

IHSS Public Authority Advisory Board Meeting
May 16, 2017
MINUTES

Members Present: Janie Whiteford, Ellen Rollins, Cheryl Hewitt, Terri Possley (Ex-Officio); Theresa Wright (via tele-conference), Otilia Ioan (via tele-conference); Dennis Schneider (via tele-conference)

Members Absent: Deane Denney, Judy Pipkin, Bob Stroughter, Senon Hernandez

PA Staff Present: Mary Tinker, Leticia Sabadin

Guests Present: Beverly Lozoff, Board Member for NAMI & Potential AB Member; Vicente Vega, SEIU Local 2015 Internal Organizer; Vera Sokolova, IHSS IP; Salaia Copeland, IHSS IP; Starr Nkwuo, IHSS IP

Announcements & Public Comment: Ellen Rollins announced that on the 4th Thursday of every month there is a Senior Program Walk-a-About at Kelley Park in San Jose. It is for Seniors and people with disabilities. She encouraged folks to come and attend. Ellen also mentioned that her term at the union office will expire next month and she plans not to run again but instead take a little rest from this post.

Janie Whiteford announced and reminded members about the upcoming events:

- CICA Workshop and CARA/CICA Legislative Education Lobby Day in Sacramento on May 25 & 26
- Disability Capitol Action Day in Sacramento on June 13

Approve Minutes: March minutes were not available so will be approved at the next meeting.

CAPA Report: Mary Tinker reported CAPA met in Sacramento April 26th for a half day covering operational issues and 27th for the regular meeting.

Maintenance of Effort (MOE) (Summary from CSAC): The Governor's May Revise is an improvement over the January budget proposal. Remember the January proposal included approximately \$623 million shift to counties beginning July 1 due to the elimination of the 5-year county maintenance of effort (MOE) for IHSS. The January budget eliminated the county MOE of a 3.5% increase annually and reverted back to a 65/35 percent share between the state and counties.

The May Revise indicates that the \$623 million reflected in the January budget has been reduced to \$592 million in year one. The State is committing \$1.1 billion in state general fund contributions to mitigate the cost shift to counties over the next 4 years and also includes an

ongoing state general fund contribution into future years. The \$1.1 billion is allocated as follows:

- Year One--\$400 million
- Year Two--\$330 million
- Year Three--\$200 million
- Year Four & Every Thereafter--\$150 million.

MOE AND INFLATOR: The proposal includes a new MOE with a stepped inflator. In year 1, the inflator is zero and a new MOE base is set. In 2018-19, the inflator is 5%, and it then rises to 7% in year 3. However, there are allowances starting in year 2 for an economic downturn in which sales tax revenues decline. In this scenario, during years with no sales tax growth, the inflator is zero. If sales tax growth is between .01 and 2 percent, the inflator is cut in half for that year.

VLF AND SALES TAX GROWTH The proposal would redirect all 1991 Vehicle License Fee (VLF) growth – not base revenues – from the Health, Mental Health, and County Medical Services Program (CMSP) Subaccounts for the first three years, and then 50 percent of VLF growth in years 4 and 5. Growth due to the Social Services Subaccount is already dedicated to state CalWORKs costs. Base revenues would not be adjusted for growth during the 5-year redirection. Sales tax growth would be redirected for 5 years, too, but only after it has funded caseload growth on a cash basis. The state would also continue to redirect VLF growth from the Health Subaccount under AB 85 (Chapter 24, Statutes of 2013) to help fund state CalWORKs costs.

IHSS ADMINISTRATIVE COSTS: The state would also fund all county IHSS administrative costs for the current year. These costs were running approximately \$60 million over the current year budgeted amount, so this would provide assurance to counties that these costs would be covered up to July 1.

BOE ERROR: The proposal holds counties harmless from any impacts related to the Board of Equalization (BOE) error in allocating Proposition 172, 1991 Realignment, and 2011 Realignment revenues to counties through fiscal year 2015-16. The estimated value of this forgiveness ranges from \$100 to \$300 million.

