

**IHSS Public Authority Advisory Board Meeting
September 21, 2021
MINUTES**

ZOOM VIRTUAL MEETING

<https://zoom.us/j/97448761420?pwd=bmR1b3NIMEVUWHR1UGFkNUo4V1Z0UT09>

Meeting ID: 974 4876 1420

Passcode: 293979

Phone Only:

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*****This meeting is being recorded for purposes of capturing the meeting minutes.***

Members Present via Virtual/Conf. Call: Janie Whiteford; Beverly Lozoff; Mathew Lubinsky;
Terri Possley (Ex-Officio); David Forderer; Dennis Schneider;
Darcy McCann

Members Absent: Lori Andersen

PA Staff Present via Virtual/Conf. Call: Edith Gong, Leticia Sabadin

Guests Present via Virtual/Conf. Call: Emilio Carrillo, SEIU 2015 Union Member, IHSS IP & Potential
AB Member; Narendra Pathak, IHSS Client & Guest; Gianna Spina, ILS/PAS
Coordinator at Silicon Valley Independent Living Center

Announcements & Public Comment:

- Janie announced that Darcy McCann has been officially approved as an IHSS Advisory Board Member! Welcome Darcy and we are glad and delighted to have you on this board.
- Janie also mentioned that she has been in contact with Supervisor Ellenberg's office regarding Emilio Carrillo's pending membership application. Janie will continue calling and push to get Emilio's application approved. Janie asked that other members call in and do the same thing.
- Lastly, Janie wanted to let everyone know that unfortunately Karen Keeslar, friend, mentor and CAPA Executive Director is retiring and leaving CAPA.
- Narendra Pathak, guest, expressed his thanks to board members and PA staff. He also shared his commission appointments and requested remembrance of 9/11 victims and the attacks at Kabul airport.
- Gianna Spina shared that SVILC is continuing to hold workshops on Zoom at this time. "Managing Your Caregiver" workshop is for those who hire caregivers. It provides guidance of hiring, maintaining, and letting care givers go as a general outline. For more information, visit their calendar at: <http://svilc.org/workshops>.

Approval of Minutes:

- Motion by Mathew Lubinsky to approve the June 15, 2021 meeting minutes; seconded by Beverly Lozoff, vote was unanimous.

Nomination & Vote for AB Vice Chair:

- Mathew Lubinsky previously volunteered for this position.
- David Forderer did a motion, seconded by Dennis Schneider, vote was unanimous.

Report Back - Advisory Board Budget Spending FY 21/22:

- Beverly and Janie need to set up a budget sub-committee to setup the budget for FY 21-22.
 - Sub-committee will consist of Beverly, Janie, David and Edith.
 - Also add the monies set aside for trainings, etc.
 - **Beverly will contact Janie to get that going. Goal is to have FY 21/22 proposed budget drafted soon.
 - Leave this item for next month.

Report Back - Provider Recruitment & Outreach:

- Lori Andersen asked to set up a task force/sub-committee to discuss ideas in a previous meeting.
 - Lori suggested to brainstorm ideas on how to improve recruitment, retain providers, etc.
 - This sub-committee will consist of: Lori, plus 2 of her staff, Janie, Edith, Angelina (PA Registry Manager), Mathew, Damaris, Emilio, Gianna.
- Edith provided brief update after the first meeting held on July 23rd. There were plenty of ideas on the table as far as outreach:
 - Postings on Next Door, Indeed
 - Doing referral incentives
 - Postings at vocational locations, EDD, Job Core
 - NOVA
 - Ethnic based Communities
 - Using Social Media
- Edith and Registry Manager, Angelina Soria, have been able to post on Indeed and at certain venues and will be doing Senior Centers next.
- Edith has noticed an uptick on this as far as interest, 20 people have showed interest.
- There is an upcoming meeting in October and a separate follow-up meeting with SVILC as well.
- Edith also wanted to point out that with the current open Care Coordinator position, she has switched that over to an open Registry Recruitment & Outreach Specialist to push and advocate this.
 - Leave this item for next month.

Annual Report Recommendations & Letter:

- Edith noted that the annual report is completed, but cannot be distributed until presented and approved at the CSFC (Children Seniors and Family Committee) meeting on 10/28.
 - Recap of recommendations:
 - Continue building our relationship with the Board of Supervisors and their Policy Aides.
 - Review and approve Advisory Board member applications in a timely manner.
 - Acknowledging the extreme difficulties in the current environment of obtaining care providers, we recommend additional funding and support to develop a more robust Emergency Backup Program.
 - Develop a much more robust Consumer Training Program.

- Recommendation of development and implementation of a tiered payment system to better compensate those providers willing to do critical work, such as bowel and bladder care and other para-medical skills.
- Copies of the annual report will be given to each AB member once approved by the BOS.

