



**Sonoma County IHSS Public Authority
Advisory Committee Meeting
Minutes of March 25, 2013**

Present: Joann Keyston, Chair
Stan Gow, Vice Chair
Nancy Hall, Secretary
Gary Fontenot
Richard Ruge
Carol Taylor
Sachiko Williams

Absent: None

Staff: Michael Humphrey, Manager – IHSS Public Authority
Diane Kaljian, Director – Adult & Aging Division
John Chan, Supervisor – IHSS Public Authority
Eric Glentzer, Program Manager – Adult & Aging Division
Franchesca Mendieta, SOA – Adult & Aging Division

Guests: Shannon Wittier
Myra Galt

1. Call to Order/Review Agenda

Joann Keyston called the meeting to order at 1:03 p.m.

2. Public Comments

Myra Galt (advocate) commented about the need for a wage increase and medical insurance coverage for more IHSS providers. Shannon Wittier (IHSS caregiver) commented about the need for a wage raise and better benefits.

3. Approval of Minutes – April 2, 2013

Motion was made by S. Gow, seconded by N. Hall to accept the minutes of the April 2, 2012 Advisory Committee meeting as presented. Motion passed unanimously.

4. IHSS Program Updates

- A. CMIPS II – Eric Glentzer reported that a few of the surrounding counties (Alameda, Contra Costa, and Solano) had just gone live with CMIPS II. Things have been a lot smoother than with the pilot counties. HP and the State have resolved earlier problems and implemented better initial training. Sonoma County is scheduled to go live in November. We're currently working on the training and implementation plan.
- B. Consumer Videos – CA Department of Social Services developed some online training videos for clients and providers. There are four videos available: Properly Completing a Timesheet, IHSS Introduction and Services, Hiring a Provider, and Supervising a Provider. These videos are available to the public for viewing at the CDSS website.

5. Coordinated Care Initiative

Kaljjan and Humphrey shared and reviewed a couple of handouts related to the Coordinated Care Initiative (CCI). The State is still awaiting Federal approval from the Center for Medicare and Medicaid Services (CMS) on the Memorandum of Understanding (MOU). The CCI proposes 8 pilot counties (Alameda, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara) to provide care management for beneficiaries who are dually covered by both Medicare and Medi-Cal (Medi-Medi).

Long term services and support (In-Home Supportive Services, Community Based Adult Services, Multipurpose Senior Services Program, and nursing home care) in the CCI counties will go through a managed Medi-Cal program, like Partnership HealthPlan. However, the health plans are required to contract with the counties and public authorities to continue to provide the functions currently provided. Collective bargaining in the CCI pilot counties will transition to a statewide authority.

At the March 13, 2013 Olmstead Advisory Committee meeting, Secretary Diana Dooley reported that the CCI is technically dead, since it is out of compliance with key elements of the State law. Secretary Dooley indicated that it would require new State legislation, once CMS approves the MOU. There are two primary issues that have held up the CMS approval. Currently, Medicare beneficiaries can go in and out of plans within 30 days and CMS does not want to change this policy. The first is the State's request to have a six-month lock in period for all enrollees. The second

issue is the State's proposed sharing ratio of the Medicare savings. It appears that CMS will grant approval once these two issues are resolved.

6. IHSS Litigation: *Guerrero v Weber*

Kaljia provided an overview of the *Guerrero v Weber* case. Sonoma County will be submitting an appeal to the California Supreme Court in mid-April. If the Supreme Court doesn't hear the case, then it comes back to Sonoma County for a jury trial.

7. Federal Overtime Regulations

Kaljia explained that IHSS has been exempt from federal overtime rules, under the companionship exemption that has been in place since 1974. In 2011, the Obama administration announced a proposed rule change to remove the companionship exemption and require overtime compensation. After an extensive public input process, the Department of Labor (DOL) published a final rule change with a 90 day period for comments, closing sometime in April.