HARDSHIP LOANS: For counties that may experience a financial hardship under this proposal, the state would entertain an individual low-interest loan on a case-by-case basis. All elements of these loans – their structure, timeline, and required documentation – have yet to be developed.

COLLECTIVE BARGAINING AND WAGES: The proposal does not reinstate statewide collective bargaining, but retains bargaining at the local level. The Governor is proposing changes to the wages and collective bargaining for IHSS workers. First, the state is increasing its \$12.10 per hour state wage participation cap, which had been in place since 2007-08. Now it will “float” the state’s wage participation cap \$1.10 above the state minimum wage, and when the full \$15 per hour state minimum wage is reached, the cap will then be increased for inflation. For counties currently at or exceeding the \$12.10 cap, the state will pay for 65 percent of the costs

up to a maximum 10 percent increase in costs over three years. Lastly, the proposal would require all counties to conclude bargaining with IHSS workers within nine months (April 1, 2018), or the union may appeal to the Public Employees Relations Board.

FLSA update: I will leave this for Terri to provide any updates here—things are very slow from the Public Authority side of FLSA. Staff assisted 12 providers with one-on-one training on how to complete their timesheets correctly to avoid OT problems.

Shannin Prather our Training Manager developed a great new video that instructs providers on how to complete their timesheets and prevent OT issues. It is on the PA website and available to anyone who wants to view it. We have had over 375 views of the video since going live with it 2 weeks ago.

Paid Sick Leave: CDSS discussions regarding a back-up system are on hold until the MOE funding for counties is finalized.

Electronic Visit Verification: The Federal 21st Century Cures Act was signed December 2016 and mandates all states to require EVV by January 2019.

- EVV requires capturing daily start and stop time, and the type of each service provided. Neither are currently captured in the IHSS program.
- CDSS is assessing these new requirements and their impact to the IHSS program. Any approach for implementation will include extensive stakeholder participation.

Electronic Timesheets –Timeline and Activities:

- May 2017—Implement in three pilot counties: Sacramento, Yolo and Riverside
- July 2017 – Target date for statewide implementation pending outcome of the pilot

Legislative Update: The May Revise was released a day early. The budget hearing was held yesterday and today, to hammer out remaining details. While that important work is being undertaken, policy committees and fiscal committees continue to meet. Also this month, we'll likely see our tracked bill reduce substantially when several bills meet their death-by-suspense-calendar. We'll also see a flurry of floor activity in both houses, as we approach the summer recess deadline. For a more exhaustive list go to the CAPA website at www.capaihss.org

AB 237 (Gonzalez-Fletcher): In-Home Supportive Services

Current law authorizes certain Medi-Cal recipients to receive waiver personal care services, as defined, in order to allow the recipients to remain in their own homes. Current law requires that in-home supportive services and waiver personal care services be performed by providers within a workweek that does not exceed 66 hours per week, as reduced by a specified net percentage. This bill would increase the maximum hours per week that providers may perform personal care services from 66 to 70 3/4 hours per week. ***This bill is currently in the possession of Assembly Appropriations Committee, but has yet to be scheduled for hearing.*** **Position:**
Support

AB 432 (Thurmond): Personal Care Services

Would authorize the California In-Home Supportive Services Authority and certain other entities to meet and confer in good faith regarding wages, benefits, and other terms and conditions of employment with representatives of recognized employee organizations for an individual who is employed by a recipient of waiver personal care services and would make conforming changes. This bill contains other related provisions and other existing laws. ***This was placed on the Assembly Appropriations Committee suspense calendar, and it will be acted upon later this month. This is CAPA's Sponsored bill.***

AB 675 (Ridley-Thomas): Medi-Cal: In-Home Supportive Services: funding.

