

California IHSS Consumer Alliance
Statewide Call
January 17, 2017

Call-in: 1-800-309-2350 – Pass: 10282015#

On the call there were 34 callers.

10:05 a.m. Karen Keesler, Executive Director of California Association of Public Authorities will share updates being worked on.

Overall the State Budget is in good standing with \$5 billion to go into the rainy-day fund. Governor's budget is cautious, with concern about the Federal Budget currently being discussed; unknown if it will add or take away from the State's prediction.

It is believed the Legislator may not be as cautious

Public Authorities (PA) lost \$6.5 million, plus the matching Federal match coming to \$13 million dollars coming up to be almost 26% of a deduction from the previous year's budget; this is unsustainable. Last year the Governor gave a one-time only money to boost to PAs. The budget does continue the one-time money, but it is flat and really does not make-up the loss and the PA statewide is down 26%.

Working through the budget process, it is hoped to get additional funds. This is a high priority.

As it pertains to Statewide Social Service workers/administration, the fund for this is flat and it is estimated to be a 12% loss. CAPA is partnering with California Welfare Directors Association and California State Association of Counties to get additional funding for both county administration activities and the PA. Feels optimistic about getting additional funding based on the \$5 billion surplus being proposed by the governor.

I just received an email from Department of Finance and will read the one sentence: "We are open to further conversations and recognize the wide

variance (no exact quote, listen to recording).” This causes an optimistic feeling about improving the budget.

One big priority is the upcoming Electronic Visit Verification (EVV) program required by the passing of the 21st Century Cures Act. If the States do not incorporate a system meeting the EVV requirements there is a progressive deduction in funding from the Medicaid system that fund the Home Care Personal Care system. The first year is small compared to later years where it could cost the state 100s of millions of dollars.

The governor’s budget summary is incorrect, it is not complete. The governor intends to implement the EVV system and will be shown in later budget (May). The governor also intends to implement Sick Leave in July. There is no concern about the Sick Leave, but there is concern about a back-up worker.

The Payroll System has been audited working with unions, CAPA and others about getting providers paid in a timely manner. How can the different components of the process be made to work better to improve timely payments? In reviewing material so far, it is felt the hold-up is not at the PA or at the County Office level. Paperwork is received and forwarded in a timely manner (1 to 3 business days). It is felt more discussion is needed with the State to identify where the hold-up is.

Legislative work is being done on waver providers to receive the same benefits as those not under the waver program receive. There is work being done on the Secured Choice retirement program with the State Treasurer’s. There was a bill approved two years ago about this, but there were some items needed to be checked off to get this opened to private individuals outside of being a state employee – it was thought this would give IHSS Providers an opportunity to have money taken from their checks and deposited into an investment fund to be used as part of their retirement package later. There seems to be a question whether IHSS providers can be included in this – working with Treasurer’s to clear this matter up and clarification will be coming.

The other concern being worked on deals with Natural Disasters. With the past Disasters (fires) in Napa, Santa Rosa and San Bernardino areas, they are trying to get three things done: 1. That Emergency Shelters can provide Personal Care services for those who need the assistance, 2. For a Recipient to receive additional hours during a natural disaster to return home and get assistance to pay for the provider to work more cleaning up the home and so forth after a disaster, and, 3. To ensure paychecks are replaced if lost during a disaster in a quick manner – the State did create a temporary, one-time process for last year’s disasters, but it was a one-time use. It is desired to create a system that is permanently used and can address future incidents.

Cindy: Regarding the urgent back-up programs, ILC network is trying to identify what counties do have backup systems in place. If your County has a back-up program, please share with Cindy. Cynthia@tilinet.org

Karen: To my knowledge there are about 16 counties with back-up systems; but not all are inviting to share information about what is working for them and the lack of public support through funding is not given.

Cindy: It has been a little difficult, but responses are coming in.

Susan: Asks why IHSS does not offer more in benefits, like health. Why is the time to get paid so long. Is there anything changed regarding the benefits?

Karen: No, the benefits are part of Collective Bargaining. It really depends on the county, where some are very generous with benefits, and others are not and will only spend so much; thus, the waiting list is created on some of these counties. There are currently 26 counties involved bargaining.

Susan T.: Noticed that there are many providers staying away from the unions because of the seemly lack of the unions working for higher wages and benefits. There needs to be something done about this, sharing how unions work and what is needed to get benefits. It has been used to raise wages because the cost of living has gone up in certain areas, but this is a fallacy, the cost of living has gone up statewide.

Karen: The unions have been working to get wages raised statewide. They got the bargaining for 7 counties to the State, but then it got turned back to the counties. The unions have worked very hard to improve the wages statewide.

The changed announced by Brown about closing the CCI counties, also changed the formula for IHSS funding. Final direction on how the funding and collective bargaining has not come down to the counties. If you bargain for this, it will cost you this. Shasta, Santa Cruz, and San Diego have closed bargains, with San Diego put on hold; they read the guidelines differently. Too many different interpretations happening, and we are 7 months into the year with no guidance from the State.

Michael: Interesting enough, after the fire (Lilac) in our area, we got call from our local office checking on our health and so forth.

Karen: It is not required, but offices are trying to reach out and make contacts to known areas of disaster to check on consumers.

