

**IHSS Public Authority Advisory Board Meeting**  
**May 17, 2016**  
**MINUTES**

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

**Members Absent:** Deane Denney, Dennis Schneider, Robert Stroughter

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

**Guests Present:** Otilia Ioan, IHSS Consumer & Potential AB Member; Jennifer Norris Hoachlander, IHSS Care Provider & Potential AB Member; “Evan”, Senon Hernandez’s Friend and Helper

**Announcements & Public Comment:** Mary Tinker introduced Judy Pipkin as a newly appointed Advisory Board member. Judy was appointed by District 2, Supervisor Chavez for Seat 06. Judy is an IHSS Care Provider who takes care of her son. We welcome Judy!

**Approve Minutes:** Motion by JoAnn Disbrow to approve the March 2016 meeting minutes as written, seconded by Theresa Wright and Senon Hernandez, vote was unanimous.

**CAPA Report:** CAPA met in Sacramento April 20<sup>th</sup> and 21<sup>st</sup>. The meeting on the 20<sup>th</sup> was a half-day session that covered best practices for registry services and how to make them more effective. The full day session was primarily spent in discussion with CDSS regarding FLSA.

CAPA developed a work group to identify implementation issues resulting from passage of SB 3 on Paid Sick Leave for IHSS workers. It is to be implemented July 1, 2018 and will require a lot of planning and coordination.

**May Revise:**

- Restoration of IHSS 7-Percent Across-the-Board Reduction—An increase of \$265.8 million General Fund to reflect restoration of the 7-percent reduction to IHSS. The Governor’s Budget proposed funding this restoration using proceeds from the managed care organization tax. The restoration shall remain in effect until June 30, 2019, when the tax is scheduled to expire.
- IHSS Overtime Exemptions—Increases of \$3.6 million General Fund in 2015-16 and \$22.3 million General Fund in 2016-17 to reflect costs associated with exempting providers who meet specified criteria from IHSS overtime restrictions enacted in Chapter 29, Statutes of 2014 (SB 855). Exemptions will be available for live-in family care

providers who, as of January 31, 2016, reside in the home of two or more disabled minor or adult children or grandchildren for whom they provide services. A second type of exemption will be considered for recipients with extraordinary circumstances and granted on a case-by-case basis. Under either exemption, the maximum number of hours a provider may work cannot exceed 360 hours per month.

- IHSS Compliance with Fair Labor Standards Act—A decrease of \$65.8 million General Fund in 2015-16 primarily resulting from the revised implementation schedule for the payment of overtime, travel and medical accompaniment to IHSS providers to comply with federal Fair Labor Standards Act rules and the provisions of SB 855.
- Minimum Wage Increase—An increase in IHSS expenditures of \$18.4 million General Fund to reflect the impact of the 50-cent increase in the state minimum hourly wage, effective January 1, 2017, pursuant to Chapter 4, Statutes of 2016 (SB 3).
- IHSS Caseload—General Fund increases of \$131.7 million in 2015-16 and \$183.1 million in 2016-17 to reflect increases in caseload growth, average hours per case, and average cost per case.

**FLSA OT:** CAPA has been focused on implementation of FLSA overtime and the issues surrounding it. Everything is being done at an accelerated pace causing tremendous stress for everyone.

DHCS extended the violations grace period to September for WPCS recipients and their workers due to the need for additional time to program IT systems. The administration has been adamant that there will be no extension of the violations grace period for IHSS.

It appears the department believes the OT impact will be much less than initially expected. They are recommending counties train a small number of staff to deal with overtime issues rather than training all staff to handle it.

Many questions remain with county and public authority staff. CWDA and CAPA are working together to garner support and obtain clarification on remaining issues.

**Legislative Report:** Below, please find bills which CAPA is tracking during the 2016 legislative session.

**AB 1565 (Lackey): Developmental Services: funding:** This bill would require the State Department of Developmental Services to submit a plan to the Legislature by August 1, 2017, to ensure the sustainability, quality, and transparency of community-based services for individuals with developmental disabilities. *This bill was not heard in policy committee prior to the May 6 deadline.* **Position:** Watch

**AB 1584 (Brown): Public Social Services: SSI/SSP:** This bill would reinstate the cost-of-living adjustment for SSI/SSP beginning July 1, 2017. The bill would successively increase aid grants for specified applicants and recipients by the amount of \$21 on January 1, of the years 2017, 2018, 2019, and 2020. *This bill is currently on the Assembly Appropriations Committee Suspense file. The Suspense file will be taken up later this month.* **Position:** Support

**AB 1655 (Dodd): Medi-Cal: beneficiary maintenance needs: personal needs allowance:** This bill seeks to increase the personal needs allowance under Medi-Cal from \$35-\$80 per month, while a person is a patient, and would require the DHCS to annually increase this amount based on the percentage increase in the California Consumer Price Index. *This bill is currently on the Assembly Appropriations Suspense file. The Suspense file will be taken up later this month.* **Position: Support**

