

**IHSS Public Authority Advisory Board Meeting**  
**October 21, 2014**  
**MINUTES**

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**Members Present:** Janie Whiteford, Deane Denney, Dennis Schneider, Ellen Rollins, Theresa Wright (via tele-conference), JoAnn Disbrow (via tele-conference), Senon Hernandez, Terri Possley (ex-officio)

**Members Absent:** Robert Stroughter

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

**Guests Present:** Yvonne Jimenez, Board Aide from Supervisor Ken Yeager's Office

**Announcements & Public Comment:**

**Approve Minutes:** August 19, 2014 meeting minutes approved as written. Motion by Ellen Rollins to approve minutes, seconded by Janie Whiteford, vote was unanimous.

**CAPA Report:** Mary Tinker reported CAPA met in Sacramento September 25. There is a lot going on but the number one focus at this time is the FLSA OT rules and regulations and the trainings that need to happen as soon as possible to inform the providers and clients on the new timesheet regulations.

Mary has a meeting scheduled with the Union October 30<sup>th</sup> to see how they can collaborate on the provider timesheet training. This is a huge task that needs to be accomplished in a short amount of time.

The timesheet training will be available to all providers and since it is voluntary it will be up to them to take advantage of it. It is important they understand there will be violations and suspension if they work overtime outside of the rules. The state will begin mailing notifications to all consumers and providers November 1, 2014. The Public Authority is scheduling training sessions and will mail notification postcards to providers targeting those most at risk of falling into an overtime situation. The union will also be providing trainings for providers.

Janie Whiteford asked how the consumers would be trained regarding the overtime regulations. Janie indicated she is very concerned and not happy that the IHSS Social Workers

are not training or making this information available to the consumers during the assessment or reassessment appointments.

Terri Possley stated the Social Workers will not be doing this type of thing during the consumer appointments. The SW are not trained and have not been given the information yet, they will know more next month (November) and be educated on this topic.

Terri indicated that they are very concerned with the high volume of calls IHSS will be receiving once the November 1<sup>st</sup> notices are mailed out. All the clerical staff will be taking the calls that come through and explaining the changes and new information.

Advisory Board members indicated they believe the IHSS Social Workers should play a more active role in educating and giving out information to the consumers during the assessments/reassessments. Mary Tinker mentioned that the Consumer Newsletter will be mailed out later next week and will include an article on the Overtime Regulations and Important Timesheet Training.

Mary also stated that the PA is setting up a special page on the PA website dedicated to FLSA and Timesheets. On the website there will be sample timesheets, a video from the State with more information and also a link to direct them to upcoming timesheet trainings.

**Legislative Report:** The legislature wrapped up early, in the wee hours of the morning on Saturday, September 30. Final legislative actions taken on measures followed by CAPA this session:

**AB 485 (Gomez) WATCH:** This bill did receive policy and fiscal committee hearings in the final days of session, and passed out of both committees. It then sat on the Assembly Floor awaiting a concurrence vote, which never occurred. Accordingly, this bill was never sent to the Governor and is dead.

**AB 505 (Nazarian) SUPPORT:** This bill would codify current language assistance requirements, strengthening LEP members' access to quality health care. This bill passed the Legislature and was enrolled to the Governor..

**AB 1522 (Gonzalez) CONCERNS:** The bill would authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each calendar year. This bill was amended in the final days of session to exempt IHSS workers from this benefit. This exemption was taken by the author, despite the objection of some of her supporters in organized labor, as the author was made aware that the Governor was likely to sign the bill so long as the amendment was accepted. The Governor's objection to inclusion of IHSS was based on fiscal concerns rather than policy based.

**AB 1703 (HALL) CO-SPONSOR:** This bill would add reading assistance to the required services available to blind or visually impaired IHSS consumers. This bill failed passage from the Senate

Appropriations Calendar. The sponsor has already advised CAPA that they intend to seek re-introduction next year.

**AB 1744 (Brown) WATCH:** This AARP sponsored bill establishes the California Caregiver Act of 2014 which directs the California Department of Aging (CDA) to convene a task force and make recommendations relating to the needs of **unpaid** family caregivers. This bill passed out of the Legislature, and was enrolled to the Governor.

**SB 1124 (Hernandez) ~~SUPPORT POSITION~~ SUPPORT POSITION CHANGED TO WATCH:** This bill was amended in late September at the behest of DCBS. The amendments undid a deal struck during budget negotiations wherein it was decided that IHSS applicability should be tabled until the 2015 legislative session. As you will note, IHSS applicability is clearly specified in this measure.

As anticipated, the Governor vetoed Senator Hernandez' SB 1124 re: Estate Recovery. The Governor's Veto message reads as follows:

To the Members of the California State Senate: I am returning Senate Bill 1124 without my signature. The bill would revise Medi-Cal's policy of recouping monies from some estates of deceased beneficiaries and require certain notices to be made to current and former beneficiaries about estate recovery. Allowing more estate protection for the next generation may be a reasonable policy goal. The cost of this change, however, needs to be considered alongside other worthwhile policy changes in the budget process next year. Sincerely, Governor Edmund G. Brown Jr.

