referrals were received from Santa Clara Family Health Plan and none from Anthem Blue Cross. **One** home visit was conducted at a hospital or other facility to prepare for discharge of the individual. There were **22** in-home visits made. The number of home-visits dropped due to the loss of one Care Coordinator, recruitment is underway to fill this position.

- Total active consumers **114**
- Total inactive consumers **235**

Urgent Care Registry There was **30** hours of services authorized in July.

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

Registry Introductory Training (RIT): There were **2** RIT sessions held in July with **23** individuals invited and **14** actually participating.

- Conducted **16** interviews
- Called **115** references

- Completed **53** reference checks
- Added **9** new IPs to the registry

IP Trainings Provided: There were no training sessions held in July. The next semester of classes will start in September. The new class training schedules will be mailed to all IHSS providers in August.

Over Time Training: There were **4** IPs who were provided training/counseling on overtime issues and how to properly complete their timesheet.

Consumer Newsletter: The Summer addition of the Consumer Connection newsletter was mailed in July to 23,570 IHSS consumers. The newsletter has valuable information and can be viewed on the PA website using this link: <http://www.pascc.org/resources/newsletter.html>.

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. The video was viewed 3,765 times during the month of July. The video can be viewed at: <http://www.pascc.org/services/TimeSheetVid.html>.

Mary announced that the Registry is very short staffed at this time. There has been multiple staff contacted by headhunters and offered higher paying jobs. The Registry Manager position is vacant as well. Interviews are underway and Mary is hoping to have new staff onboard soon. Unfortunately, the current salaries are low and not competitive and Mary is preparing an informational document to present to the county to show the disparity between staff salaries in Santa Clara County versus others across the state. The recruitment process and getting new staff trained will take time. There will have to be a lot of patience and understanding while the PA goes through this difficult transition in getting things back to normal.

Mary reported on a conference she attended on Evidence Based Organizations. Mary is now a certified EBO professional and in a position to assist in this effort. It recognizes the abilities and accomplishments organizations demonstrate in evidence-based policies, programs and practices. EBOs develop systems practices with measurable unbiased statistical data. This provides clarity on the value of services provided by an organization. There is a certification process to become a EBO, this is a long term goal and long term thinking towards potential grants, funding. More work to come but overall it was a good conference with quite a bit of information.

The new training class schedules were mailed out to all providers in the county, over 24,400, and staff is currently taking class registrations. A new issue that the PA has never encountered before is not seeing the high call volume typical after mailing the class schedule. It appears the demand for classes is dropping. Not sure what is going on and hope it is just an anomaly so classes will have full headcount when sessions begin. This is a high priority staff will be monitoring and if necessary, steps will be taken to try to fill the classes.

California IHSS Consumer Alliance Report (CICA): Janie Whiteford encourages everyone to participate in the CICA monthly conference calls scheduled on the 3rd Wednesday of the month at 10am. CICA continues to work collaboratively with CAPA on current issues at hand.

Janie suggested to review the AB budget and to possibly give money to CICA at year end. Mary did verify that the \$500.00 dues have been paid already. Janie mentioned that the funding received pays for various items such as:

- CICA salaries (1 part-time Executive Director)
- regional meetings
- website updates
- travel for folks like Charlie Bean and Cindy Calderon

CICA asked for Advisory Committees willing to host a regional meeting. This AB offered to host one in Santa Clara County. A discussion regarding the CICA Regional meeting possible dates are first or second Saturday of February 2019. Cheryl would like the AB to move forward and have the meeting at Stanford, in one of their lecture halls. Cheryl has been in contact with Stanford, they are willing to help host this meeting.

There is a problem with parking there at Stanford and this issue would have to be addressed and handled appropriately in order to finalize meeting venue there at that spot. Cheryl stated that the State Council on Developmental Disabilities would like to help plan this meeting as well.

After further discussion it was determined an ad-hoc committee is needed to work on this. Need to confirm date, need agenda items. (Consult with CICA on their plan since this is a CICA Regional Meeting) Volunteers for the ad-hoc committee: Cheryl, Janie, Bob.

Mary will setup and Janie will follow up.

Report from Social Services Agency: Terri Possley was not in attendance but emailed Mary her talking points.

- Announcement of attached flyer for Senior Safari 2018. Serves as a reminder, not new information. (distributed flyer to all)
- Announcement of attached flyer for Seniors' Agenda Network Summit for August. (distributed flyer to all)
- First Vietnamese Vegetarian Senior Center and Congregate Meal Site opened on 8/10/18. Viet Tu Te is located at 765 Story Road, San Jose, CA 95122. Meals served to seniors every Friday, Saturday, and Sunday at 11:00am.
- Working on IHSS Annual Report. Due to DAAS Director by 9/10/18. Will incorporate ideas from Advisory Board re: augmenting IHSS staff is needed to provide quality services which are connected to Whole Person Care and that it would save the county money.

Mary announced the Annual Report is in production and will be presented at the CSFC meeting on October 10th at 9am.

Relationship with Board of Supervisors Report: AB members have agreed to try to meet with BOS aides and Supervisors at least twice a year. Janie will initiate a conference call to get this going.

Cheryl mentioned that on September 11, 2018 there will be a meeting at the BOS Chamber Office on West Hedding concerning testimonies with regards to the housing problems and the monies allocated to consumers.

Janie reminded Cheryl, the AB must work together as a committee, not as an individual, and if that's the case, then make sure you state that. AB is a representation as a whole committee and to be careful when representing the IHSS PA AB.

Operational Issues Ad hoc Committee Report: This item to be deferred and taken off the agenda for now.

Next Meeting: The next meeting of the Advisory Board is **Tuesday, September 18, 2018 from 11:30 – 1:00pm** at the Sourcewise Main Office, 2115 The Alameda, San Jose, CA. 95126.