

**IHSS Public Authority Advisory Board Meeting  
November 19, 2019  
MINUTES**

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**Members Present:** Janie Whiteford; Beverly Lozoff; Dennis Schneider; Terri Possley (Ex-Officio); Lori Andersen; Bob Stroughter; Cheryl Hewitt; Mathew Lubinsky

**Members Absent:** Senon Hernandez

**PA Staff Present:** Mary Tinker, Leticia Sabadin

**Guests Present:** Nicole Bell, Home & Community Based Program Manager for SCFHP (Santa Clara Family Health Plan); Damaris Ellington, SEIU 2015 Internal Organizer

**Announcements & Public Comment:**

1. Dennis Schneider announced the recent appointment of Mathew Lubinsky to the Public Authority for IHSS Advisory Board—Welcome Mathew! Mathew was appointed on October 22, 2019 to Seat 08 in District 4=Ellenberg.
2. Mary Tinker received an email from Connie Boyar and read aloud to members. Here is the email:

Dear board members,

Unfortunately I could not attend in person due to the new location and having to travel after to San Francisco for a medical appt.

Thank you Mary for reading these public comments:

This read should not take more than 3 minutes I timed it. If you do not have time or want to read it at this time, then perhaps you could email it to board members after the meeting.

As a parent and IHSS caregiver for my adult autistic son, former Santa Clara county public health nurse and former president of San Francisco autism society I am passionate about making sure that we in Santa Clara county continue to be able to attract and retain qualified, appropriate and well trained IHSS workers to serve our most vulnerable population of elderly and disabled .

Unfortunately as you no doubt know, many parents and consumers have great difficulty in finding appropriate IHSS workers to care for their disabled, especially those who are receiving protective supervision hours (280+) and have many complex needs including challenging behaviors. When I asked Milpitas city management why IHSS workers in Milpitas are not receiving the minimum wage mandated by Milpitas of \$15/hr, they stated that IHSS workers are government workers so they are exempt. I understand that the contracts are negotiated by the union and the IHSS salaries are lower than the mandated city salaries, but that needs to be changed.

I am meeting with the Lt Governor in Dec and also am meeting with state legislators and their staff to discuss the crisis in recruitment and retaining workers for our IHSS employment pool. The caregiver crisis nationally will only get worse as baby boomers age up and especially in the high cost of living area of Santa Clara County. Gov Newsome is concerned about the sustainability of the IHSS program and what is concerning is that IHSS may be at the bottom of the funding priority list.

I would appreciate hearing from you in the next 2 weeks so I may take your comments to legislators and the Lt Governor. If you have any ideas on how we can increase the salaries of our IHSS workers in Santa Clara county, please let me know. Perhaps a new funding formula can be adopted eg more contribution from the cities who are mandating higher minimum wages and the county in addition to state funding. It is a major barrier to recruiting and retaining IHSS workers.

Please feel free to email me at [connieboyar@gmail.com](mailto:connieboyar@gmail.com) with your comments I hope to hear from you and make the meetings with legislators more impactful and gain from your experience .

Sincerely,

Connie Boyar

3. Cheryl Hewitt wanted to thank everyone that was present for the San Andreas Regional Center Presentation back in September with Javier Zaldivar, SARC Executive Director. Cheryl states that the Self Determination Services Program came through. This gives consumers the option to make contracts with other vendors, gives the consumers more control of their own services they need, it gives more money in the consumer pockets and the flexibility to do this if they wish. There still is some arguments and push back with SARC and this new service that they are dealing with. For now, there is a lottery type of selection to be in this program, the lottery will be held on Friday, November 22<sup>nd</sup>.

Some of the consumer qualifications:

- 42 and older only
- Have a developmental disability
- Specifically request for self determination
- Do not have to have a servicer coordinator

Cheryl states that this might be more work for the actual consumer but for her personally, she would rather do the work than deal with SARC.

