

**California IHSS Consumer Alliance**  
**Statewide Monthly Call**  
**June 20, 2018 – 10 a.m.**  
**Notes**

**Call-in:** 1-800-309-2350 **Pass code:** 10282015#

This are the numbers used the Third Wednesday of the month

**Roll-call:** Charlie Kirley - San Diego, Charles Bean – Humboldt, Janie Whiteford – Santa Clara, Felica Connelly, Karen Keesler – Sacramento, John Roe, Sandi Hilton – Solona, Kim Rutledge – Sacramento, Karol Swartzlander – Sacramento, Elaine Paoli, E. Kronenberg, Brad Toy – Yolo, Cyndee Soto, Linda Glazin (?) Public Authority and others.

Thank you to those who provided their names!

**EVV Update** (12:35 minutes on recording): Kim & Karol – Not much has happened on EVV, remembering the [CMS guidance](#) was released on the same day as last month’s CICA call, May 16, 2018. This has been posted on the [CDSS EVV website](#). There is also a [FAQ](#) sheet available.

The State’s proposed EVV plan meets the requirements – CDSS proposed EVV plans so far can be found by [clicking here](#).

New Proposed Federal Legislation of two bills, one in the House and the other in the Senate to delay the implementation of the EVV to January 2020. This is being monitored and watched.

*Bean: It was understood that the two bills have been approved through a voice vote – need better documentation on the bills status*

Stakeholder engagement update, it is planned to hold a meeting within the next two months. A date has not been made for this yet.

There are plans to mail out timesheet flyers about the EVV program for both Recipients and Providers. No date has been set for this, but sometime this summer.

**Elaine:** What was the new proposal for?

**Kim:** The new proposal is to delay implementation of the EVV one year. The bills to do this are [HR 5912](#) & [S2897](#) – These are being watched.

A bill to delay EVV, HR 6042, was approved by the House on 6/19/18. Here is more information on the bills to delay the EVV one-year:

<https://www.congress.gov/bill/115th-congress/house-bill/6042/actions?q=%7B%22search%22%3A%5B%226042%22%5D%7D&r=1>

<https://guthrie.house.gov/common/popup/popup.cfm?action=item.print&itemID=1772>

<https://www.disabilityscoop.com/2018/06/21/house-delay-caregiver-check-in/25218/>

We are internally beginning to look at the Electronic Timesheet program the State has through HP on how it can be enhanced to meet EVV requirements. In a future meeting, CDSS will provide a demonstration of how the Electronic Timesheet System will work enhance with changes to meet EVV requirements.

**Bean:** The 19 vendors CDSS received Requests for Information (RFI) will not be used, but the plan is to use the vendor the State already has?

**Kim:** Yes, we will use the current vendor for CIMPS.

**Bean:** So, CDSS's proposal to implement EVV is what you are asking to be updated on the current Electronic Timesheet Program?

**Kim:** Right.

It is important to note, people do not need to read the information received from the 19 vendors, this was for gathering information only.

On our [EVV Stakeholder](#) page there is a [power point](#) presentation of CDSS's proposal that outlines our proposal to implement the EVV system.

Important to note the 19 RFIs was requested last fall and staff has read through them and learned a lot different EVV systems in place giving us options. Staff was looking for information, options and this was for information. Folks interested what the State of California is doing should visit [CDSS EVV webpage](#) for information. Also, visit the Stakeholder's page [here](#). If you have comments or questions, please email: [evv@dss.ca.gov](mailto:evv@dss.ca.gov).

**Bean:** I understand that the State Legislation passed a bill that stated GPS would not be used with the EVV?

**Kim:** No, GPS will not be used. This was codified, there will not be use of GPS with EVV by the legislature.

Thank you, Kim & Karol

These are my notes, so for exact words please listen to the recording.

**State Budget and CAPA Information** (Karen 22:17 minutes):

Several items on report on regarding the budget to be shared.

