

IHSS Public Authority Advisory Board Meeting
May 17, 2011
MINUTES

Members Present: Deane Denney, JoAnn Disbrow, Brian Miller, Jim Ramoni (ex-officio), Janie Whiteford, Theresa Wright, Cindy Faulkner via tele-conference

Members Absent: Kai Lu, Elissa Young, Ellen Rollins, Richard Patterson

COA Staff Present: Leticia Sabadin, Mary Tinker

Guests Present: Daisy Chu, Policy Aide from George Shirakawa's Office;
Fernanda Castilo, Potential AB Member;
Sharon Wright (Mother of Theresa Wright)

Approve Minutes: March minutes approved with the following correction: under the Legislative Visits Report JoAnn Disbrow was not in attendance for the visit to Senator Simitians' office.

Announcements & Public Comment: Potential AB Member-Fernanda Castilo was in attendance, she gave the board a brief overview of her experience in advocacy. Fernanda moved from San Jose to Palo Alto and is very involved with different organizations and she advocates specifically with Emergency Preparedness and triage focus groups. She is interested in joining the Advisory Board.

Mary distributed a memo and gave information on a special hearing for the Assembly Aging & Long Term Care Committee scheduled for May 17th at 2pm. She encouraged all AB members to try to watch online.

Mary also distributed a flyer "Wheel of *Mis*Fortune" which compares the various budget options.

CAPA Report: Mary Tinker reported CAPA met April 21 in Sacramento.

Budget Update: The May revise was released yesterday, May 16th. The state is now on a regular budget track. Although there are no further cuts to IHSS consumers or providers in this proposal there is a 37% reduction to Public Authorities due to reductions in caseload. This is on top of the earlier cuts to PAs and amounts to over 68% funding reduction, some PAs will have to close their doors if this is approved by the legislature. It is devastating to all PAs; it will be one step away from total elimination of Public Authorities. We cannot provide services with this deep a

cut. CAPA, CSAC and CWDA are all working hard to prevent this from happening. They will assist and do whatever they can to keep public authorities in place.

Mary recommended the group consider reducing the number of meetings to quarterly in light of the reduced budget for the AB as well as the Public Authority. COA staff will not have the capacity to assist in meetings as far as the “administrative” duties are concerned. After some discussion an ad-hoc committee was formed and will meet via conference call to discuss and bring back recommendations to the group at the next meeting. Volunteers for the committee were: Janie Whiteford, Theresa Wright, and Deane Denney.

Mary reported the Community First Choice Option is uncertain at this time. There are three points of concern with the draft regulations: eligibility standards, requirement to use agency-mode and financial MOE. Republicans released a budget proposal May 12th that contains the same 8.4% across the board reduction in IHSS hours and elimination of domestic and related services for consumers in shared housing. It is yet to be seen what the Governor’s proposal will include for IHSS but speculation around the capitol is that it will reflect similar cuts to those proposed in January—particularly elimination of domestic and related services in shared housing. There are rumblings that some legislators are concerned about not being able to make their July mortgage payments if the budget isn’t passed by the constitutional deadline of June 15th due to the initiative that was passed last year requiring no pay for each day the budget is past the deadline. This could provide some impetus to get the budget passed quicker than what has become the norm.

Assembly Aging and LTC Committee have scheduled hearing on integration. There are five hearings planned, the first is May 17, 2011 at 2:00 p. m. Assemblymember Yamada has lined up dynamic speakers and experts. CAPA’s Executive Director has been asked to testify and is working to identify a consumer who is willing to testify.

Legislation:

AB 10 (Alejo) Minimum wage: annual adjustment: This bill would increase the minimum wage, as of January 1, 2012, to not less than \$8.50 per hour.

CAPA Position: Watch

AB 138 (Beall) Elder Economic Planning Act of 2011: This bill would require, if specified conditions are met, the department to report data from the Elder Economic Security Standard Index, as defined, for each service area included in the state plan.

CAPA Position: Support

AB 325 (Lowenthal) Employee’s right to bereavement leave: This bill would add the right to inquire about, request, and take time off for bereavement leave. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

CAPA Position: Concerns

AB 400 (Ma) Employment: paid sick days: This bill would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, as defined, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would

be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would also make conforming changes. This bill contains other related provisions.

CAPA Position: Oppose Unless Amended

AB 479 (Nestande) In-Home Supportive Services program: This bill would provide that it is the intent of the Legislature to enact legislation that would implement reforms in the IHSS program, as specified, secure choice of provider for all eligible IHSS recipients within the chosen model, and ensure coordination of programs for the aging to emphasize the most cost-effective care for each IHSS recipient.

CAPA Position: Oppose

AB 876 (Valadao) In-Home Supportive Services program: This bill would amend Welfare and Institutions Code 12305.87 and would prohibit an IHSS provider applicant from signing his or her own individual waiver from as the recipient's authorized representative.

CAPA Position: Concerns

AB 889 (Ammiano) Domestic Work Employees: This bill would specially regulate the wages, hours, and working conditions of domestic work employees, as defined. Specifically, this bill would, among other things, provide a private right of action for a domestic work employee when those regulations are violated by his or her employer; provide an overtime compensation rate for domestic work employees; require annual pay increases, paid vacation, and paid sick days for domestic work employees; and require that a domestic work employer provide written notice of termination 21 days in advance.

