

## California IHSS Consumer Alliance

### CICA Statewide Call

November 25, 2014

#### Notes

Dial in number: 1-888-296-6828

Pass code: 753825 #

1. Roll Call: Had a problem with the recording to get all the names - will update for official files for future reference.

Clive Collins	Lisa Brown
Linda Fisher	Deania Con...
Michael Connelly	Jodie Riley
Randi Bardaux	Cindy Calderon
Karen Keesler	Louise Osejo
Todd Metcalf	Heidi Aharonian
Felicitas Connelly	Heidi Collins
Lena Berlove	Janie Whiteford
Deborah Kindley	Bonnie Newman (11/19)
William Reed (11/19)	Sean Stewart
Melissa Kindley	Marie Janison
Terry Perrpoley (sp)	Paul & Brenda
Mark Beckwith	Michelle Rousey (11/19)
Greg Wild	Gary Greg

I know there were more and I will try and get them from the recorder.

#### **Voice recording at the end of document!**

2. What's happening in Sacramento (CAPA update): Karen Keeslar

11.18.14 – From the earlier call, our new state representatives are being sworn-in and hiring staff needed in the upcoming year. Legislative work will begin when they return after the first of the year!

Two topics CICA had mentioned as important to work on was getting the 7% yearly reduction removed and sick-leave on the table as allowed for other workers.

3. **FLSA Updates:** Packets of forms and handbook has gone out to recipients; County PA's have schedule training (check with your local county for dates and times) - Karen Keeslar and others

Link mentioned in previous call to FLSA training:

<http://www.cdss.ca.gov/agedblinddisabled/PG3653.htm>

Question was asked about receiving two timesheets per month; It was shared that the recommendation was to have timesheets go out every other week. But, the way the system is presently set up timesheets will be going out twice a month as they have been.

Providers with one recipient will receive one timesheet. While providers with more than one recipient will receive a different timesheet if they travel from one recipient to another directly on the same day.

There was confusion expressed about how the hours will be figured using the "4.33" divided into the total amount of hours to get the total allowed per week. A recipient has one worker and how this would work from month to month. It is understood or heard that a person could use all the hours awarded no matter how many days there are in a month.

Timesheets will be recorded per week using the time allowed for each week. But it was also planned through All County Letter (ACL) that the consumer would not lose any hours allotted; take the month of February as an example there are only 28 days, consumers will be able to use the total monthly hours allotted for this. It is not the intent to short anyone of their monthly allotted hours.

What exactly is being told to consumers about the accompaniment to doctor offices (understood accompaniment to medical appointments are limited to 10% of allotted time) and it was understood that if a provider works 40 hours a week and then has 7 hours travel, the travel will be paid as overtime.

There will be an ACL coming out that references Accompaniment to medical visit and waiting. Being familiar with the yearly assessment the Social Worker does each year for the recipients tasks to be done, which they have an average of time allowed for each task that can be awarded. With this new covered task of accompaniment now allowed, Social Workers will need to complete new assessments allowing for the time needed. It was noted there was already a high percentage of consumers who have accompaniment hours, but they may be reassessed with averages developed through research and experience provided by consumers. It is very important for recipients who will require

accompaniment to contact their Social Worker and request an assessment of their hours to cover this newly approved covered task.

***Medical Accompaniment ACL link:** The purpose of this ACL is to provide guidance to counties with assessing and authorizing wait times at medical appointments associated with medical accompaniment and alternative resource sites. Compensation for wait times at medical appointments/alternative resources sites, under certain circumstances, is now allowable in the IHSS program.*

It was confirmed that if additional appointments came up, the need to contact their Social Worker was necessary prior to going to the appointment (especially if additional time is needed). It was also asked if this was limited to a percentage of one's total hours awarded; it was not known to be at this time. There is no known cap.

Question was asked, "If it goes over the 61 or 66 weekly hours they would not get additional time, is this right? Yes, his is correct, it is a hard cap and those with 66 hours have unmet needs. Those with unmet needs the 7% cut did not reduce the total allotted hours; want to know there are a few under the waiver hours where the 66 weekly hours is a hard cap.

What if you have the hard cap you can then get the Social Worker to cover you for the needed time over, correct? When requesting an exception, there are no circumstances where it can be approved over the weekly cap. If additional time is needed, it is believed the county would recommend you get another provider so you do not bust the cap. Even if you are under the waiver program? Those under the waiver program are still under the 61 and 66 weekly cap.

It was asked, "The 61 weekly hour cap applies to an individual provider, yes? There are two in my family caring for my daughter and just want to be clear that the 61 hour cap applies to one provider"? This is correct.

