

**IHSS Public Authority Advisory Board Meeting**  
**January 21, 2020**  
**MINUTES**

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

**Members Absent:** Lori Andersen

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

**Guests Present:** Julian Metcalf, SCC Management Audit Division/Harvey M. Rose Associates; Sarah Conner, SCC Management Audit Division/Harvey M. Rose Associates; Mara Vejby, SCC Management Audit Division/Harvey M. Rose Associates

**Announcements & Public Comment:**

Beverly Lozoff announced that Supervisor Cindy Chavez is now the President for the County of Santa Clara Board of Supervisors.

Beverly also announced the “State of the County 2020 Address & Reception” will be held on January 29, 2020 from 5:30-6:30pm. This will be held at the County Government Center, Board of Supervisors’ Chambers 70 West Hedding Street in San Jose. Leticia Sabadin will forward an email to all members with additional information and the RSVP link in order to attend.

**New Location for AB Meetings in 2020:** Dennis Schneider announced the new location for Advisory Board meetings this year. Unless otherwise noted all meetings will be held at the IHSS Office at 353 West Julian Street in San Jose. Meetings will be held in the Oak Grove Training Room 12:00 to 1:30 as usual. Thank you, Terri Possley and her assistant Lucrecia Zepeda, for reserving and confirming a conference room/location for our monthly meetings for this year.

**Approval of Minutes:** Motion by Janie Whiteford to approve both the October 15, 2019 & November 19, 2019 meeting minutes as written, seconded by Beverly Lozoff, vote was unanimous.

**Report Backs: Meetings held with BOS, and Harvey Rose Auditors:** There were a few meetings held with some of the BOS aides and one with the Harvey Rose Auditors upon the request of Supervisor Chavez. Representatives from the Advisory Board were Janie Whiteford and Beverly Lozoff with Mary Tinker as support staff.

Supervisor Cindy Chavez based on previous meetings with AB members requested an IHSS audit be conducted by Harvey Rose Auditors, this was started in the fall and is still in progress. The auditors were invited to attend the January AB meeting to have the opportunity to hear from the larger group and see how the body functions in its role.

It will be interesting to see what is included in the report and the AB members are anxious to review. Beverly mentioned that it is great to hear that Harvey Rose staff wants to hear from Consumers and it

is heartwarming and nice to know that the audit staff is willing and really interested in what Beverly and Janie had to say.

Beverly has been in touch with Micaela in Supervisor Simitian's office; there are times and dates that they are looking at and when confirmed Beverly will let us know.

AB members are making commitments to meet with BOS aides once a year, or possibly every 6 months face-to-face.

Beverly, Janie and Mary also attended the Children's, Seniors and Family Committee meeting where Terri Possley presented her next fiscal year budget. They also gave comments during the public comment timeframe.

Auditors are compiling information from IHSS Consumers. Julian spoke about what they are doing and what they intend to do.

Members started discussing the accessibility of the new IHSS building and getting here, how is it? It's not great getting here, not very convenient especially if you're on public transportation. The nearest VTA bus stop is on Santa Clara and 1<sup>st</sup> Streets and then you have to walk over to West Julian Street. There is no real good bus stop near the IHSS office.

What would it take to start the process of setting up a new VTA bus stop here on West Julian Street? Something to look in to since it seems as though there are at least 100 people a day visiting the IHSS office daily.

It would be better and more convenient if the parking spaces, and handicap especially were located in front the building versus the side/back. Janie mentioned that she practically flipped over in her wheelchair, not noticing that part of the ramp turned into a curb of the sidewalk. Terri was going to check things out after the meeting and go with Janie so she can show her where and what exactly happened.

Mathew Lubinsky mentioned and told Julian the issue with regards to multiple care providers and when one care provider submits timesheets first and gets all the hours for the consumer and the second or third care providers don't get the hours. IHSS says the care providers have to work it out on their own. There is no intervention by IHSS. Mathew does not think this is a good idea and it is a problem.

