

**IHSS Public Authority Advisory Board Meeting**  
**December 6, 2016**  
**MINUTES**

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**Members Present:** Janie Whiteford, JoAnn Disbrow, Robert Stroughter, Judy Pipkin, Senon Hernandez (via tele-conference), Otilia Ioan, Terri Possley (ex-officio)

**Members Absent:** Deane Denney, Dennis Schneider, Ellen Rollins, Theresa Wright

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

**Guests Present:** Beverly Lozoff, Board Member for NAMI and Potential AB Member;  
Kris Zankich, Parent of IHSS Consumer, Vera Sokolova, IHSS IP,  
Linh Phuong, SEIU Local 2015 Internal Organizer

**Announcements & Public Comment:** None.

**Approve Minutes:** Motion by Bob Stroughter to approve October 18, 2016 meeting minutes as written, seconded by Janie Whiteford, vote was unanimous.

**CAPA Report:** Mary Tinker reported CAPA met November 15<sup>th</sup> in conjunction with the C4A conference in Los Angeles. The CAPA meeting was only half-day so members could participate in the conference and attend the workshops.

**CDSS:** Is working on updating their website and have asked for stakeholder input. It looks much more user friendly and easier to access information.

**FLSA update:** CDSS indicated the release of ACL on invalid travel claims and timing for data on invalid travel claims to be available on the *SFT* server the end of November.

**Paid Sick Leave:** CDSS held a few small work group meetings to discuss SB 3 on sick leave implementation for IHSS providers. They will continue to gather information and ideas with various stakeholders for creating a back-up system to replace workers using sick leave. CAPA prepared some suggestions for CDSS to consider in developing a paid sick leave back-up system.

**Electronic Timesheets:** CDSS had a briefing at the Capitol in November on electronic timesheets. A copy is available upon request. CDSS scheduled two half-day focus group meetings one with IHSS consumers and one with IHSS providers for December 12 and 13. A public stakeholder meeting will be held in February 2017. CDSS will select two pilot counties then would like to be ready for full roll-out by June 2017.

Economic Factors and Next Year's Budget: In March, the Governor and Legislature reached agreement on the Managed Care Organization (MCO) tax. Federal approval was secured on May 17, 2016 which authorized the state to implement the MCO tax until June 30, 2019. The MCO tax is important as it provides funding for the Coordinated Care Initiative (CCI) pilot program. The continuation of the CCI is required to preserve the county IHSS Maintenance of Effort (MOE). The MOE replaced the county share of cost for IHSS and is based on each county's FY 11/12 IHSS expenditures with a 3.5 percent annual inflator for all counties, as well as individual adjustments for counties that increase IHSS wages and benefits. Collective bargaining for IHSS providers was shifted to the state for the seven pilot counties, one of which is Santa Clara County.

While the enactment of the MCO tax stabilized funding for the state, it doesn't guarantee continuation of the CCI. State law requires the Department of Finance to provide an estimate of state savings obtained from the CCI as part of the January budget proposal. If the Department of Finance estimates the CCI does not produce net state General Fund savings, the CCI is automatically terminated on January 1 of the following year without any legislative action required. There are indications that savings from the CCI are not achieving the desired benchmarks due to low enrollment and other factors. Hence, there is a degree of uncertainty about the long-term stability of the MOE.

## **PROGRAMS REPORT**

Benefits Administration: Mary Tinker reported there were 10,314 IPs enrolled in the Valley Health Plan with 6,435 of those in the Classic Plan and 3,879 in the Preferred Plan. There were 10,982 IPs enrolled in the Dental/Vision plans during the month of November. There were 152 Eco Pass Clipper Cards issued.

### Enrollment:

Number of IPs enrolled: 476

The number of individuals attending the group enrollment sessions was 40 to 60 per session. Group sessions are held twice every Friday so approximately 405 in November.

Registry Services: There are 549 active IPs on the registry and 1074 active consumers.

