

IHSS Public Authority Advisory Board Meeting
March 20, 2012
MINUTES

Members Present: Deane Denney, Theresa Wright, Jim Ramoni (ex-officio), Ellen Rollins (via tele-conference), Janie Whiteford, Brian Miller, Dennis Schneider-*new member*

Members Absent: Elissa Young, JoAnn Disbrow

COA Staff Present: Leticia Sabadin, Mary Tinker

Guests Present: Merina Yeung, SEIU Local 521 Internal Organizer; Yong O. Soung, IHSS Provider & Union Steward of SEIU Local 521; Sue Manley, IHSS Consumer; Bev DeKoven, Program Coordinator for AGENTS for Change; Senon Hernandez, Potential AB member; Ashley Partch, IHSS IP; Dolly Clemente, San Mateo County AB Member; "Flor"-Dolly's sister

Approve Minutes: October 18, 2011 minutes approved as written.

Announcements & Public Comment: Welcome new member to the board: Dennis Schneider. Appointed to the board on March 20, 2012, for District 5.

Theresa Wright and Janie Whiteford announced their participation in the 2012 PHP (Parents Helping Parents) Transition and Services Fair held March 15, 2012. There were over 60 vendors/participants in attendance, a very successful fair. Theresa and Janie had the opportunity to distribute some flyers and brochures. One specific flyer provided information on the proposed changes to IHSS with regards to:

- Managed Care
- Duals Pilots
- Elimination of Domestic & Related Services for Consumers in Shared Living Arrangements
- 20% Across-The-Board Trigger Cut

Also included in this flyer was the new website address: www.IHSSConsumersFirst.org.

Mary Tinker distributed the Olmstead Advisory Committee meeting notice and agenda. She encouraged members to attend the meeting via tele-conference. Janie Whiteford has been appointed to the Olmstead Committee.

CAPA Report: Mary Tinker introduced Karen Keeslar, CAPA Executive Director, who joined the meeting by phone. Karen provided an overview of proposed changes to IHSS.

Below is the information Mary Tinker provided on a flyer distributed at the Parents Helping Parents Transitions Faire and is also a summary of the information Karen shared with the group.

Proposed Changes to In-Home Supportive Services

After several years of reductions in the state budget for IHSS, some achieved by actual reductions in consumer hours, some proposed reductions in hours that were blocked by the courts, the current attempt to control IHSS spending is to make it a part of managed care in future years. California is planning, with federal approval, to shift possibly hundreds of thousands of people with disabilities and seniors who are eligible for both Medicare and Medi-Cal (called dual-eligibles) into managed care types of health care delivery. This dual eligible demonstration project was authorized by the SB 208 last year, for four pilot programs to test how bringing together or aligning financial incentives around the dual eligible population can "...drive streamlined, beneficiary-centered care delivery and can rebalance the current health care system away from avoidable institutionalized services toward enhanced provision of home and community based services." This project needs no further legislative approval.

However, the Governor's budget proposal for Fiscal Year 2012 - 2013 seeks to expand from four to ten pilots the State's efforts to move Medi-Cal recipients into managed care plans and make In-Home Supportive Services a managed care benefit. This expansion, including the issue impacting IHSS, does require okay from the Legislature before it can be implemented. The site selection for the four pilot demonstration sites will be announced in March. It is unclear how much consumer choice/control would remain. A small group of IHSS consumers is presenting their concerns to legislators, consumers and other organizations are working to slow the project down. It is important to have it remain with four pilots in order to evaluate and make adjustments to the system while maintaining program integrity. Rushing to implement a managed-care system statewide in three years is irresponsible and could cause harm to consumers of the program.

On IHSS and Managed Care and the Duals Pilot:

1. The timeframe is too fast and needs to be slowed down to allow better planning. Santa Clara County is one of the potential pilot counties if the expansion to ten pilots is enacted.
2. Consumer rights must be assured: choice of home care workers, consumer voice, the right to opt-out of managed care, etc.
3. Passive enrollment means everyone is forced into managed-care and if they don't know how to opt-out or that they have that choice it could be detrimental to their health and well-being. If a managed-care plan is good people will choose to enroll not be forced in.