**AB 1797 (Lackey): In-Home Supportive Services: application:** This bill would authorize a person to apply for in-home supportive services in person or through electronic means, and would require the county, if an application is filed through electronic means, to provide the applicant with a confirmation number. *This bill passed out of the Assembly on April 21, and is currently awaiting referral in the Senate.* **Position: Watch**

**AB 1930 (Lackey) In-Home Supportive Services: family caregivers: advisory committee:** This bill would establish the In-Home Supportive Services Family Caregiver Benefits Advisory Committee, for the purpose of studying the impact of the denial of state Unemployment Insurance benefits and federal Medicare and Social Security benefits on individuals who provide supportive services to a spouse or child. *This bill is currently on the Assembly Appropriations Suspense file. The Suspense file will be taken up later this month.* **Position: Co-Sponsor**

**AB 2158 (Wagner): Home Care Services: in-home supportive services: registration and training:** Would require an independent IHSS provider to be listed on the home care aide registry prior to providing home care services to a client, and would require an independent IHSS provider to complete the specified training required for an affiliated home care aide. The bill would define "independent IHSS provider" to mean an IHSS program provider who is not employed by a private, 3rd-party agency to provide home care services under the IHSS program. *This bill was not heard by policy committee by the May 6 deadline.* **Position: Oppose**

**AB 2554 (Grove): Public Social Services: SSI/SSP:** Spot bill regarding SSI/SSP. *This bill is currently on the Assembly Third Reading file.* **Position: Watch.**

**AB 2565 (Salas): Independent Living Centers: State Funding:** Current law provides for the operation of independent living centers, which are private, nonprofit organizations that provide specified services to individuals with disabilities, in order to assist those individuals in their attempts to live fuller and freer lives outside institutions. The Department of Rehabilitation has the responsibility and authority for the encouragement of the planning, developing, and funding of independent living centers. This bill would delete the above provisions excluding the centers that were previously established and maintained with federal funding, thereby making those centers eligible for the prescribed state funding. *This bill is scheduled to be heard by the Assembly Appropriations Committee on May 18.* **Position: Support.**

**AB 2721 (Rodriguez): Elder and Dependent Adult Fraud: Informational notice:** Would require the Department of Justice to develop and distribute an informational notice that warns the public about elder and dependent adult fraud and provides information regarding how and where to file complaints. The bill would also require the notice to be made available on the

Internet Web site of the Attorney General. ***This bill passed out of the Assembly on May 12, and is currently awaiting referral in the Senate. Position: Support.***

**AB 2853 (Gatto): Public Records:** The California Public Records Act defines the term "public record," for purposes of that act, to mean any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. This bill would express the intent of the Legislature to subsequently amend this bill to include provisions that would clarify that the term "public record," for purposes of that act, includes those writings kept on the private cellular phone or other electronic device of an elected official, official, or employee or a public agency if those records relate to the public's business. ***This bill is currently on the Assembly Appropriations Committee Suspense file. The Suspense file will be taken up later this month. Position: Concerns.***

**SB 1140 (Moorlach): Legislature: operation of statutes:** Current law specifies the dates by which enacted statutes go into effect. Current law also provides that a statute may be repealed at any time, except when vested rights would be impaired. This bill would require the automatic repeal of a statute that expressly or implicitly authorizes an executive agency to promulgate regulations two years after the statute goes into effect, unless the Legislature amends the statute to state its intent that the statute not be repealed, or unless the statute was passed in response to an emergency. ***This bill failed passage in Senate Governmental Organizations Committee on April 12. Position: Concerns***

**SB 1142 (Moorlach): Disability access:** Would provide that when there is a conflict or difference between the federal Americans with Disabilities Act of 1990 and any state law, standard, or regulation relating to the access of individuals with disabilities to any place to which the general public is invited, the federal Americans with Disabilities Act of 1990 shall control. ***This bill failed passage in Senate Judiciary Committee on April 26. Position: Oppose***

### **Programs Reports**

**Benefits Administration:** There were 9,972 IPs enrolled in the Valley Health Plan with 7,028 of those in the Classic Plan and 2,944 in the Preferred Plan. There were 10,532 IPs enrolled in the Dental/Vision plans during the month of April. There were 750 Eco Pass Clipper Cards issued.

Benefits have also been impacted by the FLSA OT. This resulted in mailing 226 benefits applications and 713 new provider information letters.

Additionally, staff mailed 567 overtime violation warning letters to providers encouraging them to learn how to prevent it from happening again. PA staff is working to educate providers on how to avoid receiving violations once the grace period ends May 1<sup>st</sup>.

### **Enrollment:**

Number of IPs in April: 412

The number of individuals attending the group enrollment sessions remained high during April with between 75 and 100 per session. Group sessions are held twice every Friday.

