

**IHSS Public Authority Advisory Board Meeting**  
**March 16, 2010**  
**MINUTES**

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**Members Present:** Richard Patterson, Bharat Desai, Cindy Faulkner (via tele-conference), JoAnn Disbrow, Kai Lu, Jim Ramoni (ex-officio), Janie Whiteford, Theresa Wright

**Members Absent:** Sondra Corday, Elissa Young

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

**Guests Present:** Ellen Rollins, Potential AB Member, Brian Miller, Potential AB Member and Director of NAMI, Daisy Chu, Policy Aide from Supervisor George Shirakawa's Office, Lee Sturtevant, Policy Aide from Supervisor Ken Yeager's Office

**Approve Minutes:** February 2010 Minutes approved as written.

**Announcements & Public Comment:**

- Janie Whiteford circulated a copy of the Yolo County Consumer/Provider Newsletter to share with the AB members. Janie indicated she likes the idea that their newsletter is combined for consumers and providers and suggested this may be a good idea for our newsletters.
- Janie announced the Parents Helping Parents Transition Faire is scheduled for Thursday, March 17<sup>th</sup>, Janie asked for volunteers to assist her from 9am to 2pm in manning the table for the Public Authority.
- Mary Tinker distributed copies of:
  1. Invitation—Napa County Advisory Committee Community Forum for April 16, 2010 and let AB members know they are welcome to attend.
  2. Department of Social Services letter inviting IHSS stakeholders to participate in the initial teleconference regarding IHSS Program Integrity & Fraud Prevention Stakeholder Process scheduled for March 17, 2010.
  3. Summary of IHSS Lawsuits Document

Richard Patterson indicated he had a few questions relating to the CAPA Lawsuit and requested time for this discussion. Richard stated he participated as a consumer plaintiff in the class action suit with CAPA. He asked Mary Tinker why he was contacted by Heidi Cartan regarding the CAPA lawsuit. Richard expressed concern as to the reason Heidi Cartan, who works for the San Francisco Public Authority, would contact him to ask if he would be a plaintiff. Richard asked why he was not contacted by Mary instead. Richard stated he knows Heidi works with the IHSS

PA from San Francisco County and she was the one who contacted him which did not seem appropriate. Richard stated that since this was a lawsuit that included Santa Clara County that in his opinion he should have been contacted by Mary. Richard stated he wanted to make it very clear that he had no problem being a plaintiff in the case, but “it makes no sense” why Mary was not involved in the case and why he was contacted by Heidi.

Mary responded that she asked Steve Schmall, Council on Aging’s CEO, about participating in the lawsuit. Steve indicated that COA has taken leadership on CAPA activities in the past and it is time for other Public Authorities to step up.

Janie Whiteford stated that as the Director of Public Authority, it seems as though Mary cannot advocate for IHSS PA extensively and appropriately when prohibited by COA. Janie stated that Mary cannot fully function in her job as Director.

JoAnn stated that as far as procedures go, Mary follows and abides by all rules and regulations, but in the capacity of the PA Director, why does it seem that Mary is not “allowed” to do some things. JoAnn said that this is not Mary’s fault; it goes back to the decision making of management.

Richard restated his concern that he is basically not happy that Mary was prohibited from participating in the lawsuit which was filed in the 9<sup>th</sup> District which covers Santa Clara County and had to do with IHSS Public Authorities and CAPA.

Jim Ramoni mentioned that he was approached regarding the lawsuit for the Functional Index Score/Rank. He said that it is very inappropriate that they use the FIS as a means for eligibility.

Richard asked Jim what the new wage rate is and Jim responded that the new wage is \$12.20 and became effective 2/1/10. This is under a 2 year contract with SEIU Local 521 which expires January 2012.

Jim also announced the new IP portion of the insurance premium for Valley Health Plan went from \$11.00 a month to \$25.00 effective March 1, 2010. The threshold of hours required for IPs to become eligible for benefits remains the same at 35 hours a month or more for the two most recent consecutive months.

Ellen Rollins stated that the Union and representatives are very proud of the negotiations and final outcome. She indicated they are pleased with the ratification meetings that took place and the good terms of the contract and the wage rate and the premiums.

Jim Ramoni reminded everyone that the CMIPS II program will be effective January 2011. This is the state case management payroll system which is required to be up and running prior to implementing the new 2-tier wage for IHSS providers in Santa Clara County. Once the system is in place and functioning bug free all existing providers will be paid \$12.20 an hour. All new providers wage will be \$9.50 an hour until they are paid for working 1,850 hours. Once this threshold is reached they will be shifted to the higher rate of \$12.20.

