

**IHSS Public Authority Advisory Board Meeting  
October 19, 2010  
MINUTES**

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**Members Present:** Deane Denney, Bharat Desai, JoAnn Disbrow, Cindy Faulkner (via teleconference), Richard Patterson, Janie Whiteford, Theresa Wright, Ellen Rollins, Brian Miller, Elissa Young, Kai Lu

**Members Absent:** Jim Ramoni (ex-officio)

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

**Guests Present:** Daisy Chu, Policy Aide from Supervisor George Shirakawa's Office

**Approve Minutes:** August minutes approved as written.

**Announcements & Public Comment:**

- Deane Denney was appointed today, October 19<sup>th</sup> as an Advisory Board member.
  - Some background information on Deane: He is a Palo Alto VA Hospital Spinal Cord Specialist and Resource Counselor. He also has served as an IHSS AB member in the past, he was part of the original work group to establish the AB and the Public Authority.
- Bharat Desai will be going on vacation for 3-4 months and wanted to let everyone know.

**CAPA Report:** Mary Tinker reported CAPA met September 23 in Sacramento.

**Budget Update:** After a record 100 days without a budget the State Legislature finally came to agreement and the Governor signed the budget on October 18, 2010. The total amount of cuts for In-Home Supportive Services (IHSS) was \$300 million for both fiscal years 2010/11 and 2011/12. The impact to IHSS consumers and providers is substantially less than what the Governor proposed back in January but is still rather drastic. Overviews of the how the cuts were scored are as follow:

- Actual budget reduction in IHSS is scored at \$35 million through enacting a 3.6% across the board reduction in IHSS authorized hours. There are no exceptions everyone will have their hours reduced by 3.6%. All IHSS consumers will receive a letter from the state explaining the number of hours to be cut. This goes into affect February 1, 2010 and will sunset (end) June 30, 2012. The good thing is that consumers retain the right to decide how to allocate the hours reduction to best meet their needs. The reduction will be based

on authorized hours and for consumers who have unmet need it will be deducted from the unmet need first.

- IHSS Provider Fee \$190 million. This assumes a full fiscal year of revenues and approval from the Federal Government. This will have a zero impact on IHSS providers. It is a method to bring additional federal dollars into the State. No money will be deducted from provider checks but they will see the transaction on their check stub. More information on how this will be managed should be out soon.
- Due to lower caseloads than projected \$75 million was scored as savings because the budget is based on IHSS caseload. Typically there has been growth in IHSS caseload which is projected and built into the budget. This past year the number of cases in IHSS leveled out which has the impact of fewer dollars being spent in IHSS than was originally budgeted. This helped reduce the need for deeper cuts of hours to consumers.

As part of the final budget deal it included an expanded list of disqualifying crimes for IHSS providers. There will be two tiers of disqualifying crimes which will become effective February 1, 2011.

**Tier One** is the current list of disqualifying crimes as specified under Welfare and Institutions Code 12305.81 (a): 1) Fraud against a government health care or supportive services program; 2) A violation of subdivision (a) of Penal Code (PC) section 273a (specified abuse of a child); or 3) A violation of PC section 368 (abuse of an elder or dependent adult). Federal law prohibits exceptions or expungements.

**Tier Two** is the expanded list of crimes and contains the list of “Serious and Violent” felonies as defined under Proposition 36. There are no misdemeanors on the list. Expungements and dismissals will be honored (meaning those crimes are NOT grounds for termination by a county/Public Authority).

Appeal Rights: Any IHSS provider with a disqualifying felony conviction under the expanded “Serious and Violent” felonies list may appeal to be reinstated as a provider by:

1. **Reinstatement through consumer approval:** Any provider who is terminated due to a Tier Two conviction must be notified by the county of their right to be reinstated upon approval of their IHSS consumer. Consumers have an absolute right to approve the provider they select no matter what kind of convictions are on the DOJ record. There is no county discretion to override the consumers’ choice. This reinstatement applies **only** for the individual consumer who has reinstated that provider; if the provider wants to work for an additional consumer, that consumer also must request the exception.
2. The use of the expanded list of disqualifying crimes is prospective – meaning that any provider who has been determined eligible for payment is not subject to a new clearance based on the expanded list of crimes

## **Update on Lawsuits:**

**Dominguez vs. Schwarzenegger** – The state’s financial participation on wages – a wage study had to be done before the cut could be implemented. All parties have filed their briefs. This was done in June. There is no way of knowing when and if the Supreme Court will take this case. If they accept it, this freezes it for the local court. On the status of the wage study – a firm has been retained to conduct the study. SEIU asked for the name of the firm; the state refused and SEIU has filed a public records request. The state has indicated it will move forward with the study to avoid being in contempt of court.

**FI Scores** – The plaintiffs won and the state tried to lift the preliminary injunction. The court refused. This has now gone to the 9<sup>th</sup> Circuit Court of Appeal.