There are volunteers and people who help consumers with this. There is a circle of support who help and assist the consumers in developing a plan and assist with the contracts and contacting other vendors.

4. Mary Tinker announced the cancelation of the November 21<sup>st</sup> IP Event. Unfortunately, the venue, San Jose Sobrato Conference Center was double booked on November 21<sup>st</sup> and there had been issues getting the date and time confirmed with staff at Sobrato. It was decided that we would reschedule the event to the Spring of 2020.
5. Mary Tinker also announced the recent office move of the Sourcewise main office. As of November 4<sup>th</sup> the office relocated to 3100 De La Cruz Blvd., Suite 310 in Santa Clara.
6. Mary Tinker informed the AB members that starting in January, the monthly meetings will be held at a different venue. Leticia Sabadin will be looking at other options and reserving other venues for the AB meetings in 2020. Stay tuned and Leticia will be sending members more information as it becomes available.

**Discuss the possibility of Hosting a Centralized Regional Meeting:** Janie Whiteford announced that the plan is to host a regional meeting next year, in the Summer or Fall of 2020. Janie will spear head this and would like assistance and feedback as to content. Janie would like to have it at the SEIU Local 2015 Union office and she will work directly with Damaris on this. It appears a Saturday would work best, and perhaps the union office would be available on Saturdays in August 2020. Janie would like to

invite Cindy Chavez and if she cannot attend, then extend the invite to Dave Cortese. Janie has asked members to please consider and give suggestions on any topics to put forth on the agenda. CICA is very happy that we will host, and the expectation is to have several other counties as presenters/speakers such as Santa Cruz, Alameda, Marin, Monterey, San Benito, San Francisco to name a few, in attendance.

**Approval of Minutes:** Apologies from Leticia Sabadin. Due to unforeseen problems, we were having technical difficulties and the October 15, 2019 minutes were not prepared and ready for approval at this time. Leticia will email the final version to all members later.

**CAPA Report:** CAPA did not meet in October.

**CAPA Election of Officers:** CAPA held their election of officers in October. The two-year term officially begins on January 1, 2020, pursuant to the provisions in the CAPA bylaws. The newly elected slate of officers is:

- CAPA President Kelly Dearman (San Francisco)
- CAPA Secretary Kim Britt (Yolo)
- CAPA Treasurer: Teri Ruggiero (Solano)

**CDSS:** CDSS is preparing to convene a workgroup to revise the provider orientation video and supplemental handouts. CAPA has 10 representatives on this workgroup which is scheduled to hold their first meeting December 3<sup>rd</sup>.

**EVV/ETS:** CDSS is encouraging providers to access the Electronic Services Portal and Electronic Timesheets as a method of finding information and training on ETS. Santa Clara is schedule to be part of waive 3 which is scheduled for May/June 2020 implementation.

**CAPA Legislative Report:** Below, please find the final action report on all the bills CAPA tracked this year, in addition to synopses and positions.

**AB 50 (Kalra): Medi-Cal: Assisted Living Waiver Program.**

Would require the State Department of Health Care Services to submit to the federal Centers for Medicare and Medicaid Services a request for amendment of the Assisted Living Waiver program with specified amendments. The bill would require, as part of the amendments, the department to increase the number of participants in the program from the currently authorized 5,744 participants to 18,500, to be phased in, as specified. The bill would require the department to increase its provider reimbursement tiers to compensate for mandatory minimum wage increases, as specified. ***This bill failed to meet deadline pursuant to Rule 61(a)(12) and accordingly is a 2 year bill. Recommended Position: Support.***

**AB 196 (Gonzalez): Paid Family Leave.**

Would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2020, by redefining the weekly benefit amount to be equal to 100% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability

indemnity weekly benefit amount established by the Department of Industrial Relations. ***This bill failed deadline pursuant to Rule 61(a)(10), and accordingly is a two-year bill. Recommended Position: Watch.***