Would appropriate \$650,000,000 from the General Fund to the Department of Health Care Services for the purpose of continuing to make IHSS available to Medi-Cal beneficiaries through Medi-Cal managed care health plans under the Coordinated Care Initiative. ***This bill has been referred to the Assembly Appropriations Committee, but has yet to be scheduled for a hearing. Position: Support in Concept.***

AB 796 (Kalra): Public Social Services: SSI/SSP

Current law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Current law continuously appropriates funds for the implementation of SSP. This bill would reinstate the cost-of-living adjustment beginning January 1 of the 2018 calendar year. ***This bill has been placed on the Assembly Appropriations suspense calendar, where it will be acted upon later this month. Position: Support***

AB 806 (Kalra): Personal Income Taxes: credit: family caregiver

The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2018, in an amount equal to 50% of the amount paid or incurred by a family caregiver during the taxable year for eligible expenses, as defined, not to exceed \$1,000. This bill would take effect immediately as a tax levy. ***This bill is currently in the possession of the Assembly Appropriations Committee, but it has yet to have been scheduled for a hearing. Position: Support***

AB 1380 (Santiago): Developmental Services: regional center services.

Would require all regional center contracts to include provisions requiring the regional center to develop a process by which all vendor contracts are reviewed at least once every 2 years and to require that the regional center take appropriate action to ensure that vendors comply with the contracts, up to and including terminating the vendorization if necessary. The bill would require all regional center contracts or agreements with service providers that provide in-home respite services to expressly require that at least 85% of regional center funds be spent on direct service expenditures, as defined. ***This bill is currently in the possession of the Assembly Appropriations Committee, but it has yet to be scheduled for a hearing. Position: Watch***

SB 218 (Dodd): The Qualified ABLE Program: tax-advantaged savings accounts.

Would authorize the transfer of all amounts in the designated beneficiary's ABLE account to an ABLE account for another individual specified by either the designated beneficiary or the estate of the designated beneficiary upon the death of the designated beneficiary. The bill would prohibit the state from seeking distribution of any amount remaining in the designated beneficiary's ABLE account for any amount of medical assistance paid under the state's Medicaid plan and would prohibit the state from filing a claim for the payment, as specified.

This bill was placed on the Senate Appropriations Committee suspense calendar, and it will be acted upon later this month. Position: Support.

PROGRAMS REPORT

Benefits Administration: There were 10,601 IPs enrolled in the Valley Health Plan with 6,102 of those in the Classic Plan and 4,499 in the Preferred Plan. There were 11,271 IPs enrolled in the Dental/Vision plans during the month of April. There were 603 Eco Pass Clipper Cards issued.

Enrollment:

Number of IPs enrolled: 387

The number of individuals attending the group enrollment sessions was 60 to 70 per session. Group sessions are held Friday so approximately 475 in April.

Registry Services: There are 543 active IPs on the registry and 1037 active consumers.

The registry:

- Completed 59 new consumer intakes
- Attained 82 matches
- Provided 526 interventions
- Created new consumer profiles in the database for each person added to the registry

Care Coaching: The Registry received 17 referrals for Care Coaching in the month of April. One referral was received from Santa Clara Family Health Plan.

Urgent Care Registry There was 15 hours of service authorized in April.

Expedited Registry: Expedited Registry received 6 referrals in April with 2 consumers receiving service. See supplemental registry information page for more information. Most consumers referred to expedited registry are served by other registry services that better meet the needs of the consumer.

Registry Introductory Training (RIT): There was one English RIT session held in April with 33 individuals invited to attend and 10 actually participating.

- Held 19 interviews
- Called 38 references

- Completed 28 reference checks
- Added 12 new IPs to the registry

Training for Consumers and Providers:

Consumer Training: One Call and Connect session was scheduled in April with 8 consumers registered. The session was cancelled due to technical problems at the time of the class. This will be rescheduled.

IP Trainings Provided: The Public Authority provided 13 training sessions in April training 185 providers.

Over Time Training: The Public Authority provided over the phone training/counseling for 12 IHSS providers on overtime issues and how to properly complete their timesheet.