**Beckwith vs. Wagner** – The plaintiffs won and the state filed an appeal. The court has issued an expedited calendar. Sonoma County has adopted a policy to drop providers based on additional crimes. The providers filed an appeal with the state and the Board of Supervisors has determined the policy as unlawful. This case could be expanded to include Sonoma County providers.

**ADAPT vs. Wagner** – The plaintiffs have lost.

## **PA Programs Report:**

**Benefits Administration:** There were 7,269 IPs enrolled in the Valley Health Plan and 7,766 IPs enrolled in the Dental/Vision plans during the month of September. Staff issued 840 Eco Passes during September bringing the total issued this calendar year to 15,257.

**IP Enrollment Sessions:** No sessions were held at the union office during September. Staff conducted several focus groups of new IPs assisting them through the enrollment process at the COA office in preparation to implementing the new REVA web based enrollment system.

This process was quite valuable in assessing the new system and ease of use by IPs. The results were surprising but provided excellent verification that this workforce is resourceful in getting what they want. A full description of the focus groups and surveys of those involved will be included in the October monthly report.

As of September 30, 2010 provider enrollment counts were as follows:

Number of providers processed in September: 409 (287 using old method, 122 in REVA)

Number of IPs completely processed as of September 30<sup>th</sup>: 16,210

Number of IPs partially done: 1109

Number of IPs who we have information for but nothing is in CMIPS yet: 9

**Fingerprint Processing:**

- Bad print job need to redo: 20
- Pass: 16,433

- Failed: 60
- Delay: 8
- Have results but need to read and make determination on: 20

The GO-LIVE date for REVA here at COA is today, Tuesday, October 19<sup>th</sup>. So far, everything is going well. Mary will set up a REVA Demo with Jenny Lynn Campbell for the Advisory Board at the next meeting that corresponds with her schedule.

Registry Services: There are 472 active IPs on the registry. The Registry completed 46 new consumer intakes, 64 matches and provided 245 interventions in September.

The Urgent Care Registry authorized 14 hours of service for September.

Provider Training: The Public Authority offered seven classes during September training 186 IPs. The number of requests for information regarding the Job Development fund continues with a total of 19 inquiries in September.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford reported that CICA is keeping busy and alert with everything that is going on with the State and budget news. Most importantly Janie reminded all members that the 8<sup>th</sup> Annual CICA Conference is this weekend at the San Jose Doubletree Hotel. There are approximately 170 attendees that have registered for the conference. Janie expressed her appreciation to the AB members that will be attending. This is a great opportunity for all especially since it is located in “our own backyard”. For Friday’s schedule there will be a special session called “Pre-Conference Certification Intensive” for all who are interested. This will be the first time CICA has provided specific training and certification for Advisory Committee members on their roles and responsibilities as mandated in statute.

**Report from Social Services Agency:** No report, Jim Ramoni out on vacation.

**Report Back from sub-committee Budget Meeting:** JoAnn Disbrow reported that the draft AB budget was completed and it was discussed and reviewed with the members.

Janie reminded the group that if they are interested in attending a conference in the future, that they should go ahead and take advantage and register using the AB funds. Please note that in doing so, you must do a report back after attending. There was mention of the upcoming C4A Conference in Los Angeles sometime in November.

**Other:**

Elissa Young reported on UCLA’s Institutional Review Board SCAN Report. She distributed her notes and a brief summary of this project.

Janie Whiteford and Mary Tinker discussed the Caregiver Appreciation Week and provider

recognition event scheduled for November 9<sup>th</sup>. Ellen Rollins confirmed that SEIU Local 521 Union Office will be available for this venue. Mary confirmed that the Union will provide some volunteers to help with this event. Liberty Dental gave a \$1,000.00 donation towards this event for refreshments. Hopefully VHP and VSP will be in attendance at this event, along with Liberty. This is planned as a “dessert” reception—no food, lunch. Since parking is limited at the Union Office location we have set a maximum headcount of 150. PA has already started the invite list, and we plan on sending out approximately 400 invitations to random IPs, IPs that have completed 5 or more training classes since January 2010 and a set list of IPs that are on the Registry. The Provider Recognition celebration will be Tuesday, November 9<sup>th</sup> from 2-4pm. The Board of Supervisors is scheduled to approve a proclamation naming the week of November 7<sup>th</sup> through 13<sup>th</sup> as Caregiver Appreciation Week in Santa Clara County.

There was group consensus to pay for the invitations and postage for the event. Advisory Board members were encouraged to attend to show support for the IPs.

**Agenda Items for next month:**

1. Debrief on IP Appreciation Event
2. Recommendations to BOS for the previous fiscal year--Mary

**Next Meeting:** The next meeting of the Advisory Board is scheduled for **Tuesday, November 16, 2010** from **11:30-1:30PM** at 2115 The Alameda, San Jose, CA 95126.