On Budget:

Elimination of Domestic and Related Services for Consumers in Shared Living Arrangements

The Governor's budget proposes to eliminate Domestic & Related IHSS services for consumers who live with other people, excluding households with only IHSS consumers. This proposal is estimated to save \$204.3 million (state General Fund) in FY 12/13. Domestic and related services include housework, meal preparation, meal clean-up, laundry, shopping, and errands. Currently, if IHSS consumers who share their homes with other individuals have some of these needs met in common by their households, the social worker who determines their eligibility for IHSS services will prorate or reduce the authorized hours of IHSS services related to those activities. The Administration is not suggesting that consumers do not require these services to stay home safely; it is presuming that house-mates will perform the services. If the house-mate refuses, the consumer will go without these needs being met, thus placing their health and safety at risk.

The draft budget trailer bill language proposes to establish a rebuttable presumption in state law that domestic and related services "will be provided or arranged by one or more members of a consumer's household and there will be no payment to the IHSS provider for these services." For domestic and related hours to be restored, the housemate would be required to provide evidence of physical or mental impairment. Specifically the draft trailer bill language states, "Reliable evidence of such impairment may include, but is not limited to, social worker observation or medical certification of the impairment." Overworked county social workers may be unable to respond in a timely manner to requests to observe the housemate to determine if an exemption is warranted. Many roommates may not have access to or be able to afford a visit to a licensed health professional to secure a medical certificate – or they may be understandably unwilling to disclose their personal medical information – any of which would deny services for consumers who might qualify for this exemption.

20% Across-The-Board Trigger Cut

The 20% reduction in IHSS hours represents the difference between being safe or not safe for the vast majority of IHSS consumers. County social workers are trained to assess consumers in order to determine if they are eligible for IHSS services. In particular, they are directed that consumers should only be authorized for IHSS services if they need these services to live safely in their homes.

In *Oster v. Lightbourne* which challenged the 20% cut, Federal District Court Judge Claudia Wilken issued a preliminary injunction on January 19, 2012 and a subsequent court order on March 2, 2012, that blocks the state and federal governments from taking any steps to implement the reduction. Judge Wilken ruled that the state must individually reassess IHSS recipients before reducing hours and may reduce only those hours that are not necessary to keep people safely at home. If the state decides to reduce hours through such individual assessments, it must submit its plan to the court at least 21 days in advance. Significantly, Judge Wilken found: "Defendants' plan would deliberately cut services for IHSS recipients who are already known to be presumptively eligible for a restoration of their lost hours, should they protest the 20 percent reduction by applying for supplemental care. Defendants seemingly expect the state will save funds by cutting service hours of those who are unable to protest the hours reduction." Wilken also found that the comparability requirement of the Medicaid Act

was violated because some recipients are treated differently than others with the same level of need. The state has appealed Judge Wilken's decision.

Mary also reported CAPA is developing a new website www.IHSSConsumersFirst.org to provide up-to-date information with changes taking place in IHSS regarding the duals managed care integration project. It will provide a link for people to email their concerns to legislators and a link to the new Stone Phone call in system. This will provide an 800 number for consumers to call to connect them with their legislator's office and the Governor's office to speak with staff and let them know their concerns.

There is great concern that IHSS consumers as well as other dual eligible individuals and their families are unaware of what is going on. Group consensus was to convene a conference call with other agencies who provide services to IHSS consumers or their families to partner in educating this population on these potential changes.

Deane Denny wrote on Op-ed which will try to get published ASAP.

Anthem Blue Cross & Santa Clara Healthy Families submitted proposals to become pilots for the managed care project. Concerns expressed were the following:

- a. Anthem Blue Cross states in the proposal that they are in negotiations and anticipate having a contract with 3 home health care agencies, Addus is one of those listed to provide homecare.
- b. No contact with the PA for a stakeholder meeting held February 21st, only had a few agencies and no consumers at this meeting.