The registry:

- Completed 74 new consumer intakes and 38 reactivations for a total of 112 consumers with a status change to active
- Attained 64 matches
- Provided 443 interventions
- Created new consumer profiles in the database for each person added to the registry

Care Coaching: The Registry received 11 referrals for Care Coaching in the month of November. No referrals were made by either of the health plans.

Registry Recruitment: One Registry Introduction Training session was held in November. There were 36 individuals prescreened and invited to participate with 27 attending. Staff is processing, screening, interviewing and checking references of the attendees prior to adding them to the registry.

Urgent Care Registry authorized 38 hours of service for the month of November.

Expedited Registry: Expedited Registry received 9 referrals in November.

Training for Consumers and Providers:

Consumer Training: One Call and Connect session was held in November with 4 participants. The session was titled “Living with Memory Loss.”

The Consumer Connection newsletter was mailed to 21,600 IHSS consumers the end of November.

IP Trainings Provided: The Public Authority offered 12 classes during November training 229 IPs.

Over Time Training: The Public Authority provided over the phone training/counseling for 5 IHSS providers on overtime issues and how to properly complete their timesheet.

Mary reviewed the two current medical plans within VHP, the Classic Plan versus the Premier Plan. Basically once you lose out on the Classic Plan you cannot return to this plan, it rolls over to the Premier Plan. This has brought up some issues with one care provider in particular.

**California IHSS Consumer Alliance Report (CICA):** Janie Whiteford gave a brief overview of recent CICA activities. Janie attended a hands on training for the Statewide Electronic Timesheets. There was much to see and great value in seeing what worked and what doesn't work, see some of the glitches in the system. It was a very good training.

Janie also stated that CICA is very concerned with the Federal Legislation HR 26 Bill titled “Electronic Visit Verification System”. It is a huge bill on the Federal level where people are concerned and want a NO vote on this bill.

**Electronic Visit Verification System:** *Federal legislation HR 26, has a requirement that all states with personal care programs funded by Medicaid implement an electronic visit verification system. There are about 16 states that have already done so and some of the components of their programs are deeply disturbing. IL and TX have their systems automated so it requires the consumer and provider to come up with a rigid schedule and if the provider does not show up within 15 minutes of the scheduled start time then Adult Protective Services is automatically notified on the assumption that the consumer has been abandoned. There may be an opportunity at the federal level to get the US Senate to amend out Section 207 that has this electronic verification requirement. The legislation was passed the House of Representatives without a no vote in July. So advocates focus will be on the Senate. They will be completing their action by the end of this year.*

There are other items that CICA is closely following for example the sick leave and the back-up system and the overtime violations.

CICA has three representatives on the Advisory Committee for the Statewide Authority. They are advocating social worker training by the State include independent living philosophy and consumer direction. The Social Workers need a better understanding of the concept of living with disabilities and possibly some sensitivity training on empathy and tips when working with and assessing consumers.

Janie plans to attend a stakeholder workgroup Thursday, December 8<sup>th</sup> regarding the state enrollment video that is very old and badly in need of revision.

Once again Janie reminded all of the CICA monthly calls that are conducted on the 3<sup>rd</sup> Wednesdays of the month from 10-11am and encouraged everyone to call in.

**CICA Surveys Report:** Janie mentioned that CICA is conducting two different surveys for Consumers and Advisory Committees. At this time we will not review the surveys as a group here at this meeting today. Janie announced that Mary Tinker will re-send the emails with the surveys to be completed by all AB members. All members please check your email for this notification and do your best to complete the survey.

**Annual Report:** Mary Tinker reported the annual report is in its final edits and it is almost completed. She did not have any draft copies at this time. Once final report is completed Mary will distribute to all members. The annual report cover letter has been approved and signed off by JoAnn Disbrow, current Chair of the advisory board. Mary read the letter at the meeting. Mary indicated the report will include information on each of the programs the PA provides along with numbers and charts showcasing the impact in the community.