Dennis Schneider mentioned that IHSS needs clerical staff. He re-iterated this.

Janie asked Terri what happened after asking for more clerical staff in the new fiscal year.

Terri basically stated that her request was not well received. It got back to her very negatively and basically management stated the county was going into a budget deficit in FY21.

Terri should not have asked for more clerical staff since there is a budget deficit, but Terri did not know this. Part of the problem could have been that there was no DOS Director at the time and that Terri did not have the proper direction in this. The new DOS Director, Mary Ann Warren, Terri's new boss just began her position January 13<sup>th</sup>.

Terri states that the 26 positions she is asking for is not likely to be approved.

Mary mentioned Governor Newsom released the January budget as required and this gets the State budget process moving forward. It is a first draft to get discussions moving forward and the May revise will help to firm up results of hearings and discussions. The Governor's budget does include funding increases for IHSS Admin and PA Admin.

However, Terri reminded everyone that the county is facing a deficit year which means the IHSS budget in SCC will not receive increased clerical staff.

Terri said that the final recommendations are due on January 31<sup>st</sup>. She will have an agenda item, will still ask but will also mention that she is aware that FY 2021 is slated as a deficit year.

Beverly asked Terri what will happen if IHSS does not receive extra clerical staff. Terri said that they will do their best with what they have. They will continue with quality improvement and work wisely with the resources they have.

Janie asked about extra help social workers. Terri said that she received approval for 3 extra help social workers however the request for overtime approval for clerical staff has not received a response yet.

Terri stated that Gus Gomez has HR approval to get 3 full time extra help social workers. Gus has called retired IHSS social workers to come back to work for 6-12 months, and that they hope they are on board soon.

Janie stated that they all need to advocate and push for more funding for IHSS.

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

**CDSS:** Held more listening sessions on IHSS for the Master Plan on Aging permitting stakeholders opportunity to provide input from their perspectives as to what is critical.

Nothing has been resolved yet regarding WPSC and implementation of health benefits and the need for claiming and reports for proper administration. This is more complex than initially expected. CDSS is still working on this and promises to provide guidance soon.

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

**CAPA Legislative Report:** We are in that odd-January-of-the-second-year-in-a-two-year-session crunch time, where all bills designated as two-year bills that failed to make it out of their houses of origin in year one, must move in January in order to continue the legislative life cycle. Below is the list of current two-year bills, some of which fall in that category, and others of which did make it to the second house last year, and accordingly do not need to move until later in the session.

Please note that any bills which are deemed officially dead in January will be removed from the two-year list. CAPA will continue to track those bills that are continuing to move and will begin adding new bills introduced in 2020 as they get introduced.

Below are two two-year bills, one of which CAPA was tracking last year, and one of which was gutted and amended this January. The remainder are listed below the two highlighted bills.

**(1) AB 315 (Garcia): Local Government: lobbying associations: expenditure of public funds.**

This bill, Opposed by CAPA, which would have severely hampered association advocacy efforts, was scheduled to be heard in Assembly Local Government Committee this week, but because of strong and swift coalition efforts (including CSAC, CAPA, CSDA, and many others) the author decided not to move her bill, rendering AB 315 dead. That is not the end of this effort however, as the author has stated she will introduce a bill this year which will seek to create direct oversight by the state over the use of taxpayer dollars in local government associations. The bill would impart to the State Auditor the authority to identify waste, fraud, abuse, or mismanagement.

**(2) SB 596 (Stern): In-Home Supportive Services: additional higher energy allowance.**

We were not following this bill last year as its original subject matter was not within our purview. It was recently gutted and amended to require county departments of social services to advise IHSS consumer applicants that they may be eligible for an additional higher energy allowance, pursuant to PUC rules. CAPA has registered a support position for this measure, which is scheduled to be heard later today (1/13/2020) in Senate Human Services Committee.