Ellen stated that there were quite a few complaints from consumers, who said that the providers did not have the proper training as IHSS providers. This was one of the main reasons for the new 2-tier wage system. This time frame should allow the provider to take proper training classes and/or take advantage of the Job Development/Life Enhancement Fund.

**CAPA Report:** Mary Tinker reported CAPA met February 25<sup>th</sup> in Sacramento. CAPA hired Karen Keesler to be the new Executive Director/Lobbyist and her first day of work with CAPA was March 15<sup>th</sup>. CAPA's Legislative Committee is scheduled to meet on the 17<sup>th</sup> to begin strategizing and reviewing bills with the new lobbyist's input.

Mary distributed an information sheet regarding the upcoming teleconference for IHSS stakeholders, "IHSS Program Integrity and Fraud Prevention Stakeholder Process." The purpose is to advise CDSS in the development of uniform statewide protocols and procedures that clarify state/county roles and responsibilities and acceptable activities to be performed for purposes of fraud prevention. This process will be done through two groups, first the full stakeholder group which consists of numerous individuals and organizations such as Disability Rights California, CICA, SEIU, UDW, CFILC and numerous others and will start Wednesday via teleconference. Any AB member who would like to participate on the call can do so; the call in number is included in the letter. The second group working on this project is by invitation only. CDSS extended an invitation to CAPA to participate in this stakeholder workgroup. They asked CAPA to provide three representatives in addition to three they selected, LA, San Diego and Sacramento. Mary Tinker will participate in this workgroup along with two other PA Directors; the first meeting for this is scheduled for March 22, in Sacramento. Invited stakeholders include representatives of the counties, CWDA, California Dept. of Health Care Services Audits and Investigation and California District Attorney Association and CAPA.

There have been concerns raised by IHSS Coalition members regarding the exclusivity of this particular workgroup and why it doesn't include a broader group of stakeholders. CAPA asked this question as well and was told that this workgroup is going to be taking place in conjunction with the broader stakeholder group meeting scheduled for March 17<sup>th</sup> for consumers, providers, unions, and other advocates. Apparently the broad stakeholder workgroup will be bringing their input, concerns and suggestions to the first workgroup meeting and the other workgroup will work on the actual details of the project. If any AB members are interested in participating in this stakeholder workgroup the call in number is: 1.800.700.7414.

CAPA is also reviewing and preparing feedback regarding the draft ACL questions and answers regarding the expanded IHSS provider enrollment requirements. Our PA staff have reviewed the document and suggested edits or questions for clarification were forwarded to CAPA for inclusion. The IHSS Coalition is also working on a response letter regarding the draft ACL.

**CAPA's Legislative Committee** will be reviewing a range of proposals introduced for 2010 bills. Some of these include:

**AB 1763** (Lieu) – Providers would receive a certificate upon clearing a background check, which would be valid for providing services in other counties. Mary explained that a concern she and some others have is the costs associated with issuing certificates to all IPs. She indicated it

would be a great idea to have a method in place to prevent IPs from having to be fingerprinted in multiple counties but this will need work.

**AB 1801** (Yamada) – CDSS would continue to convene a stakeholder group beyond 2010 which would make recommendations on program quality and funding. UDW sponsored.

**AB 1970** (Fong) – In declared emergencies, shelter operators could work with the PA registries to provide IHSS services in the shelters.

**AB 2274** (Beall) – Anticipating the new Medi-Cal Waiver, this bill allows for IHSS to be provided through entities named in the Section 1115 waiver.

**AB 2374** (Nestande) – Spot language deferring implementation to 2011 of a voluntary five-county pilot to expand IHSS participation. Removes requirement that the pilot be limited to consumers who are severely impaired.

**SB 886** (Florez) – Authorizes use of “electronic timekeeping” to verify provider completion of tasks.

**SB 998** (Liu) – Bill sponsored by Disability Rights California requires, among other provisions, that all Medi-Cal patients referred by hospitals to a nursing home receive an assessment of their long-term care needs before the nursing home can be reimbursed for services.

**SB 1062** (Strickland) – Bill requires CORI recipients to convey the report to applicants who don't clear the DOJ check.

Jim Ramoni mentioned that IPs are receiving notification when they have passed the DOJ and they are eligible to be a provider. The PA gets notified electronically of all results since they are the custodian of record for this purpose in Santa Clara County IHSS.