Report Back – Federal Grant for Community Based Programs:

- Per Janie, funding has not gone through with the Fed; there is discussions on cutting certain areas, and the monies have not been finalized. There are challenges and unknowns at this point.
- Leave this item for next month.

California IHSS Consumer Alliance Report (CICA):

- Janie Whiteford mentioned again the retirement of Karen Keeslar and how this is going to be a HUGE loss. The search has started for a replacement, but her shoes will be very difficult to fill.
- Janie mentioned that Leticia is sending out/emailing CICA emails to all members and to please read them.
- The October 6th CICA call will cover the “History of IHSS”.
- An email was sent regarding CARA (California Alliance of Retired Americans) and their annual meeting scheduled for October. CARA collaborates with CICA and their alliance is substantial, huge push for Social Security and Medicare. As IHSS AB members, you are CICA members and therefore CARA members as well. Governor Newsom is one of the presenters. Participants must register to attend; Janie urged all to attend. The meeting will be recorded and available to view on their website after the event has concluded.
- All trainings will be available on the new CICA website.
- CICA has a new logo.
- 1st Monday of November there will be a training on Fiscal/Financing of IHSS, some basic training and information, where funding comes from and how to spend it. In addition, funding for advisory boards will be covered.
- CICA is partnering with the California Foundation of Independent Living Centers, on two Zoom meetings with regards to IHSS, lack of providers, etc. This is a very important and helpful alliance.
- CICA is reaching out to many different groups, pumping out their visibility to all throughout the State.

Social Services Agency Report:

- Terri announced that the IHSS lobby has been open as of September 13th.
 - There are no long lines nor is the lobby that busy, which is both interesting and baffling; Terri thought that perhaps the word hadn’t gotten out the lobby is open.
 - Visitors to the IHSS lobby are given a one-page, double sided survey asking about the parking experience at IHSS; this was a Harvey Rose Audit recommendation. Once the survey is filled the visitor can put it in the drop box.
 - The Kiosk number system will go live on October 12th.
 - There was no mass announcement about the lobby reopening, but it is noted on the SSA website.
- Terri gave an update on the DSWs (Disaster Service Workers). Terri still has 24 IHSS staff members who have been diverted to this team; they are actively working in the county for

COVID-19 related efforts. This means that there are 24 fewer staff doing IHSS related work which has been a struggle and put tasks behind schedule, etc.

- The DSWs are feeling burnt out and ready to come back to IHSS jobs but as of right now, they continue to serve on this team.
- There was feedback and suggestions on going to the BOS to hire more staff; Janie mentioned the approvals per the Harvey Rose audit.
- Terri reminded everyone that the new budget allowed for 26 new staff for her department. 6 out of 18 of the new Social Workers were deployed as DSWs.
- IHSS is the largest group in social services and is impacted more
- IHSS staff still working remotely and coming to the office either once or twice a week.
- Paper copies or electronic are best and acceptable, drop box out there that is heavily used. Better than being on hold, on the phone for up 17 minutes.
- Phone assessments still happening every year.

Janie shared an important announcement that the Governor just signed off on a law that allows exceptions to Brown Act that pertains to boards and commissions. The IHSS AB can continue to hold meeting virtually, unless the Governor lifts the state of emergency.

Edith asked if the board is interested in a hybrid meeting – on Zoom and in-person as an option. Terri and her staff have found a venue/conference room that has video conferencing capabilities built in. Janie polled the board members and they agreed to continue meetings via Zoom and in January 2022, the AB will re-evaluate. Mathew volunteered to assist with the setup of the in-person, tech side of the conference room. Janie prefers to attend via Zoom 100% of the time.

PROGRAMS REPORT

*Below in yellow/ OR *asterisk were topics that were highlighted and mentioned.*

***With the Delta variant, Sourcewise and the Public Authority postponed the full staff return to office until September 20. We expect to open the PA lobby for provider enrollment appointments on October 1, since COVID flexibilities around physical inspection of provider IDs/SSN will expire on 9/30/21.**

***Staffing:** The Public Authority has an open position at this time. A care coordinator resigned at the end of August and that position is being redirected to registry recruitment and outreach. Having a larger pool of registry providers will assist registry specialists and care coordinators in sending more referral names and helping to match providers to consumers.

****Also another resignation came through for another Care Coordinator.**

Benefits Administration:

There are **12,493** IPs enrolled in the Valley Health Plan with **3644** of those in the Classic Plan and **8849** in the Preferred Plan. **13,131** IPs are enrolled in the Dental/Vision plans. There were **69** Smart Pass VTA Cards issued.