Michael: On the EVV stakeholder calls there was a lot participation and consumers submitted a lot of advice. It was thought this was being submitted to by the State to CMS, but later learned this did not happen. The State is supposedly still waiting for more guidance before submitting. Do you have any knowledge on this?

Karen: I am to be on a call this afternoon with the Department about the EVV. I missed the call last year, and if someone who was on the call can forward me ideas shared during the stakeholder meeting it would be great (notes from the stakeholder meeting was requested by Charlie, but not received).

CMS is required to put out guidelines on how the law is to be carried out, but also, the State does not have to wait for guidelines to be published by CMS. I know the State's budget has a few sentences about this (this was shared in a later document on Friday).

“To assist with tracking paid sick leave activities, CDSS will use an electronic timesheet to allow providers to claim sick leave. CDSS is also currently planning for the implementation of the federal requirement for all personal care service providers to utilize an Electronic Visit Verification system. CDSS anticipates including a requirement to allow claiming of sick leave in the Electronic Visit Verification system. In the interim, while IHSS providers continue to utilize paper timesheets, this premise reflects the costs for the vendor to process sick leave claim forms and track the usage of paid sick leave hours.”

They are adding on to the CMIPS contract to add in Sick Leave and the EVV system. More information about the budget for EVV is expected in the May Budget Presentation.

Joey: When talking to the State the option of doing EVV or not was presented and the penalty of 1% was noted and go up for 5 years. The clarification asked for on what this would be, \$11.2 billion is the State's portion of a \$22 Billion program. On the penalty would be on the State's share of 56% x 1% the amount held back. It was suggested that they do nothing.

The back-up provider part, I called a few counties and was told I had to have a recipient to be on the registry. I do not see how a county can create a back-up program if they require a provider to have a recipient to sign up.

Karen: First the IHSS program is nearly \$12 Billion, not \$22 billion, looking at the budget page it is \$11.2 billion including the Federal Share. The 1% withholding for States not participating in the EVV that scales up each year. Not a huge amount in the first year, but it increases years after, like it is estimated to be \$350 million in the second year.

I have read what is in the budget document, two lines is all we have right now. The State seems to be going forward with the EVV.

About the Provider enrollment, there are different requirements. To be a IHSS Provider you must have a recipient to register as a provider. This

comes from the State. For the registries it varies from county to county on what the requirements are to be on the registry. In years past, getting providers on the registry was difficult and intake was loosened; but, it is not true everywhere. It does not make sense to have registries with many providers on it not working. It is in the balancing each county's need to meet the demand. The need for providers is determined by the local County.

CAPA is working on this, and to create a balance is important. One other part mentioned in the discussion was it was understood that background checks are often returned within 48 hours. So, the confusion of why providers are not being paid in a timely manner is stumping people.

Joey: It was thought the hold-up was fingerprints and background reports.

Karen: The person that was doing it got transferred and the new person is on top of getting the background checks back within 48 hours. True, there was a backlog in the past and it was complained about, but since this new guy came on it has improved greatly.

The change happened about a year ago! Processing background checks is down to 48 hours for most and 30 days for very few.

Joey: What is the Admin cost?

Karen: Cannot tell you what the State is, but the County \$255 million, Public Authority is \$8.6 million; both these figures you need to add the Federal match. Heard it stated as 6% from Will Lightbourne.

Kristine: From the consumer point of view the biggest points are the EVV and Back-up Providers are needed. Where does the funding come from to fund a PA to have a back-up system?

Karen: Where they exist, it has been part of the PAs budget. With the loss of 26% in fund, there are things that will not be done because of the like of staff; PAs have staffs of 2 to 3 people and some larger and in the coming year without funding aspect of services offer will need to be looked at in

funding what and cutting what. There are also counties trying to backfill and back-up systems are part of the services offered.

Kristine: Expressed concerns about the PA funding and noted when she was on the call for the EVV stakeholders, she made a request to have the notes shared.

Karen: it is being worked on to get additional funding for Administration, EVV, back-up and so forth.

Joey: People who are concerned about EVV, you can request information through Kim Rutledge, such as the RFI submitted (17 submitted). Pertaining to the hearings, will there be consumers asked to make at presentations at the hearings.

Karen: What they use to do is ask the coalition and others to provide a representative and it is hoped they go back to this.

Hope to hear from everyone on the upcoming IHSS Coalition Call coming soon.

Looks forward to talking to us in February.

For those hanging on, there is a list of suggested topics to discuss in the future:

Topics for discussion:

- Union Membership/Dues
- Have Unions on to discuss negotiations (Janie)
- Wages
- Sick-Leave (Counties with Back-up Providers)
- Electronic Visit Verification
- Family Providers Needing to Quit Work to Care for Family Members
- Electronic Timesheet System
- Possible Retirement Contribution (Secured Choice Contribution)
- Conflict Resolution between Recipient/Provider – Grief Support (Kristine & Joey)

- Set a Sub committee to provide tour of Chico Center (Sandi Hilton)
- Sharing information of Services Offered

If there are other topics, email them to Charlie at info@cicaihss.org

If you have a contact for someone to speak about any subject listed or new topic contact Charlie with information.