The State has estimated that the cost of implementing overtime in IHSS would be over \$200 million. The concern is that the State would propose to limit overtime compensation by capping the number of hours a provider can work. The California Health and Human Services Agency, County Welfare Directors Association, and California Association of Public Authorities have all written letters opposing the proposed rule change.

Kaljia provided charts that present the story of many providers being family members and how both consumers and providers would be affected.

8. Statistics and Updates

Fontenot stated that the IHSS program stats have been flat within the last couple of years. The number of providers has been stable at about 4,100. This is because it is more complicated to become a provider, and providers have to pay for their background checks.

Chan reviewed issues that can delay provider enrollment, which include the DOJ background check process, attending orientation, providing required ID and Social Security card, and completing required paperwork.

Chan noted that there has been a decline of available providers in the Registry and we are reviewing options to enhance recruitment and increase the number of Registry orientations.

Humphrey noted that the number of providers receiving health benefits offered by the IHSS Public Authority has decreased over the years. He explained that the funding for health benefits has been capped at \$.60 an hour since we began in 2002. The paid hours has remained flat for the past few years. The funding has remained the same, but the cost of the health insurance premium goes up every year. The good news is it is expected that many of the IHSS providers will be eligible for health insurance under the Affordable Care Act (ACA) beginning in January 2014. Outreach for the ACA is expected to begin in October.

9. Budget and Legislative Update

- A.** Budget – Humphrey reported that there are no new IHSS reductions in the Governor’s proposed 2013-14 budget. The current 3.6% reduction in consumer hours was scheduled to expire on June 30th. The Governor assumed that the State would prevail in the lawsuit and would implement the 20% reduction in consumer hours from 2010-11.

Last week, a settlement agreement was announced regarding the outstanding lawsuits related to IHSS. The settlement agreement replaces the permanent 20% reduction in IHSS client hours with a temporary 8% reduction beginning July 1, 2013. (This is an additional 4.4% on top of the current 3.6% reduction.) The hours would be reduced to 7% effective July 1, 2014. The 7% reduction would be restored in the early spring of 2015 if the State receives Federal approval of a provider fee.

- B.** Legislation – Humphrey distributed and reviewed a one-page list of proposed legislation impacting IHSS. All proposed legislation is in the early stages of the process and 1st hearings are being set. Humphrey will keep the Advisory Committee informed by email when there are relevant updates.

10. Election of Officers

Fontenot reported that a Nominating Work Group consisting of Williams, Hall, and himself met last week. The Work Group provided a written recommended slate of officers, as follows: Chair – Gow, Vice Chair – Hall, and Secretary – Keyston. Keyston asked if there were any nominations from the floor. Hearing none, nominations were closed. Motion was made by Richard Ruge, and seconded by Carol Taylor to approve the election of the recommended slate of officers. There was no further discussion. Motion passed unanimously.

11. Public Comments – None

12. Correspondence; Announcements & Community Meeting Reports

- Hall reported that Mary Bodily is still in Parkview.
- Humphrey reported that the PA Advisory Committee will join the AAA Advisory Committee for Ethics training on Wednesday, May 15th. Humphrey will provide further details via email.
- Ruge would like to meet after the May revise to discuss budget and issues related to Federal overtime rules change.
- Hall visited Partnership HealthPlan (PHP) a week ago to attend a conference with other counties.
- Hall participated in the State's Olmstead Advisory Committee meeting. There is a State grant to get younger folks out of nursing homes, offering housing vouchers to people 18 to 64, establishing 500 slots statewide.
- Gow attended the Tech Fair and had a table representing the Advisory Committee.
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- Keyston attended a meeting for the Consumer Advisory Committee at Partnership HealthPlan. PHP is growing and has signed on for an additional seven counties.
- Williams attended an End of Life training event in Santa Rosa.
- Taylor was asked by the Union to present a request for an IHSS provider pay raise.

13. Adjournment

J. Keyston adjourned the meeting at 3:05.

Submitted by Franchesca Mendieta, Senior Office Assistant