**AB 414 (Bonta): Healthcare coverage: minimum essential coverage.**

Current federal law, the Patient Protection and Affordable Care Act (PPACA), enacts various healthcare coverage market reforms as of January 1, 2014. PPACA generally requires individuals, and any dependents of the individual, to maintain minimum essential coverage, as defined, and, if an individual fails to maintain minimum essential coverage, PPACA imposes on the individual taxpayer a penalty. This provision is referred to as the individual mandate. This bill would require a California resident to ensure that the resident and the resident's dependents are covered under minimum essential coverage for each month beginning after 2019. The bill would impose a penalty for the failure to maintain minimum essential coverage. ***This bill was signed into law by the Governor on October 12, 2019, as Statutes 801, of 2019.***

**AB 426 (Maienschein): In-Home Supportive Services program.**

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services to permit them to remain in their own homes. Under existing law, the Medi-Cal program provides services similar to those offered through the IHSS program, to eligible individuals, with these services known as personal care option services. Existing law requires an applicant for, or recipient of, either of these in-home supportive services, as a condition of receiving these services, to obtain a certification from a licensed health care professional, as specified, declaring that the applicant or recipient is unable to perform some activities of daily living independently, and that without services to assist the applicant or recipient with activities of daily living, the applicant or recipient is at risk of placement in out-of-home care. ***This bill was signed into law by the Governor on October 2, 2019 as Chapter 424, Statutes of 2019.***

**AB 477 (Cervantes): Emergency preparedness: vulnerable populations.**

Current law authorizes cities, cities and counties, and counties to create disaster councils, by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency. This bill would require cities, cities and counties, and counties to include representatives from the access and functional needs population, as defined, in the next regular update to their emergency plan, as specified. ***This bill was signed into law by the Governor on 9/4/2019 as Chapter 218, Statutes of 2019.***

**AB 567 (Calderon): Long-term care insurance.**

Would establish the Long Term Care Insurance Task Force in the Department of Insurance, chaired by the Insurance Commissioner or the commissioner's designee, and composed of specified stakeholders and representatives of government agencies to examine the components necessary to design and implement a statewide long-term care insurance program. The bill would require the task force to recommend options for establishing this program and to comment on their respective degrees of feasibility in a report submitted to the commissioner, the Governor, and the Legislature by July 1, 2021. ***This bill was signed into law by the Governor on October 11, 2019, as Chapter 746 of 2019.***

**AB 911 (Rodriguez) 911 services: elder adults and persons with disabilities.**

Would require the Office of Emergency Services, in consultation with relevant experts and stakeholders, to develop a plan and timeline of target dates for the testing, implementation, and operation of a statewide system, consistent with the requirements of this bill, that would enable all Californians, including older adults, individuals with disabilities, and other at-risk persons, to voluntarily provide vital health and safety information to be made available to all first responders in an emergency if a “911” call is placed. The bill would make information submitted through the statewide system confidential and not a public record. *This bill was signed into law by the Governor on October 9, 2019, Chapter number not yet assigned. Recommended Position: Support.*

**AB 1042 (Wood): Medi-Cal: beneficiary maintenance needs: home upkeep allowances: transitional needs funds.**

Would establish eligibility and other requirements for providing the home upkeep allowance or a transitional needs fund to Medi-Cal patients residing in a long-term care facility, as specified. The bill would prescribe both general and specific requirements for both facility residents who intend to leave the facility and return to an existing home, who would receive the home upkeep allowance, and for residents who do not have a home but intend to leave the facility and establish a new home, who could establish a transitional needs fund for the purpose of meeting the transitional costs of establishing a home. *This bill failed to meet deadline pursuant to Rule 61 (a)(12) and accordingly is a 2 year bill. Recommended Position: Support.*

