

**CICA Statewide Call
December 17, 2014**

Notes

Present (Names could make out):

Mark Beckham	Michele Giving
Deborah Doctor	Hack Hailey
Gail Gornert	Becky Stocklin
Chandra Livingston Blank	Janie Whiteford
Joey Riley	Randi Bardeaux
Dottie Jones	Charlie Bean
Jan Clark	Heidi Aharonian
Deborah Kindley	Ron Schultz
Bud Sayles	Felicitas Connolly
Louise Osejo	Cindy Calderon
Nancy Reding	Leoma Lee
Michael Connelly	Edward Secura (sp)

Names were difficult to understand cut it and out

Deborah Doctor: Shared a couple points. 1) People should know there are no penalties for exceeding the weekly limits (caps on amount of time one can work per week). This means those providers will be paid all the hours worked per week over weekly caps during this grace period without being penalized, but beginning April 1, 2015 this will change. The grace period from January through March will allow payment for going over the cap hours, getting to know the paperwork needed to complete, and for some find additional providers as needed (time is needed to find a care provider).

Also wanted to share that no consumer will lose services or not be paid for not handing in paperwork by the due date of December 15. The State has sent out clarification on this.

There are almost 1,200 trainings taking place throughout the State. Hopefully with the changes happening many take advantage of them. Those preparing and planning the trainings deserve thanks for their hard work in getting this out, – *Lists of training schedules planned at your county can be found here: [County Schedules](#)*

2) There are problems with the FLSA that affect certain groups. It is important to contact Disability Rights California. These are groups of running a risk of harm and institutionalization, mostly families but not just families, where one provider

works for more than one consumer and they have not been able to find another provider. Their hours will be limited weekly, in addition to parents caring for their 2 to 3 children, or, a daughter caring for their parent and sister, or an individual caring for both parents and living with them as examples, there is no fix for these situations yet. DRC is pressing to fix this with the State stop individuals from losing the care they need or being institutionalized.

The second group is made up of individuals who receive IHSS and waiver programs where the same provider works the allotted hours. **DRC encourages people in the groups noted about to call toll free: 1-800-776-5746.** People need to say they are calling in regards to the Overtime rules and you fall under the above noted groups.

There was a letter received by the Department of Justice supporting the same goal DRC has and it is hoped the State Legislation works to fix this through legislation. Some of the consequences are clear to individuals in the above groups and it is hoped new legislation can be done soon.

DRC has not taken a position on the sick leave, but has set the priorities to fixing the overtime rules and elimination of the yearly 7% cut on IHSS hours.

Jack Hailey: Received funds from SCAN Foundation to discuss needs of IHSS and other issues that need addressed through legislation. The collaborative was looking for who was working on what within the different legislatures and learning new key people in office and getting where they should concentrate efforts for future changes needed.

Referred to 7% cut as a topic and the SSI/SSP. Working on rescinding the 7% yearly cuts and strengthening SSI/SSP through better grants and access to the SNAP (food stamps) program. Improving the SSI/SSP program with SNAP is a targeted goal, but may be a tough sell to the Brown Administration. The general purchasing power for those with SSI/SSP may be lost in committees, but it is a project worked on.

Gail Gonnert: State's budget outlook has improved, which speaks volumes for how legislatures will look at future funding for different programs. Speaker Atkins as appointed new representatives on key committees. Individuals are urged to advocate in areas of representation such as Speaker Perez (San Diego) and Assembly member Shirley Weber (San Diego). Assembly member Tony Thurman (Bay Area) will be a good contact and when chairs of other groups are known for sure they are good contacts. Senator Leno will be a good contact in the State Senate.

Language for the State FLSA rules was held up to the 11th hour by the administration in terms of sharing wording. But never reached the ultimate language to address concerns mentioned about FLSA, but the consequences of the new FLSA rules and how it effects consumers – it is still a work in process. Stronger language was finally agreed to, enacting follow-up to keep this issue in front administration. Administration supposedly will keep close contact with those the overtime may affect. It was stressed if there are problems and concerns to contact DRC. This is a work in process.