**Registry Services:** There are 546 active IPs on the registry and 1104 active consumers.

The registry:

- Completed 55 new consumer intakes and 39 reactivations for a total of 94 consumers with a status change to active
- Attained 62 matches
- Provided 404 interventions
- Created new consumer profiles in the database for each person added to the registry

**Care Coaching:** The Registry received 27 referrals for Care Coaching in the month of April. Two referrals came from Santa Clara Family Health Plan.

**Registry Recruitment:** One Registry Introduction Training was held in April. There were 25 individuals prescreened and invited to participate with 13 attending. Thus far 5 of those have been fully processed, screened, background checked and added to the registry. Interviews and reference checks are in process for the balance of the attendees.

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

**IP Trainings Provided:** The Public Authority offered 14 classes during April training 234 IPs.

**Consumer Training:** The second “Call and Connect” training session was held with the topic “Creating a Back-up Plan for Your Care.” These are training opportunities for IHSS consumers that they can participate in by phone. It is also made available to their providers/family caregivers if they want to participate as well.

Consumers are pre-registered for the session so staff can mail/email handouts and call-in number information. Those who have participated in these sessions have provided positive feedback on the value and information they receive from them.

- Out of the 10 people registered 3 joined the call.

**Outreach Activities:** One outreach activity was conducted in April. The Healthy Living Health Fair was held on April 17<sup>th</sup> with approximately 1,000 participants. A table with IHSS information flyers and two volunteers, (one IHSS SW and one union member) were there to answer questions for about 60 individuals with inquiries.

**FLSA Overtime:** Call volume continues to be high PA handled 5844 calls in April largely due to overtime concerns.

Staff continues handling most questions/concerns about overtime and understanding violations over the phone. In-person training sessions are offered to providers and their consumers on an as needed basis as well as scheduled group sessions.

The PA website has a vast amount of information regarding overtime and is maintained with the most relevant info as it becomes available.

IHSS and PA staff continues to meet monthly to collaborate on overtime strategies. Information sharing is essential and this group is working hard to provide as much support and information as possible for those impacted. The IHSS website has a link to the PA website and directs viewers to go there for FLSA OT information.

PA mailed 567 overtime violation warning letters to IHSS providers, the letters identify what would have caused the violation and offer training if they need further assistance. This impacts call volume as people follow-up and are instructed one-on-one as to why they would have received a violation. There was a drop of about 30 percent in violation letters from March to April which indicates the letters and training is working.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford gave a brief overview of CICA. There are currently 26 member counties within the CICA organization. Janie mentioned the monthly call in meeting that is held every 3<sup>rd</sup> Wednesday of the month at 10am. She urged all members to try to attend. CICA has a good and solid support work group that includes Karen Keeslar who is the CAPA Director and also Mary Tinker who is the CAPA President. Deborah Doctor also is strongly involved and she represents Disability Rights of California. CICA is the voice of the Consumers. They strive in advocating for consumers and their rights. CICA is always looking for consumers to take the time to go to the State Capital in Sacramento to do testimonials and advocate for IHSS.

Janie mentioned that Santa Clara County Public Authority is considered the best in conducting training for Consumers and Care Providers. CICA sends out best practices to all counties and our PA sets examples for some of these.

**Report from Social Services Agency:** Terri Possley reported that there is quite a bit of work involved with the FLSA staffing and what has been going on within IHSS. They have 4 new staff in place and 2 out of these 4 are clerical positions. The FLSA hotline has been up and running for 3 weeks and they seem to average 60 calls a week and they have the ability to take live calls at this time. This team that Kingston Lum hired is very energetic and very positive and they are very busy. There are no violations in CMIPS yet.

As far as the scanning project goes –they are fully staffed at this time with 8 new full time hires scheduled out for the next six months. They are working diligently to get all cases scanned. The plan is to have all 40,000 cases scanned in by December 2017.

On another positive note, IHSS is currently at 81% compliant for State expectations with Social Workers and their scheduled annual reassessments. IHSS is no longer on the radar with the State as far as being compliant since each Social Worker is almost at 100% within the case load max of approximately 300. Caseloads are finally down from 300, now at 280/290.

There are 8 social worker positions that were open and now they have filled 6 positions.

There is a total of 76 Social Workers within 9 units. There are 4 SW's in CCI. Terri also mentioned that the Fraud department has a vacant position. The IHSS website, [www.scc.gov](http://www.scc.gov) has been updated and includes the FLSA information and link to the Public Authority website for more detailed FLSA information.

**Next Meeting:**

The next meeting of the Advisory Board is scheduled for **Tuesday, June 21, 2016, from 11:30 pm – 2:00 pm**, at the Sourcewise main office located at 2115 The Alameda, San Jose, CA. 95126.