**AB 1088 (Wood): Medi-Cal: eligibility.**

Would provide that an individual who would otherwise be eligible for Medi-Cal benefits, but for the state’s contribution to their Medicare premium, would be eligible for Medi-Cal without a share of cost if they otherwise meet eligibility requirements. The bill would authorize the State Department of Health Care Services to implement this provision by provider bulletins or similar instructions until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2021, and to provide a status report to the Legislature on a semiannual basis until regulations have been adopted. *This bill was signed into law by the Governor on October 2, 2019, as Chapter 450, Statutes of 2019. Recommended Position: Support.*

**AB 1287 (Nazarian): Universal assessments: No Wrong Door system.**

Current law, including, among others, the Mello-Granlund Older Californians Act, provides various programs to assist older adults and people with disabilities. These programs include the Aging and Disability Resource Connection program established to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. This bill would require the California Department of Aging, in partnership with other specified departments and in consultation with stakeholders, to develop a plan and strategy for a phased statewide implementation of the No Wrong Door system, as described, on or before July 1, 2020. *This bill was signed into law by the Governor on October 11, 2019 as Chapter 825, Statutes 2019.*

**AB 1382 (Aguiar-Curry): Master Plan for an Aging California.**

Would require the state to adopt a Master Plan for Aging, emphasizing workforce priorities. The bill would require the Master Plan for Aging to prioritize specified issues related to preparing and supporting the state’s paid paraprofessionals and professionals, as well as unpaid family caregivers. These issues would include, but not be limited to, (1) addressing the need for a well-trained and

culturally competent paid paraprofessional and professional health care and long-term care workforce, and (2) developing recommendations regarding the need for high-quality, affordable, and accessible respite services throughout the state for unpaid family caregivers.. ***This bill was vetoed by the Governor on October 12. His message is as follows: To the Members of the California State Assembly: I am returning the following bills without my signature: AB 1382 SB 611 These bills create an aging housing task force and a master plan for aging that focuses on workforce priorities, and require the state to consider applying to join a voluntary network. Earlier this year, I issued Executive Order N-14-19, which directs the Secretary of the Health and Human Services Agency to work with a broad array of stakeholders, including the Legislature, to develop a Master Plan for Aging to serve as a blueprint that can be used by state government, local communities, private organizations and philanthropy to build environments that promote healthy aging. Issues relating to workforce and affordable housing needs, as well as opportunities to engage with other jurisdictions, will be considered as part of this holistic approach to addressing the needs of older Californians. When the Master Plan is completed, I look forward to working with the Legislature to evaluate and implement its recommendations. Sincerely, Gavin Newsom***

**SB 167 (Dodd): Electrical Corporations: wildfire mitigation plans.**

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law requires each electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. Existing law requires the commission, by January 1, 2020, to establish within itself the Wildfire Safety Division. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the division for review and approval. Existing law requires those wildfire mitigation plans to include specified information, including protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure. Existing law requires the commission to designate a baseline quantity of electricity and gas necessary for a significant portion of the reasonable energy needs of the average residential customer and requires the commission to establish a standard limited allowance in addition to the baseline quantity of gas and electricity for residential customers dependent on life-support equipment, as specified, which is referred to as a medical baseline allowance.

This bill would require each electrical corporation, as part of those protocols, to additionally include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on customers who are receiving medical baseline allowances. The bill would authorize electrical corporations to deploy backup electrical resources or provide financial assistance for backup electrical resources to those customers receiving medical baseline allowances and who meet specified requirements. ***This bill was signed into law by the Governor on October 2, 2019, as Chapter 403, Statutes of 2019. Recommended Position: Support.***

**SB 228 (Jackson): Master Plan on Aging.**

Would require the Governor to appoint a Master Plan Director and establish an Aging Task Force, consisting of 13 members, with the President pro Tempore of the Senate and the Speaker of the Assembly each appointing 2 members and the Governor appointing 9 members to the task force. The

bill would require the director, with the assistance of the task force, to work with representatives from impacted state departments, stakeholders, and other agencies to identify the policies and priorities that need to be implemented in California to prepare for the aging of its population. *This bill was signed into law by the Governor on October 11, as Chapter 742, Statutes 2019.*