CAPA Position: Amend & Watch

SB 21 (Liu) Long-Term Care assessment & planning: This bill would require a hospital that is required to provide, as part of its discharge policy, information to patients anticipated to need post-hospital care, to provide the information both orally and in writing to the patient and, if necessary, to his or her representative, at the earliest possible opportunity prior to discharge.

CAPA Position: Support

SB 33 (Simitian) Elder & Dependent Adult Abuse: This bill would make a technical nonsubstantive change to existing provisions of the law. The Elder Abuse and Dependent Adult Civil Protection Act establish procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. Under the act, care custodians of elder or dependent adults and local law enforcement agencies are mandated reporters. A violation of the reporting requirements by a mandated reporter is a misdemeanor.

CAPA Position: Support

SB 176 (Emmerson) In-Home Supportive Services: This is a spot bill.

CAPA Position: Watch

SB 930 (Evans) In-Home Supportive Services: enrollment and fingerprinting: This bill would delete the requirements pertaining to obtaining fingerprint images of IHSS recipients, and the requirement that the provider timesheet include spaces for provider and recipient fingerprints. It would also repeal the restriction for IPs using P.O. boxes as their mailing address.

CAPA Position: Sponsor

PA Programs Report: Mary Tinker reported the following:

Benefits Administration: There were 7,452 IPs enrolled in the Valley Health Plan and 7,964 IPs enrolled in the Dental/Vision plans during the month of April. Staff issued 106 Eco Passes during April.

Registry Services: There are 424 active IPs on the registry. The Registry completed 45 new consumer intakes, 49 matches and provided 165 interventions.

The Urgent Care Registry authorized 47 hours of service for the month of April.

Provider Training: The Public Authority offered nine classes during April training 197 IPs

IP Enrollment Sessions:

Number of IPs processed in April: 314 (REVA).

Number of IPs completely processed as of April 30th: 19,026

Number of IPs partially done: 739

Fingerprint Processing:

- Rejected prints: 8
- Pass: 19,197
- Failed: 69
- Delay: 27

California IHSS Consumer Alliance Report (CICA): Janie Whiteford reported that most of CICA's funding comes from the annual CICA dues. There is a big push to have organizations pay the CICA dues and possibly pay for the next fiscal year as well. Janie states that CAPA is very supportive and CICA and has offered to help CICA financially by taking paying the cost of their conference calls. This is a tremendous help and CICA is very appreciative.

Janie announced the Legislative Training Day in Sacramento on May 24th. She distributed a flyer with the agenda and information. She encouraged all AB members to try to attend. Also, the day after, on May 25th the Disability Capital Action Day is scheduled as well. Janie will be in attendance both days and once again asked other members to please try to attend. She offered her van as transportation to and from the events. For those attending DCAD on May 25th, Janie strongly suggested that members setup appointments with Capital Legislators in order to get a chance to speak with them on various hot topics/issues.

Janie also distributed a response letter with regards to the April 19, 2011 Program Integrity and Fraud Prevention State and County Government Stakeholders Workgroup Public Comment Meeting. Both Janie and Mary were attended the meeting. Mary was on the panel representing the Santa Clara County Public Authority in which she made it clear there was no consensus of the workgroup on the unannounced home visits. There is a big issue with Consumers and IPs and the fact that they are not involved in the work groups. CAPA and CWDA pushed quite hard for inclusion of consumers and providers.

Report from Social Services Agency: Jim Ramoni reported that there is a budget workshop scheduled May 17 at 6:30pm. This is in preparation for the budget hearings set for June 2011. Topics of discussion are the significant cuts in the Department of Aging and Adults Services, which includes the IHSS Program, Adult Protective Services and Public Guardian as well as cuts in community based organizations.

Jim also announced that the CSFC Meeting is scheduled for Thursday, May 26 at 9:00am and they will be presenting the IHSS Annual Report. Mary will be in attendance. This is a public meeting where public comments can be made.

Jim reported that Will Lightbourne accepted a State position with CDSS and the interim Agency Director is Gina Sessions. The agency is currently conducting a national search to replace Mr. Lightbourne.

Jim announced that staff have been able to catch up on the backlog of cases recently due to a one time exception to allow overtime hours. This one time allowance was partly due to the amount of complaints submitted to the Agency Director as well as the union placing calls.

Janie asked Jim about the fraud cases and the link with the District Attorney's office. Jim stated that there is no longer a contractual agreement with the DA's Office for direct staff to be committed to IHSS fraud cases. There may be some exceptions to this, and at this point the DA does get involved with cases of \$3,000.00 or more in monetary value.

Budget Ad-hoc Committee Report: JoAnn Disbrow reported there was a small meeting conducted with regards to the reduction of AB funds. In attendance were JoAnn, Janie and Ellen and Mary. They recommended the approval of the group to pay the following:

- CICA dues for next fiscal year 2011-2012, amount \$2,000.00
- Potential training sessions, plan to collaborate with CICA and the Union, for next fiscal year 2011-2012, amount \$2,000.00

There was consensus of the group to spend the funds as recommended.

Next Meeting: The next meeting of the Advisory Board is scheduled for **Tuesday, June 21, 2011** from **11:30-1:30PM**, at the Council on Aging Public Authority Services Office at 2115 The Alameda, San Jose, CA. 95126.