**SB 873 (Committee on Budget):** This is the human services budget trailer "clean-up" bill. Accordingly, it covers myriad topics. Specific to IHSS it does the following: the language acknowledges that DHCS will consider exceeding individual cost caps for people on the NF/AH waiver, to avoid cuts in services. The previous language referred only to people who get Waiver Personal Care Services—and not everybody on the NF/AH waiver gets those services. The previous and new language omit mention of the people on the IHO waiver—this is a small waiver which is closed to new applicants—but still provides services to around 200 people. This bill passed the Legislature, and was enrolled to the Governor.

**SB 878 (Committee on Budget):** This bill makes several changes to the content of the In-Home Supportive Services (IHSS) prospective provider orientation, including: Provider orientation must include additional content on minimum wage and overtime pay, including paid travel time and wait time. This section appears to take effect immediately. Beginning no later than April 1, 2015, provider orientation must be "on-site" and attended in person by prospective providers. The bill doesn't define "on-site", but we are assuming that means at the county or PA. However, this could also be construed to be a union facility. Specifies that providers may attend the orientation only after completing the application for the IHSS provider enrollment process. Requires that any oral presentation and written materials be translated into all IHSS threshold languages in the county. States that representatives of the recognized employee organization in

the county be permitted to make a presentation of up to 30 minutes at the orientation and prior to this requirement taking effect April 1, 2015, that recognized employee organizations shall have the ability to make presentations at provider orientations as they were allowed as of September 1, 2014. This bill passed the legislature, and was enrolled to the Governor

**Programs Report:** Mary Tinker reported there has been a tremendous improvement in the Registry department. Everything is working out really well and there has definitely been an improvement in the quality of services the PA provides.

Mary met with the Union regarding the provider training survey. The fact that there still continues to be a high count of “NO Shows” to classes seems to be a growing problem. The providers need to take advantage of these free classes being offered, yet we seem to be stuck with all these no shows and not sure what to do about this. Have good participation but it’s very frustrating to have people wanting to get into classes that are full when people don’t bother to call so someone from the waiting list could be notified they could attend.

**IP Event:** Invitations were distributed to AB members to attend the IP recognition event scheduled for November 14, 2014. The proclamation from the Board of Supervisors declaring the week of November 9<sup>th</sup> through 15<sup>th</sup> as IHSS Caregiver Week is on the November 4<sup>th</sup> agenda. Advisory Board members are encouraged to attend. The meeting is at the BOS Chambers Office at 70 West Hedding at 9am. Dennis Schneider, as the AB Chair will represent the AB and make a brief speech expressing appreciation for the work the providers do. Others that plan to attend: Janie, Ellen, Mary, Senon and Terri. A request to Supervisor Mike Wasserman has been made to have him attend and make a brief speech.

**Benefits Administration:** There were 9,289 IPs enrolled in the Valley Health Plan and 9,906 IPs enrolled in the Dental/Vision plans during the month of September. There were 301 Eco Pass Clipper Cards issued.

**Registry Services:** There are 528 active IPs on the registry.

The registry:

- Completed 50 new consumer intakes
- Attained 112 matches
- Provided 316 interventions

The **Urgent Care Registry** authorized 19 hours of service for the month of September.

**IP Trainings Provided:** Public Authority provided 13 training sessions in September with 274 participants being trained.

**Consumer Newsletter** is being prepared for mailing will be available on our website.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford reported that the CICA call last week was mainly focused on the Maintenance of Effort. She stressed the fact the Advisory Boards could potentially get additional funding from the MOE through the Board of Supervisors or Public Authorities. This opportunity is available and should be considered. Advisory Boards need to take advantage of this and not be afraid to use this source for funding.

Charles Callavan, Public Authority Director in Alameda County was able to get \$50k from the county for the Advisory Committee budget.

Janie stated that this AB is very lucky to have Mary Tinker through the Public Authority. With her help and guidance the AB is knowledgeable and usually has first-hand information on what is going on throughout the State and County with all her connections and involvement. Janie reported that CICA is struggling on how to educate all Public Authorities for Advisory Committees since not all PAs Advisory Committees are on top of where they need to be. She said CICA will review the MOE once again next month. Janie encouraged all to join the CICA call next month.

**Report from Social Services Agency:** Terri Possley requested a list of attendees for the November 4<sup>th</sup> BOS meeting with regards to the proclamation.

Terri stated that they are going through a lot of changes with CMIPS II with regards to the upcoming rate increases.

February 2015=\$12.81

February 2016=\$13.00

Overall Terri says that IHSS is inundated with CCI, FLSA, and new staff and training. They are just trying to “keep afloat”.

Janie asked about the training on CCI via the IHSS Social Workers. Terri responded by saying that no, not at this time will there be any Social Workers talking to Consumers about CCI. It is not a mandate and if the SW is asked, they will answer but bottom line, they will not be volunteering this information. This is not part of the training or in-take or reassessment.

**Next Agenda Items:**

**-Budget Committee, per Janie need development and a meeting**

**Next Meeting:** The next meeting of the Advisory Board is scheduled for **Tuesday, November 18, 2014** from **11:30-1:30PM**, at the Sourcewise main office located at 2115 The Alameda, San Jose, CA. 95126.