**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 1107 (Chu): Workers Compensation.**

Current law requires, when payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the amount of the payment unreasonably delayed or refused to be increased up to 25% or up to \$10,000, whichever is less, except for unreasonable delay in the provision of medical treatment for periods of time necessary to complete the utilization review process. Current law provides that a determination by the appeals board or a final determination of the administrative director pursuant to independent medical review that medical treatment is appropriate is not conclusive evidence that medical treatment was unreasonably delayed or denied for purposes of imposing those penalties. This bill would exclude a final determination of the administrative director pursuant to independent medical review from the latter

provision regarding conclusive evidence that medical treatment was unreasonably delayed or denied. ***This bill failed to meet deadline pursuant to Rule 61 (a)(11), and accordingly is a two-year bill. Recommended Position: Watch.***

**AB 1434 (Kalra): Public Social Services: SSI/SSP.**

Current law provides for the State Supplementary Program for the Aged, Blind, and Disabled (SSP), which required the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2020 calendar year. The bill would also require a maximum aid payment provided to an individual or a married couple that does not equal or exceed 100% of the federal poverty level. ***This bill was held under submission on the Assembly Appropriations Committee Suspense File. Recommended Position: Support.***

**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 1574 (Mullin): Political Reform Act of 1974: lobbying expenditures.**

The Political Reform Act of 1974 requires lobbyists employed by a lobbyist employer or a lobbying firm to provide a periodic report of the lobbyist's activity expenses and contributions to the employer or firm within two weeks following the end of each quarter. The Act requires lobbying firms, lobbyist employers, and persons who make payments to influence legislative or administrative action of \$5,000 or more in value in any calendar quarter to file with the Secretary of State, during the month after the end of each calendar quarter of a biennial legislative session, reports regarding lobbying expenditures made during the calendar quarter. This bill would, beginning on January 1, 2021, instead require those reports to be filed on a monthly basis. ***This bill is currently in the possession of the Assembly Appropriations Committee and is a 2-year bill (although it has not yet been recorded under which rule this occurred.) Recommended Position: Watch.***

**SB 214 (Dodd): Medi-Cal: California Community Transitions program.**

Would require the State Department of Health Care Services to implement and administer the California Community Transitions (CCT) program, as authorized under federal law and pursuant to the terms of the Money Follows the Person Rebalancing Demonstration, to help an eligible Medi-Cal beneficiary move to a qualified residence, as defined, after residing in an institutional health facility for a period of 90 days or longer. The bill would require CCT program services to be provided by a lead organization, as defined, which would coordinate and ensure the delivery of all services necessary to implement the program. ***This bill is currently in the possession of the Assembly Appropriations Committee, where hearing was cancelled by the author. Recommended Position: Support.***

**SB 512 (Pan) Long Term Supports and Services**

Would establish the California Long-Term Services and Supports Benefits Board (LTSS Board), to be composed of 9 specified members, including, among others, the Treasurer as chair, the Secretary of California Health and Human Services as vice chair, and 3 members to be appointed by the Governor. The bill would require the LTSS Board to manage and invest revenue deposited in the California Long-Term Services and Supports Benefits Trust Fund (LTSS Trust), which the bill would create in the State Treasury, to, upon appropriation, finance long-term services and supports for eligible individuals. The bill would also create, until January 1, 2025, the Long-Term Services and Supports Advisory Committee for the purpose of providing ongoing advice and recommendations to the LTSS Board. ***This bill failed to meet deadline pursuant to Rule 61 (a)(12), and accordingly is a 2-year bill. Recommended Position: Watch.***

**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 **12,200** IPs enrolled in the Valley Health Plan with **4,449** of those in the Classic Plan and **7,751** in the Preferred Plan in December. There were **12,894** IPs enrolled in the Dental/Vision plans and **73** Smart Pass VTA Cards issued.

**Enrollment:**

Number of IPs enrolled: **334**

Number of IPs partially done: **455**

Fingerprints: Failed: **9**

Estimated number of individuals attending group enrollment sessions was **55 to 95** per session. Group sessions are generally held on Fridays with approximately **410** attending in December.