There are four recommendations of the IHSS Advisory Board that will be included in the report:

1. Adding staff for IHSS, with regards to long phone times
2. Training of the IHSS SW for Clients
3. Support expedited registry for consumers whose provider calls in sick
4. AB committed to meeting with BOS members on an annual basis

**Report from Social Services Agency:** Terri Possley reported that IHSS has a lot going on right now. Terri met with three State auditors who are conducting the regular QA audit and making some home visits as part of the review of selected cases.

Also, Kingston Lum was supposed to be in attendance today but was unable to make it due to the rescheduled date for this IHSS AB meeting. Kingston did provide Terri with some talking points that she shared with all the AB members:

- All IPs enrolled prior to 2/1/16 must submit a new SOC 846 so far 20,000 have been entered. 1,800 remain outstanding. New due date of 4/29/17.
- IHSS FLSA Hotline went live on 5/1/16. Average about 110 calls a week. Categories include:

1) overtime, 2) timecards, 3) maximum weekly hours, 4) violations, 5) exemptions, 6) travel time, 7) forms, 8) miscellaneous topics, 9) non FLSA calls, and 10) flexible hours requests. Most calls are about weekly hours, violations, and forms.

- FLSA Hotline: (408) 792-1600. Select English as the language [Selecting the other languages will work too but there is no voicemail script to inform the caller that they can select Option 3 for FLSA]. Select wither 1 for Client or 2 for Provider. Select Option 3 to reach the dedicated FLSA Hotline.
- Violations have been actively enforced as of 8/1/16. 541 total violations. IHSS has upheld 174 violations and overrode 144.
- Violation dispute form (SOC 2272) has a 10 calendar day turn around. Very tight timeline. Suggest dropping off in person or fax. Can use e-fax: [4089721837@fax.sccgov.org](mailto:4089721837@fax.sccgov.org) from smart phone.
- No IPs has 3 violations yet. IHSS will work with clients and IPs to ensure there is no interruptions in services/care.
- New ACLs are forthcoming to provide further clarifications: Exemption 1 & 2; minor children and FLSA.

Terri also mentioned, as before, she believes that there are some IPs that are not claiming more hours for fear of getting violations.

She also mentioned that there has been a shift in the distribution of workload within the account clerks/data office specialists. What this basically means is that they re-did the distribution and divided the work load and now the work is divided equally among all account clerks. This seems to be working better as the calls and paperwork is done more efficiently.

Janie asked Terri what are the majority of calls coming through: Terri stated that the main reason calls gets routed to her is because there has been an error made by the IPs or the recipient when completing timesheets and therefore the lag in receiving payroll checks. Another reason for manager intervention is when the delay in pay is because one IP has claimed the work hours when it should have been another IP. A lot of the problems that cross Terri's desk are related to recipient/ IP errors, and mis-communication between multiple IPs caring for one recipient.

**New for 2017-Discuss Potential / Additional Venues to Conduct AB Meetings:** Leticia Sabadin discussed with the members the potential in identifying additional venues to conduct monthly AB meetings. This was brought up at the previous meeting. The Sourcewise main office is usually available; nevertheless there are times when the conference rooms are not available and we need to locate a different location, also, the members would like to conduct these meetings at other locations for more visibility within the communities around town. The members agreed to meet at a different location every other month, our "home base" being the Sourcewise main office.

As agreed upon for the beginning of 2017:

- January meeting to be held at the Democratic Party Office, contact is Judy Pipkin. On the calendar, Leticia to follow-up with Judy as the date nears.
- February meeting to be held at Sourcewise, contact is Leticia Sabadin.

- March meeting to be held at the IHSS Office on Senter Road, contact is Terri Possley. On the calendar, Leticia to follow up with Terri as the date nears.
- April meeting to be held at Sourcewise, contact is Leticia Sabadin.
- May meeting to be held at the Silicon Valley Independent Living Center, contact is Sherri Burns. Leticia will contact Sherri and ask for a reservation to their conference room.

**Next Meeting:**

The next meeting of the Advisory Board is **Tuesday, January 17, 2017, from 11:30 pm – 1:30 pm**, at the **Democratic Party Office located at 2901 Moorpark Avenue, Suite 110, San Jose, CA. 95128.**