**SB 280 (Jackson) Older Adults and Persons with Disabilities: fall prevention.**

The Mello-Granlund Older Californians Act establishes the California Department of Aging, and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place” and the benefits of home modification. Current law also establishes the Senior Housing Information and Support Center within the department for the purpose of providing information and training relating to available innovative resources and senior services, and housing options and home modification alternatives designed to support independent living or living with family. This bill would repeal those provisions relating to the department’s provision of information on housing and home modifications for seniors. *This bill was signed into law by the Governor on October 8, 2019, as Chapter 640, Statutes of 2019. Recommended Position: Support.*

**SB 611 (Caballero): Housing: Elderly Individuals with Disabilities**

Would establish the Master Plan for Aging Housing Task Force, chaired by the director or their designee, and composed of specified stakeholders and representatives of government agencies to, among other things, identify policy strategies that will help increase the supply of affordable housing for older adults and reduce barriers to providing health care and social services to older adults in affordable housing, and make recommendations to the Legislature. *This bill was vetoed by the Governor on October 11. His veto message is as follows: To the Members of the California State Senate: I am returning the following bills without my signature: AB 1382 SB 611 These bills create an aging housing task force and a master plan for aging that focuses on workforce priorities, and require the state to consider applying to join a voluntary network. Earlier this year, I issued Executive Order N-14-19, which directs the Secretary of the Health and Human Services Agency to work with a broad array of stakeholders, including the Legislature, to develop a Master Plan for Aging to serve as a blueprint that can be used by state government, local communities, private organizations and philanthropy to build environments that promote healthy aging. Issues relating to workforce and affordable housing needs, as well as opportunities to engage with other jurisdictions, will be considered as part of this holistic approach to addressing the needs of older Californians. When the Master Plan is completed, I look forward to working with the Legislature to evaluate and implement its recommendations. Sincerely, Gavin Newsom*

**SB 661 (Hurtado): Long Term Care**

Current law provides various regulatory structures under which long-term care may be provided to older individuals and individuals with disabilities, including within licensed nursing facilities, residential care facilities for the elderly, and home- and community-based services. This bill would state the intent of the Legislature to enact legislation to address the growing need for long-term care for seniors and individuals with disabilities in California, and would make related findings and declarations. *This bill is currently in the possession of Senate Rules Committee, awaiting referral. Recommended Position: Watch.*

## **PROGRAMS REPORT**

**Benefits Administration:** There were **12,086** IPs enrolled in the Valley Health Plan with **4,522** of those in the Classic Plan and **7,564** in the Preferred Plan in October. There were **12,785** IPs enrolled in the Dental/Vision plans and **600** Smart Pass VTA Cards issued.

### **Enrollment:**

Number of IPs enrolled: **520**

Number of IPs partially done: **454**

Fingerprints: Failed: **10**

Estimated number of individuals attending group enrollment sessions was **50 to 85** per session. Group sessions are generally held on Fridays with approximately **570** attending in October.

**Registry Services:** There are **388** active IPs on the registry and **1,281** active consumers.

The registry:

- Completed **61** new consumer intakes and reactivated **72** consumers
- Attained **60** matches
- Provided **526** new interventions

**Care Coaching:** The Registry received **22** referrals for Care Coaching in the month of October.

- There were **39** in-home visits made.
- Total active consumers **70**
- Total inactive consumers **258**

**Urgent Care Registry** There were **12** hours of urgent care services authorized in October.

**Registry Introductory Training (RIT):** There was **1** RIT session held in October it was a Spanish RIT.

- Conducted **16** interviews
- Called **44** references
- Completed **35** reference checks

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.