The 7% cut was discussed last year and the issue of drawing down Federal funds to eliminate these cuts was not there. Restoring the 7% cuts will be on the table early this year to allow for time to get federal funding; expected to be brought back up in January and February – High priority for legislation to address in January.

Also SSI/SSP is being looked at in giving the yearly COLA. It happened in last year's Assembly, but did not get in the final budget. It will be on topic again this year.

A fiscal surplus is being looked forward to being coming to California. Having better income throughout the State is good and this should encourage legislation to target more needs of the safety nets such as IHSS.

Some fixes have been done to restore Federal cuts to food programs such as Wheels on Meals Senior Nutrition Program, and California has a State grown fresh food to Food Banks. \$1 million has gone to restore food programs cut from the Federal cuts.

Janie: What can CICA and Advisory Board Members do to help? **Gail:** You can help by educating your local community and legislators about your life and how the IHSS program can help and be improved in getting your needs met while helping the community at the same time. Also important to share information on what is going on and how new legislation affects you, good and bad. Critical for legislators to know you and you educate them about the program.

Important to share with past and new legislators. Advocacy through education helps convince administration to needs of IHSS consumers. Create a long-term commitment.

Edwards Secura: Language changing there would be intent language to work on removing waiver personal care clients? **Gail:** In the original budget enactment it was the intent not to cause harm to consumers who are participating in the waiver programs. After that there were consequences found and Health Care Services who sees over these waivers, they agreed to work on issues surrounding the effects of overtime will happen for those under waivers. People are being reached out to

individually. It is understood that the overtime cap verbally will be allowed to go over if you are under the waiver (exact wording in recording). Again, they are trying work through the waiver program with individuals under this. There are, less than 1% of individuals who work over the weekly caps, maybe 100s to a 1,000 consumers need exceptions which are really low numbers compared to the 452,000 consumers statewide.

Edwards Secura: Department of Health Care Service and Legislators are working to eliminate there will be no negative effects on the consumers? Not the Legislators, but the Health Care Services are.

Important to note, once legislation has passed it is only monitored by legislative staff. It is the job of the department to implement the new laws and rules.

Joey: Thanked all present. Asking about the dual letter that came out from Department of Health Human Services and Department of Justice. If Department of Health Care Services is going into an aggregate system of funding will they restore the 7% cuts? In San Diego (\$9.85) the increase in pay caused a decrease in hours because there is a yearly maximum like \$48,100 a year under the present waiver system.

Gail: Are you saying the hours were reduced due to San Diego's increase in wage level? **Jody:** That's correct.

Deborah: This is correct and the waiver limit past the cap is being pushed. This is the work for an aggregate cost cap. How the next waiver structured.

Gail: This is an issue and it needs to be made a priority. When negotiating the waiver program with the Federal government the State has room to make requests and get changes that meet the needs of those on the waivers. It is important to keep this in front.

Janie: Does the letter that came out, does it have any teeth in it? **Gail:** I want to hear what Deborah has on this. States have some room on how to implement the rules. **Deborah:** It is wished it said "must" would have given it more force.

There was quite a discussion on this letter and it will be referred to in meeting the needs of the consumer.

Janie: Do you know of anyone authoring a bill of restoring the 7% cut? **Gail:** It would be with the leadership. It is between the higher ups and what the federal government at this time. The Assembly has passed it last year with state funding,

but the administration is looking for federal funding. Education of legislators is needed especially those in the more conservative areas.

Heidi: No questions, just want to thank Gail, Jack, and Deborah for the information shared.

Jody: Is there any truth to the myth of a 7% vs sick leave, one or the other. **Gail:** These are two separate items and have not heard of this myth. The new bill is AB 11 that provides for sick leave.

The Recording can be found [here](#) (much better than my notes)!