Enrollment:

Number of IPs enrolled: **458**

Number of IPs partially done: **890 (cumulative)**

Fingerprints needing to be redone to date: **11**

Scheduling an email/phone appointment is ~7 days out (5 business days) from the time an IP completes the viewing of the orientation videos.

Group sessions with the union are still suspended.

Registry Services:

Referral lists continue to be given over the phone, emailed and mailed remotely. There are **396** active IPs on the registry and **2,118** active consumers.

The Registry:

- Completed **74** new consumer intakes and reactivated **30** consumers
- Attained **74** matches
- Provided **652** new interventions with nearly **280 hours** spent on the interventions

Care Coaching: The Registry received **15** referrals for Care Coaching

- **7** remote care coaching consultations were conducted
- Total active consumers **56**
- Total inactive consumers **251**

Urgent Care Registry: There were **22.15** hours of urgent care services authorized for **3** consumers.

Emergency Backup Registry: There were no (0) requests for an emergency backup provider this month. There are a total of **19** providers on the emergency backup registry.

Registry Introductory Training (RIT): **One** remote RIT was held.

- **12** interviews were conducted
- **27** reference check calls made, with **24** completed reference checks
- **11** providers attended the eRIT
- **11** providers were added to the registry

EPG (formerly PPE): A total of **94** kits were mailed with **68** sets going to IPs and **26** to Consumers for a total of **1,050** masks and **1,740** pairs of gloves.

Public Authority Phone Calls: Calls continue to go to voicemail, are retrieved by staff and called back remotely. Therefore, only total inbound calls are reflected below and will continue until all staff return to the office. The PA received **5,271** (up 26% from July) voicemails/phone calls. Breakdown of the calls:

- **Registry** **1,779**
- **Enrollment** **1,211**
- **General** **102**
- **Benefits** **1,388**
- **Training/PPE** **791**

IP Trainings: 28,400 fall semester class schedules were mailed to IPs and class registration began on August 9. Many IPs used the new online registration portal and did not have to call the PA to register for classes. The fall semester begins on September 8.

Electronic Time Sheets: The combined adoption rate continues to be over 99% at **99.8%** with the state average is at 99.2%. Providers reached **99.8%** and Consumers reached **99.9%**.

***Direct Deposit:** 74.5% of IPs are using direct deposit; almost 10 percentage point increase since June. Beginning July 1, 2022, providers will be required to use Direct Deposit or a pay card to have their paychecks automatically deposited into a bank account or loaded onto a pay card of their choice. All IPs not yet enrolled in direct deposit were sent a notice regarding the deadline.

Sick Leave Update: 27,150 active IPs have accrued 16 hours of sick leave. 1,739 have claimed some hours and 1,147 have claimed all 16 hours so far.

***SEIU Collective Bargaining:** The Memo of Agreement was approved by the Board of Supervisors Board of Supervisors on August 18, 2021. The new agreement is effective Jan 31, 2021 - Jan 31, 2024. The main changes include two wage supplement increases (\$1.00 on 4/1/22 and \$.92 on 4/1/23) making the hourly wage on 4/1/23 \$17.54. This amount includes a state minimum wage increase to \$15.00 on 1/1/22. In addition, \$10,000 each fiscal year, will be set aside for PPE supplies and distribution.

CAPA REPORT

Below in **yellow/ OR *asterisk** were topics that were highlighted and mentioned.

CAPA met via Zoom on August 26, 2021.

The CAPA Executive Director, Karen Kessler, announced her retirement so the CAPA Executive Committee has started their search for a replacement.

State Budget and Legislative Update

- **IHSS Training:** Career Pathways (\$200M from state budget) and HCBS spending plan (Federal monies of \$95M). There was confusion among some stakeholder groups that the total funding was closer to \$495M, but the combined total funding is \$295M. There is still much discussion at CDSS regarding what the curriculum topics will be; how it will be delivered (primarily online, but some in-person component); how CMIPS will need to be changed to track the training information; a streamlined process for setting up contracts for organizations wanting to provide the training; how incentive payments will be made; and which organization(s) will be doing administrative tasks. The legislature is scheduled to vote on the trailer bill on 9/7.
- **Permanent Emergency Backup Provider System (EBPS):** CDSS convened a very small stakeholder workgroup.
 - Very narrow criteria was given regarding consumer eligibility for EBPS:
 - Must have an existing provider
 - Unexpected reason without an IP (3-days notice)
 - Severely impaired consumer
 - No more than 80 hrs/year of Emergency Backup

- *Note: Cannot be used for a consumer who does not have a provider; e.g. consumer being released from a SNF or hospital.*
 - Provider requirements to be an Emergency Backup Provider:
 - Enrolled provider who has cleared Tier 1 and Tier 2 background check
- Administrative funding for PAs is only for 2 full-time employees across the entire state. CSAC, CDWA and CAPA are advocating that the trailer bill language be changed to widen the criteria for eligible consumers, ensure adequate funding for PAs and postpone until Governor's budget is released in January with full implementation in July 2022.
- 2021 Maintenance of Effort (MOE) and Impasse Penalty: 7% penalty of MOE against counties if they cannot reach a collective bargaining agreement, but only after a formal impasse has been filed.
 - AB361 (Lee) Brown Act – Coalition asked for an emergency clause to be added so counties (or the state) can self-authorize during public health emergencies. If social distancing is required, then local agencies can continue to use the remote flexibilities for video/teleconference meetings and public access to the meetings. High support from the Senate, so likely to get passed.