**Programs Report:** Mary Tinker reported **Benefits Administration:** There were 7,118 IPs enrolled in the Valley Health Plan and 7,614 IPs enrolled in the Dental/Vision plans during the month of February. There continues to be a decline in the number of IPs enrolled in all three benefit plans. Mary indicated there seems to be a correlation between the new mandated enrollment and the decline in benefits numbers. She stated she anticipates this will remain in affect through the end of this fiscal year but anticipates the numbers will begin to increase once all of the IPs have completed the enrollment process.

Staff issued 684 Eco Passes during February bringing the total issued this calendar year to 3,733 which already exceeds the total number issued last year.

**CURRENT IP Enrollment Sessions:** Sessions are being held all day every Tuesday and Wednesday. As of March 12th provider enrollment counts were as follows:

Number of NEW providers processed: 846

Number of existing providers processed: 1338

Number of IPs completely processed to date: 2184

Number of IPs partially done: 361

Number of IPs we have their information but nothing is in CMIPS yet: 1008

Total Number of IPs Processed or In Process: 3553

- Forms completed, scanned (426 & 846)
- ID & SS Card reviewed, scanned and in database
- Received required handouts, CD or Handbook and or watched CD
- Photo taken and eco pass in process

Fingerprint Processing:

- Bad print job need to redo: 26
- Pass: 2649
- Failed: 8
- Delay: 34
- Have results but need to read and make determination on: 836

Total number of enrollment packets mailed to providers: 7070

Mary reported that she met with Union Representatives last week and discussed various ways to get more IPs at enrollment sessions. She indicated there are not enough people attending Enrollment Sessions and it will be impossible to meet the June deadline at the current rate. The union is helping tremendously with Union staff and volunteers on hand the two days PA is conducting the Enrollment sessions. Mary stated the Union is also assisting by conducting “Robo” calls to all IPs encouraging them to call for an appointment. As of this date, we are booked solid through April 2010.

Jim Ramoni mentioned that the individuals that “failed” the fingerprinting process have a right to appeal. The appeal process can take up to 90 days. Those providers in a failed status will end as of March 31, 2010, and those providers as well as their clients will get notified. This is a new process so Jim says IHSS is implementing the process as we go, day-by-day. Those who passed DOJ will be mailed letters as well letting them know they are eligible to be IPs. Once the client receives notification of their IP failing the DOJ, the client may not want that IP to work for them anymore. And of course IHSS will not pay for any time worked by a failed IP. In a situation where the IP is a family member, the client may choose to have the IP continue to work for them even though they failed the DOJ, in which case the client will have to pay the provider out of their own pocket. Retro-active pay can happen for new IPs who pass DOJ and all of the other components of the enrollment process.

Janie Whiteford asked what are the criteria for failing the DOJ background check and with these three results will automatically show up as a failure:

- Child Abuse
- Elder Abuse
- Fraud against a government health care or supportive services program

Recipient fingerprinting is still under development by the department and is receiving harsh feedback from consumers and other stakeholders.

Staffing: COA Public Authority Services hired four temp staff to work exclusively on the newly mandated provider enrollment process. These individuals are from Apple One and are scheduled to work 40 hours per week through the end of June. They spend three days/week at the COA

office processing the paperwork and eco pass badges from the previous sessions and answering phone calls. The other two days/week are spent at the union office conducting enrollment sessions for new and existing providers. Currently two regular PA staff members also work at the enrollment sessions in order to have sufficient staffing at the off site location, this function is rotated among staff to reduce total impact on normal day-to-day operations.

**Registry Services:** There are 477 active IPs on the registry. The Registry completed 42 new consumer intakes, 44 matches and provided 201 interventions. The Urgent Care Registry authorized 20 hours of service for the month of February.

**Provider Training:** Four training sessions were offered during the month of February training 145 IPs. The number of requests for information regarding the Job Development fund has increased with a total number of 18 inquiries in February.

Mary reported the IP training classes are going very well. She stated a meeting is scheduled with management over at the Sunnyvale Cupertino Adult Education Center regarding class size and headcount and how to ensure the quality of training is not sacrificed due to the amount of people allowed in class. Basically, IPs not registered for classes are attending anyway which causes problems for instructors and in controlling future class size.

Richard Patterson inquired as to how long the new provider enrollment takes; Mary stated that the entire process could take up to one month or longer. The actual DOJ background check is what may take the most time among all the steps. The DOJ response time can vary between 24 hours to up to 5 days or in some cases longer. It depends on how busy the DOJ is and if there are any problems in reading the IPs fingerprints or some other issue within the fingerprinting process and background check.