SEIU Dues Increase: Effective May 1, 2017 SEIU 2015 will be increasing member dues to 3% of provider wages. In SCC this means those paying the lowest amount of \$12 will go up to \$15 and those at the highest level paying \$28 will increase to \$45.

Over Time Video: Shannin Prather, Training Manager developed this and did an outstanding job with this. The video has been up for two weeks and has over 375 views.

California IHSS Consumer Alliance Report (CICA): Janie Whiteford commented on the Public Authority's latest Consumer Connection newsletter and she thought it was very good.

Janie also reported that she was a speaker at the Parents Helping Parents Conference. In partnership with the Disability Collaborative of Santa Clara County, the agenda topic was "Advancing Our Future". This was a panel discussion on public and private financial supports for people with developmental disabilities.

Once again Janie reminded members of the CICA Advisory Committee Workshop scheduled for May 24th. Scheduled for the call is Senator Mike McGuire. Janie emailed the meeting reminder and agenda to all members.

Report from Social Services Agency: Terri Possley reported that IHSS developed a new unit based team. The "wait terminators" team consists of 10 people, which is the committee of volunteers for this new project. This project will focus on reducing phone call wait times. They have a plan in place and they hope to implement it by August 2017 in order to reduce the wait/hold times. Currently the wait/hold times are 45 minutes to an hour or more.

Terri also reported on the "e-timesheets". There are currently 3 pilot counties: Yolo, Sacramento and Riverside who are working with e-timesheets. The counties at this time are not very happy with this new system. It seems as though the IPs are excited about it but not the Consumers. There are quite a few consumers that are calling in with a ton of questions via the phone and/or coming into the lobby with questions. There is no training offered at this time. The old way of doing timesheets still exists and can be used. At this point the go-live date planned for July may be delayed because of so many issues arising from the new system. This

will not go-live in other counties if the pilots aren't doing well. The state is committed to implementing this slowly and working out any issues before full roll out to all counties.

Terri reported that she is interviewing for the open QA Manager position since Renee Bhader was given a promotion. Also Terri's administrative assistant, Francis was promoted to Executive Assistant so Terri is also interviewing for a replacement. They also just hired a Russian speaking Social Worker.

Ellen Rollins asked Terri why IHSS cannot incorporate some kind of system to where the caller to IHSS has the capability to leave their recorded name and phone number with IHSS and have IHSS call them back when available....just like the IRS and what PG&E does. Terri said they could look into something like this.

The IHSS guest this month is Kate Kreil-Sarkar who is the Supervisor for the CCI and FLSA Units. At this time her staff consists of 4 CCI Social Workers, 4 FLSA Social Workers and 1 clerical. Kate also spoke about the e-timesheets and how the clients are not buying into it. Clients do not want electronic timesheets and signatures because it's too hard and/or complicated for the clients especially when they don't know the newest technology. For some providers Kate feels they are excited and can do well and understand the new system but the older generation is not as accepting.

Janie asked Kate about the influx of violations coming in, Kate said that there is a steady amount coming in, they are mainly addressed through a phone call placed by IHSS staff. There is little to no fraud issues involved with the violations.

Some of the more common violations Kate sees are:

- Calculation errors
- Not understanding the work week
- Does the IP have to work overtime and how do they document that on their timesheet

Kate stated that once you call into the FLSA hotline and then press number 3 on the phone there is usually a Social Worker always on the line.

There were discussions around the discharge planning of a client from a hospital and how not everything is captured during the discharge. There could be potential problems once the client is at home. Health Plans should have more resources to better assist clients. This is a critical piece.

Janie asked Kate about the clients and who do they coordinate the managed care with--through the Health Plans or IHSS. Kate stated that the Health Plans have more authorization and that IHSS has a limited capacity to help in this.

Next Meeting: The next meeting of the Advisory Board is **Tuesday, June 20, 2017, from 11:30 pm – 1:30 pm,** at the **San Jose Sobrato Conference Center at 1400 Parkmoor Avenue, San Jose, CA. 95126**