Ellen Rollins stated that the Unions are doing their best to support Consumers and Providers. The SEIU 521 is a team player but not really supportive of what some other Unions are doing in relation to all the issues at hand.

Janie Whiteford commented that visits to legislators are key. Communicating with local partnerships is also an effective way to spread the word out to all. Other organizations such as: San Andreas Regional Center, The Health Trust, Parents Helping Parents and SVILC are just some that may be able to help with resources and sending information.

PROGRAMS REPORT

Benefits Administration: There were 7,535 IPs enrolled in the Valley Health Plan and 8,043 IPs enrolled in the Dental/Vision plans during the month of February. Staff issued 305 Eco Passes. Mary also noted that in Santa Clara County, there is no waiting list to apply for Benefits. Some other counties have long waiting lists or a maximum/cap number.

Labor Contract: The new MOU extension with SEIU was ratified by the Board of Supervisors on February 28, 2012. A copy of the extension agreement is available upon request. SEIU 521 held meetings with their membership to ratify the contract as well.

IP Enrollment Sessions:

Number of IPs in February: 348 (REVA)

Number of IPs completely processed as of February 29th: 22,180

Number of IPs partially done: 633

Fingerprint Processing:

- Rejected prints: 2
- Pass: 22,301
- Failed: 87
- Delay: 12

Registry Services: There are 384 active IPs on the registry. The Registry completed 40 new consumer intakes, 38 matches and provided 134 interventions. The **Urgent Care Registry** authorized 35 hours of service for the month of February.

Provider Training: The Public Authority provided eight training sessions training 236 IPs.

The number of requests for information regarding the Job Development fund continues with a total of 11 inquiries in February.

California IHSS Consumer Alliance Report (CICA): Janie Whiteford reported that there is a CICA conference call scheduled for Wednesday, March 21st at 10am. She distributed the meeting notice and agenda and encouraged everyone to try to attend.

Janie mentioned that they are planning some regional meetings and that she will be forwarding that information/trainings along to all members (“Helping you help yourself”).

Report from Social Services Agency: Jim Ramoni reported that IHSS successfully moved from the Julian Street location to 1888 Senter Road, San Jose, CA 95112. All went well, a bit of a struggle and some crazy moments, but overall the move went smoothly. Jim stated that the biggest complaint so far has been the fact that IPs did not know about the move even though they sent out the new address on all timesheets/paychecks. There are new drop boxes at the Senter Road location. As of this date, payroll is up-to-date with the approval of overtime hours worked by IHSS employees and some temporary help.

Jim also mentioned that they are in the process of a “Business Process Re-Design” with certain areas within IHSS such as payroll, telephone system and case loads.

Also the 3/6% IHSS cuts will sunset June 2012 and the notice of action will be effective on July 1, 2012.

Other than that, the big news is that the IHSS department moved. A total of approximately 100 employees now reside at 1888 Senter Road along with the Public Guardian organization.

A.C. Report Back – Legislative Visits: Janie reported that she and Mary have conducted a few legislative visits recently.

The first visit was with Senator Joe Simitian’s Staff Aide in Palo Alto. The Staff Aide asked some very good questions and stated that Senator Simitian primary focus is on education. However at this time there is no commitment on how he will vote. The second visit was with Jim Bealle at Peets Coffee House. Jim has always been very supportive of the issues around IHSS and Consumers and Providers. He seems concerned and willing to help. Jim is in support of Unions, just not sure where he stands with issues. The third visit was with Senator Alquist’s Staff Aide. This visit was not very productive in that the Staff Aide demonstrated a lack of interest and there was no sense of whether or not she understood the issues at hand. The Staff Aide mentioned that Senator Alquist was at the Senate Hearings and very supportive of the pilot project.

Janie also added that the Legislative visits and/or meetings need to be somehow a collaborative effort with the other organizations mentioned before, such as Parents Helping Parents and SVILC.

Next Meeting: The next meeting of the Advisory Board is scheduled for **Tuesday, April 17, 2012** from **11:30-1:30PM**, at the Council on Aging Public Authority Services Office at 2115 The Alameda, San Jose, CA. 95126.