**Registry Services:** There are **401** active IPs on the registry and **1,286** active consumers.

The registry:

- Completed **44** new consumer intakes and reactivated **69** consumers
- Attained **40** matches
- Provided **431** new interventions

**Care Coaching:** The Registry received **10** referrals for Care Coaching in the month of December.

- There were **17** in-home visits made.

**Urgent Care Registry** There were **5** hours of urgent care services authorized in December.

**Registry Introductory Training (RIT):** There was **0** RIT session held in December.

- Conducted **0** interviews
- Called **32** references
- Completed **25** reference checks
- Added **15** providers to the registry in December.

**Public Authority Phone Calls:** The Public Authority handled a total of **3,378** phone calls during December. Breakdown of the calls:

- **Registry**           **1,758**
- **Enrollment**       **424**
- **General**           **75**
- **Benefits**           **1089**

**IP Trainings Provided:** There were **8** training classes held in December. A total of **124** providers attended classes. IP Incentive payout **\$3,100** to **100** IPs.

Classes provided were:

Month	Class	Lang	# of IPs trained
DECEMBER	Cancer Care	English	26
	CPR	Spanish	4
	Nutrition	Vietnamese	8
	Emergency & Disaster Preparedness	English	21
	Safe Lifting & Transferring	Spanish	11
	Nutrition	English	26
	Diabetes	Spanish	19
	Last Phase of Life	Vietnamese	10
<b>Totals</b>			<b>124</b>

This semester 30 IPs earned their Series 1 training certificate and 15 earned their Series 2 certificate.

**Consumer Connection Newsletter:** The consumer newsletter was mailed the end of December to 25,772 IHSS consumers. The Consumer Connection newsletter can be downloaded from the Public Authority website at: <http://www.pascc.org/resources/newsletter.html>.

**Electronic Time Sheets:** Santa Clara County has **55.5%** of IPs used electronic timesheets and **44.5%** of consumers are enrolled in ETS. And direct deposit has increased participation rate to **42.5 %** 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 **25,320** active IPs have accrued 8 hours of sick leave, **1,736 (6.9%)** of them have claimed some hours, **1516** have claimed all 8 hours so far this fiscal year.

**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 is doing outreach for the CICA Centralized Conference. She has reached out to other counties and will keep us updated on her progress.

**Report from Social Services Agency:** Terri Possley announced that she received a letter from the State regarding "Santa Clara County Monthly Application Processing Compliance Rate". This is in order to be compliant within the 90-day timeframe. Terri is meeting with the Union and they will be discussing this. Basically, the major change is assigning cases on a flow basis versus the first of the month.

Currently Santa Clara County is at 77% of applications processed within 90 days and successful counties are at about an 80% threshold or above (and they assign cases on a flow basis).

Also, Terri mentioned that she will be meeting with her new boss, Mary Ann Warren, tomorrow.

Santa Clara County transition to in Electronic Timesheets is scheduled for April/May by the State and the current enrollment rate is at 50%, but this is not enough.

Dennis asked about the current wage rate. Mary stated that the IHSS IP wage rate in Santa Clara County will increase to \$14.62 effective February 1<sup>st</sup>. The IHSS wage rate is determined through collective bargaining with the union. This rate is separate from the City of San Jose wage rate of \$15.25 that became effective in January 2020, and the California State minimum wage of \$12.00.

Beverly asked Terri the status of the By-Laws and Terri said she would give us an update next month and to include it on the agenda.

**Next Meeting:** The next meeting of the Advisory Board is **Tuesday, February 18, 2020 from 12noon to 1:30pm** at the IHSS Office, Oak Grove Training Room, 353 West Julian Street, San Jose, CA. 95110.

**Next Agenda Items:**

- Janie=update on the CICA Centralized Regional Conference/Meeting
- Terri=update on the Change in By-Laws
- Terri=update on the MOU between IHSS and the Health Plans