Janie Whiteford inquired about the communication of information between PA and IHSS, and how it works. Jim and Mary explained that once the IP has completed their portion of the enrollment process, the PA enters information into a database, such as the forms are completed, the picture taken and the fingerprints done. Once these steps and boxes have been checked off, the IP then is referred to IHSS to request for timesheets. The PA provides IHSS with information about which IPs have completed the process using a secure methodology.

JoAnn commented that the PA is doing a good job with the entire enrollment process.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford reported that there are 25 counties involved in CICA. She announced that on May 25 CICA is sponsoring a training session on the ADA and Karen Keesler, CAPA's new Lobbyist/Executive Director would participate as a speaker. The following day, May 26 is the Disabilities Capitol Action Day in Sacramento on the steps of the Capital Building.

Janie also announced the next CICA Conference is scheduled for October 2010 and will be held at the Doubletree Hotel in San Jose, California. The main reason they are holding the conference in San Jose again is because it is affordable, has easy access to the SJ Airport and major

highways and the Doubletree Hotel provides an accessible shuttle service to and from the airport as well as to/from overflow hotels. Janie also stated that the hotel manages conferences and works well with people who have disabilities and those who use wheelchairs.

**Report from Social Services Agency:** Jim Ramoni distributed a report with fraud statistics and discussed the meaning of the numbers. He indicated that the current information listed on the report is not as thorough as he anticipates will be forthcoming with the new fraud investigation unit.

The funding for Santa Clara County from the State for the new fraud investigation unit is a little over one million dollars. They are in the process of creating a specialized unit that will include two IHSS staff and three District Attorney staff. These people will deal exclusively with fraud. Once IHSS finalizes all of their staffing requirements there will be more information to follow and the tracking and reporting of fraud cases will be assembled differently. Final approval for hiring the additional staff is on the next Board of Supervisors Agenda. Jim stated that in some cases, if the fraud case is less than \$500.00, some agencies like the DOJ or DHCS may not have time to look at each and every case so it may be overlooked.

At this time, IHSS does not have the “manpower” to handle all fraud cases. Once the new process is implemented and the finalized staff are hired then all cases may be investigated in a timely manner with more detailed disposition of each case.

Lee Sturtevant asked Jim if anyone is measuring the cost effectiveness of the fraud cases and Jim said, “no, not really.” The new mandate has to be implemented and funded.

Jim said that the County does get a percentage of any money that they redeem/recoup once the case has been fully investigated and restitution is made.

Jim mentioned that they are offering overtime hours to social workers in order to catch up on overdue re-assessments. These will be face-to-face assessments, not over the phone. The goal is to complete 1000 between now and June 30<sup>th</sup>. Jim figures that each social worker who opts for the OT can take on 5 cases per pay period. They may catch up, and some of the cases date back to the beginning of 2008, they will work on the old cases first, but it seems as though they are back logged over 4500 assessment cases.

**Additional Items as Recommendations to Board of Supervisors:** Janie Whiteford stated she would like to make additional recommendations to the annual report as an addendum. After further discussion the group decided to add the following recommendation to the report:

The Advisory Board recommends Santa Clara County open up the management services contract to a bid process. The Public Authority management services contract has not gone out for bid for approximately 10 years. As part of normal business process it would be good to have an open bid process from time to time to ensure other potentially interested community based organizations have an opportunity to express interest and bid on the contract.

**Discussion: How do we get consumers involved?:** Time ran out but Mary briefly mentioned

she spoke to Rebeca Armendariz at the SEIU Local 521 union office about a Town Hall Meeting that could be scheduled in May following release of the Governor's May revise. She suggested this could be one method for educating consumers about the changes to IHSS and impact of the proposed budget. Mary stated that if this is a project the AB wants to proceed with an ad-hoc committee needs to be formed. Volunteers for the committee were: Janie, Ellen, Brian, and JoAnn who would be interested in pulling this together. Also Mary mentioned that we could publish a newsletter for consumers, can speak to this at next meeting, April 20.

Special request for Mary from AB, can you please provide an accounting of the AB budget at the next meeting? Mary indicated she would ask Kim Marlar, COA CFO for the information.

**Next Meeting:** The next meeting of the Advisory Board is scheduled for **Tuesday, April 20, 2010** from **11:30-1:30PM** at 2115 The Alameda, San Jose, CA 95126.