**IP Trainings Provided:** There were **25** training classes held in October. A total of 400 providers attended classes. The Fall Training Semester began October 4<sup>th</sup> and the training schedule is posted on the Public Authority website.

**Electronic Time Sheets:** Santa Clara County has **39.5%** of IPs opted for electronic timesheets. And direct deposit has increased participation rate to **46.5 %** ensuring IPs get paid much quicker. PA staff is encouraging new IPs and others they talk with to enroll in ETS and DD in order to prevent delays in getting paid. It is included as part of the enrollment orientation as well. CDSS now publishes a monthly Excel report of statistics that includes county data and statewide comparisons:

<http://www.cdss.ca.gov/inforesources/IHSS/Program-Data>

**Sick Leave Update:** A total of **24,918** active IPs have accrued 8 hours of sick leave, **1,153 (4.6%)** of them have claimed some hours, **975** have claimed all 8 hours so far this fiscal year.

NOTE, that PA has been working with limited access to files and phones, internet due to some technical difficulties these past few weeks. We ask for your patience and understanding during this time.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford reminded everyone about the monthly CICA call scheduled every 3<sup>rd</sup> Wednesday of the month. Please try to attend via teleconference.

Janie reported that CICA is paying very close attention to the Master Plan on Aging. CICA is advocating and getting the word out and actively working on developing this new blueprint for an age-and disability-friendly California. This plan will be finalized by October 2020. Ideas, feedback, experiences are all needed to help inform the Master Plan. IHSS will play a big part in this.

Janie will be attending a few meetings and speaking at the Roberts Center in Oakland next week. There is also the Ohlmstead Committee Meeting in Sacramento that Janie will be attending. Janie will forward to all AB members the information regarding these meetings.

Lori mentioned that she is also on a committee with regards to Medi-Cal and the Master Plan. Governor Newsom is pushing this huge project.

**Report from Social Services Agency:** Terri Possley announced that she attended the Long Term Care Ops meeting in Sacramento. Santa Clara County IHSS purchased a computer for outreach assistance with EVV. There is an intern who is assisting people in the lobby and helping them enroll in EVV. Terri states that the preference is for consumers to set this up at home with their own computer or laptop, if that is not an option then they can come into the IHSS office and get help.

Terri mentioned that IHSS was still having some problems with phone and their computers. It didn't help that the Public Authority Office was having computer and phone issues as well, which only compounded the issue. The CMIPS II printers were down for about a month, after the move which was troublesome. There was apparently some miscommunication between IHSS and the State which caused some major problems with the printers. At one point, the IHSS voicemail box had over 900 messages and Terri said they had to pay overtime to employees to retrieve and handle the overload of messages in order to catch up.

Terri discussed the Aging & Adult Services Budget for FY 21. Apparently, they had a meeting with upper management, and they were told that the budget was due the very next day. This did not give Terri a chance to review, edit, give feedback towards the budget. The program managers were told upper management had already decided what would be submitted on the budget without any feedback from the program managers. Basically, it was don't bother with your request because it will be denied. Terri requested 24 additional staff but was told that NO, there would be no more additional staff and her request was denied.

Jim Ramoni is retiring and his last day is November 22, 2019. At this time, there is no new replacement for him.

Terri reported the Union strikes have stopped. Both sides are working with a mediator. The Union and the Social Workers are fighting for better medical and wages.

Also, Terri mentioned the different ways they are trying to help consumers during PG&E power outages. The emergency preparedness ways and enhancements they are doing in order to reach out. One of the ways is the ROBO calls and emails they set up. This is something very important and they are trying to enhance and better their communication with high risk consumers and the effects of no power.

Cheryl mentioned that the SVILC hand out free emergency kits. Generators need to be compliant and compatible.

**Next Meeting:**

- The board agreed to go DARK in December 2019.
- Next meeting- Advisory Board is **Tuesday, January 21, 2020, Location: TBD.**