Discussion around the cap of 61 and 66 hours per week was a concern, especially on how it affects those with waiver hours. It was agreed that individuals could not challenge to hours reduced due to the 7%, but the individual could be reassessed for change in need which may provide additional time (here is where one may gain more time under the accompaniment part of the tasks) and show other tasks which may increase total approved hours. Still, on the waiver or not, the 61 and 66 hours worked per week is the cap for one provider to work. *(If there are more hours worked, another provider would be needed over these caps).*

Has the State determined what is going to be done about "Advanced pay"? No, it has not. There is talk about it, but at this time it is going to be addressed in the

future. How the State gets funded for it is noted so eliminating it does not sound like a plan.

It was understood it had been addressed some in a past ACL. They are still discussing and have not made it clear on how it will be dealt with at this time. Much of the discussion has involved stakeholder input through draft ACLs which has been noted and changes are being made.

It is important for the IHSS Committees to know what is going on throughout the Counties to get people to training in their counties. Individuals are encouraged to go to the below link to a list of local trainings for each of the counties.

<http://www.cdss.ca.gov/agedblinddisabled/PG3650.htm>

It was noted that Orange County had specifically invited 80 providers to a training with only 25 showing up. They are going to hold future trainings sessions. As of the date of this call there are 5 training opportunities scheduled (For training times, days, and dates, check the above link or call your local IHSS office.).

How do the providers sign up for training? It depends on the county. Some are doing it through registration and some on a first-come, first served basis.

Concern noted about timesheets being available for the sightless individuals. It was noted the State is working on this, but no timeline for when it will be made available. Also, access for others is being worked on and to be provided, again no timeline has been given.

### **[2015 NEW IHSS PROGRAM REQUIREMENTS- IHSS PROVIDER TIMESHEET TRAINING](#)**

*This video explains new IHSS program changes regarding overtime and travel time pay, information on violations, and instructions on completing the new timesheets that will be implemented January 1, 2015, pursuant to Senate Bill (SB) 855 and SB 873.*

Recipient is supposed to fill-out the sheet from the state that assigns hours per week to be worked by the provider and then the state will send out to the provider what the total hours per week they will be working.

Several concerns with the forms, but one is the date of December 15, 2014 as a due date. Signing this before you have the training is not right. The December 15, 2014 date to return the forms is not a hard deadline. Counties and Public

Authorities will get a list of those who have not returned forms and there will be follow-up to consumers in getting information to and returned to them through March, 2015.

Grace period I California is through March, but the Feds is through June. It was asked, why the difference?

It was asked if the California grace period could be extended. The legislature needs to make this change; it will depend on funds being spent especially on allowing uncontrolled amounts spent on over-time to go beyond the current grace period. The seed has been planted in different meetings about this extension, but it will depend a lot of the budget and the administration. Will they track the numbers being paid out? Yes, it is believed they will, and hopefully they will be made available to the public. For sure the amount being spent on the 61/66 hour cap and about will be of interest in making future decisions.

It was noted the Governor will be putting out his proposed budget January 10th, and since this falls on a Saturday it will probably be presented on January 8th! A lot of work is needed in the future in regards to the IHSS program and budget.

It is hoped the Governor considers the 7% cut in his budget, by having it removed. This is on other groups (CAPA, CIA, Council of the Blind, Unions, etc.) radar this coming year to have removed from future cuts.

4. **IRS Bulletin 14-07:** ...certain payments received by an individual care provider under a state Medicaid Home and Community-Based Services Waiver (Medicaid waiver) program are tax exempt. You can file for a refund of Federal Taxes paid.  
- This is being shared to provide notice more information to follow through the Constant Contact list - CICA.

There has been already a lot of discussion about this on different Facebook sites referring to Family members caring for family members who are eligible for this.

It will be very important individuals verify their eligibility for this through their tax preparer - this applies to Family care providers.

There is discussion and an IRS letter working on getting this tax exemption for all Care Providers. It was originally meant only for those on the waiver program and as family member caring for family members.

It was noted that a few care providers have received tax return for this program. It is important to note, CICA is not advising anyone on taxes. Information

shared is what has been done by others. **CICA is not tax advisors, we advise you to consult with your local tax preparer or CPA.**

**5. Discussion of Maintenance of Effort (MOE) Click here for the County Fiscal Letter No 12/13-28 - Fran Smith and Janie Whiteford**

It is hoped that counties use the MOE to strengthen the IHSS program. There is a draft CFL about the MOE, but it has not been widely distributed because of many questions on how it works.

There is also work being done about funding for IHSS Advisory Boards, though it does not mean direct funding. AB are advised to work with PAs, Governing Boards on projects that provide improved IHSS services.

**6. CICA Newsletter Status:** Charlie Bean – Waiting on an article from Orange County, but hope to have out before December 15, 2014

**7. Membership Update:** Charlie Bean

Individuals getting minutes of statewide call without email is a concern. It was recommended individuals talk to their PA for getting monthly meeting notes sent to them.

**8. County Happenings:** This is for individuals to share what is going on at their County or ask questions (may not be able to answer immediately, but will look for an answer). Not addressed.

**[Recording of phone call](#) – 59 minutes**