Litigation relevant to IHSS/PAs

- *Skidgel v CA Unemployment Appeals Board* – CA Supreme Court decision [re: parent providers & unemployment insurance]. Parent provider denied unemployment insurance; federal law denies unemployment insurance for parent provider. Ruling upheld by California Supreme Court.
- *Trina Ray v. LA County* – US Court of Appeals Ninth Circuit [re: which entity is the employer for purposes of overtime]. When FLSA laws were passed for IHSS/WPCS providers (overtime pay) during the Obama Administration, subsequent lawsuits were filed by private care organizations stating that the law was not valid; the Supreme Court accepted the case and there was a stay in current law regarding overtime. Once the Supreme Court ruled the law was valid, there was a gap between the passing of the law and the overtime guidelines being set up by the state. Providers in LA County are suing because they claim that LA County is the employer of record and therefore responsible for paying for the overtime during this gap period. If the case moves on to the Supreme Court, there could be huge implications if counties are considered employers of record.
- *State of California through AG Xavier Becerra v. Alex Azar* [re: IHSS payroll deductions], Past ruling closed the door on dis-allowing IHSS payroll deductions for health benefits premiums, union dues, etc. This ruling helps set the stage for any possible legal challenges for deductions for providers who opt-in CalSAVERS retirement program.

CDSS Update

ACL 21-79 was released on July 19 and included the ending of many COVID flexibilities for IHSS and PAs. The state is still considered under a "State of Emergency", so some flexibilities are still allowed. For Public Authority, relevant items include:

- COVID Emergency Backup Provider System -\$2 pay differential and admin funding ends on 12/31/21
- Online acceptance of documents to complete IP enrollment (SSN, ID) ends on 9/30/21.

Additional topics discussed included:

- IHSS HCBS Care Economy Payments: \$500 to all IHSS providers who worked between March 2020-March 2021. No minimum hours required, but at least two month of pay during the one year period.
 - Hero Pay must come from county funds and cannot be issued through CMIPS and there are no Maintenance of Effort implications.
- CMIPS and ESP:
 - CDSS agreed that the monthly maintenance and shut down of CMIPS will occur on the 3rd Friday of each month, starting at 5PM.
 - Release notes for updates will be the 3rd week of each month.
 - Providers can update their address and phone, but email updates are not yet available in ESP.
 - PAs requested screen shots of ESP/job aides especially around the 426A/e-hiring of an IP. Since there is no “dummy account” to log in/review ESP, it is difficult to walk consumers through this process. CDSS mentioned there were videos/training on this, but PA Directors pointed out that they’re not available on the CDSS site. CDSS will ensure the information is posted immediately.
- ESP Recipient Accounts and Help desk: Concern from PA’s that the ESP help desk is advising Providers to create accounts for Consumers using the IP’s email, which may lead to fraud if IPs are approving their own timesheets instead of the consumer. CDSS will review and provide an updated script; their advice is to have consumers sign up for TTS, contact IHSS social worker or explore timesheet signatories if the consumer is not able to approve timesheets themselves.

Miscellaneous/Closing Comments

Janie shared concerns from a conversation with Karen Kessler; IHSS has always been a consumer directed program, where the Consumer hires, fires and manages the provider. The Consumer is in control of this entire process. There is a big push in many areas of managed care that could affect the consumer-driven model and consumers and advisory boards need to be aware of this. For example, in a managed care program, the health plan could send a provider to a Consumer’s home without the input of Consumers. We must keep Consumer protections as a top priority.

Edith encouraged all AB members to send emails and phone calls to Supervisor Ellenberg’s office to PUSH Emilio Carrillo Tellez AB application for the vacant Union seat and how he would be a perfect fit for the Board. Leticia will email Supervisor Ellenberg’s contact information to all AB members.

Next Meeting:

- Next Advisory Board meeting:
Tuesday, October 19, 2021, from 12 noon to 1:30 pm via ZOOM Virtual/Conference call.

Next agenda items:

- Report back -Budget spending for FY21/22
- Report back -Provider recruitment & outreach
- Federal Grant for Community Based Programs