

**IHSS Public Authority Advisory Board Meeting**  
**January 20, 2015**  
**MINUTES**

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

**Members Absent:** Ellen Rollins

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

**Guests Present:** Vera Sokolova, IHSS IP & SEIU 521 Assistant Chief Steward;  
Ilya Polkovnikov, Vera's son; Kimberly Walker, IHSS IP;  
Ashley Partch, IHSS IP

**Announcements & Public Comment:** Janie Whiteford distributed flyers describing Costanoa Commons a community for people with disabilities that is a not-for-profit life-long community on a sustainable urban farm, for young adults with disabilities. Heidi Cartan, the first Public Authority Director here in Santa Clara County, is one of the co-founders of this new innovative community and is seeking help in spreading the word about this venture.

Mary Tinker introduced Shannin Prather the new Training Coordinator at the Public Authority.

**Approve Minutes:** October 21, 2014 meeting minutes approved as written. Motion by Janie Whiteford to approve minutes, seconded by JoAnn Disbrow, vote was unanimous.

**CAPA Report:** CAPA did not meet in December.

**FLSA OT:** On December 22, 2014 D.C. District Court Judge Richard Leon issued an opinion and order in Home Care Association of America v. Weil, Civil Action No. 14-967 (D.D.C.), vacating the third party regulation amended by the Home Care Final Rule.

On December 31, 2014, Judge Leon issued a temporary restraining order staying the revised definition of companion services for 14 days, until January 15, 2015, in order to consider plaintiffs' motion. The Court held a hearing regarding a preliminary injunction on Friday, January 9, 2015. January 14, 2015 the judge struck down the entire remaining provisions of the

Department of Labor home care regulations dealing with home care companionship definition and third party employers who hire home care workers.

The US Department of Labor released a statement following the court decision indicating it was considering an appeal and has 60 days to do so.

CDSS held a conference call with county, PA and unions January 16 to discuss next steps.

All local training sessions were changed upon notification of the court injunction starting in January. The focus was switched to training providers how to complete the new timesheets. The FLSA OT video provided by the state was shown but participants were told that the overtime was put on hold pending the court decision. They would receive notification when a decision was made on how to proceed.

The PA had no way to contact providers to cancel the trainings scheduled for the first two weeks of January. Holding the altered sessions proved to be valuable and greatly appreciated by participants. The new timesheets are quite different from the old version and are confusing; providers have a lot of questions in completing them.

All of the new forms are no longer being used. Reverting back to the old 846, 426A.

**Governor's Budget Proposal:** released on January 9<sup>th</sup> with restoration of the across the board 7% hours reduction. No cuts to IHSS.

**SB 878:** CDSS released the final version of ACL 14-102 regarding SB 878 addressing new program rules and requirements for IHSS provider enrollment orientation. The new requirements for enrollment orientations must include 30 minutes for the union to present to prospective providers.

The language that was of great concern to this Public Authority as well as several others was changed and will permit us to continue using REVA. This was a major change from the draft ACL. The new language below:

*A county and its local labor organization may make a mutually acceptable arrangement to utilize web-based or other remote access tools for a portion or portions of the orientation, so long as the orientation is completed in-person and the other requirements of WIC 12301.24 are met. The arrangement between the county and the labor organization must be in place before the April 1, 2015, deadline, and a written copy of the arrangement must be sent to CDSS within 30 days of the arrangement being in place.*

*Prospective provider participation in the employee organization presentation is entirely voluntary. Prospective providers are not mandated to take part in the employee organization's presentation.*

The Public Authority is currently in discussions with Labor Relations and SEIU Local 521 on a side-letter agreement to implement this portion of provider enrollment.

**1115 Medicaid Waiver Renewal** –Workforce Development in IHSS

SEIU is asking the state to include IHSS provider training in the “Bridge to Reform” 1115 waiver. The 1115 waiver is primarily used as the means to enhance FFP for hospital and managed care services under Medi-Cal. This is moving very quickly, the waiver renewal request must be submitted to CMS at least 6 months prior to the end of the current waiver which expires October 31, 2015. DHCS intends to submit the waiver request within the next few weeks.

CAPA drafted a letter recommending that DHCS exclude IHSS training from the final waiver and is asking other organizations to sign on to the letter. DRC is drafting their own letter.

**Governor’s Budget Proposal:** Released on January 9<sup>th</sup> with restoration of the across the board 7% hours in IHSS. There were no proposed cuts to IHSS.

**Programs Report:**

**Benefits Administration:** There were 9,380 IPs enrolled in the Valley Health Plan with 8847 of those in the Classic Plan and 533 in the Preferred Plan. There were 9,993 IPs enrolled in the Dental/Vision plans during the month of December. There were 115 Eco Pass Clipper Cards issued.

**Enrollment Session:**

Number of IPs in December: 374

**Registry Services:** There are 525 active IPs on the registry.

The registry:

- Completed 43 new consumer intakes
- Attained 47 matches
- Provided 274 interventions

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

**IP Trainings Provided:** Public Authority provided 5 training sessions in December with 107 participants being trained.

The new training coordinator has been successful in setting up two new classes for the next semester that starts January 31<sup>st</sup>. The two new classes are:

- The Basics: Memory Loss, Dementia and Alzheimer’s/Compassionate Communication
- Caregiver Support

The new class schedule was mailed to over 19,000 IPs 1/12/15. Classes are filling up fast.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford reported that CICA is very concerned with the 1115 Waiver and there are quite a bit of discussions around this.

Janie announced the monthly CICA conference call and distributed a flyer with information to

join the call scheduled for January 21<sup>st</sup>. The information covered during these monthly calls is current and important for Advisory Committee members to be aware of. Janie strongly encouraged members to participate on the monthly calls.

Janie also mentioned that the CICA newsletter can be seen on the CICA website at: <http://www.cicaihss.org/>

Charles Bean, the Administrator for CICA is doing an exceptional job with all sorts of important meeting announcements and minutes being distributed in a timely manner.

**Ad Hoc Budget Committee Report:** Report back will be deferred to the February meeting. Janie will setup a conference call with AB members on the committee: Janie, Dennis, JoAnn, Senon, Bob.

**Report from Social Services Agency:** Terri Possley reported the biggest and latest news with the halt to FLSA OT and the judge's ruling. Everyone at IHSS has been informed. All of the forms related to the FLSA OT that were returned to the county office are being archived.

Terri stated they are no longer requesting the eleven extra help staff they had planned for FLSA functions. They still plan to staff up for CCI purposes.

It is tremendously busy at IHSS with a huge spike in call volume and people coming into the office. Terri stated there are other ways to get through to IHSS, by mail and via fax. Along with the "normal" day-to-day phone calls for IHSS, people are now calling because of the new timesheets and also the special "tax" refund check that was sent out with no explanation anywhere on the check or paystub as to what the refund was for. This increased the influx of extra calls coming through and not enough staff to answer in a timely manner which of course makes the wait/hold time up to 1-2 hours now. Terri apologized for delays but noted that her staff are doing the best they can.

**Next Meeting:** The next meeting of the Advisory Board is scheduled for **Tuesday, February 17, 2015** from **11:30-1:30PM**, at the Sourcewise main office located at 2115 The Alameda, San Jose, CA. 95126.