Highest priority on our budget was get adequate funding for the Public Authority's – the lack of adequate funding came from the most recent Maintenance of Effort (MOE) between the counties and State. There have been many job losses and lay-offs this year, as well as Social Workers, State-wide. The administrative effect was over 26% less for PA funding and about 12% for the counties.

We have worked with the State to get the methodology on how funding from the State's General Fund is figured in this year's May revised there was \$1.5 million of an increase with an equal amount from the Federal Government and \$15.4 million for the County Welfare system. This increase should adequately fund the Counties and Public Authority for FY 18-19.

Next step is to work closely with the County Welfare Directors to allocate the County and Public Authority Administrative costs properly. The structure of the State general fund appropriations was to identify the County and Public Authority mandates to be funded. So, they identified the places in statue that was required to be done by both the County and

Public Authority (eligibility, payroll, enrollment, etc.). They looked at what the mandates were for the County, as well as the mandates for the Public Authority supported by statutes for funding. Most counties have required Public Authorities to manage county mandates.

Over the past number of years, there have been different ways of funding these mandates for the financing. Some counties directly bill the state for the PA funding and reimburse the PA and others bill through the Public Authority for their reimbursements.

The goal is to move the counties to claim for their mandates and the PAs to claim for their mandates. When the transactions are completed, and even though the funds are short under 1819, the Counties should make up the difference under the 1617 work completed. Meaning worked performed by the PA for the county, should be reimbursed by the county to the PA and the county to submit the claim to the state for the mandated work.

Example: Riverside does payrolling and submits claims through the PA payment. Payrolling is a county mandate. So, PA should make a claim to the county for the payroll funding and the county should make a claim to the State for payroll activities as its mandate. When this is done, PA funding should be sufficient.

There has been a push by Unions and other Consumers for a Back-up Provider system to support Sick-leave. It was decided to identify 10-pilot counties to practice using back-up programs and provide data either verbally or in writing on them. This will be through a registry created on the county participating.

There is also the Stakeholder Process involving the union, CAPA, CICA, and CDSS to discuss more about the need for back-up programs.

There have been concerns about the lag in getting new providers paid in a timely manner; the Unions got mandates into the process, have enrollment packets to new providers within 3-days of their request and to provide orientation within 14-days of request. They must be in person and accessible and in a location reasonable to the provider.

There are concerns about implementing these policies to speed up payroll for new providers; it is believed this is going to be difficult to get started in

the first year, consider most facilities used for orientation are county owned and often need 6-weeks to several months to reserved. Also, it is not believed funding is adequate. There is concern with some counties using automated systems for enrollment if these will or can be used in the future.

Also, sponsored with the unions for parity for waiver providers, these waiver providers would be included in bargaining in the future. This would make them eligible for benefits, as well as wage increases. It will take time to get this in the system but is being worked on. This will provide for waiver providers to be treated the same as IHSS providers.

New fiscal structure, the MOE is to be presented by the Governor in January. There is a workgroup on how to improve finances.

[AB1909](#), Existing law requires a state agency that serves a substantial number of non-English-speaking people and provides English language materials explaining services to provide the same type of materials in other languages, as specified. Existing law requires the State Department of Social Services to translate a specified notice of action into all languages spoken by a substantial number of the public receiving in-home supportive services, as specified.

This bill would clarify that the department is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive ~~services.~~ *services in California.* The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content.

It was pointed out the translation should come from the State, not the individual County. Each County could translate something different from the original intent.

[AB2872](#), This bill would require the department to ~~designate the hours, per county, to compensate providers of in-home supportive services for educating other providers, using peer-to-peer training, in subject areas relating to the program, including~~ *adopt a peer-to-peer training course for providers of in-home supportive services and would require the subject areas of the training to include* how to enroll as a new provider *in the In-Home Supportive Services program* and how to navigate the program, as specified. *The bill would require the department to ensure that, as of*

*December 31, 2019, every authorized provider in a county has received at least 2 hours of peer-to-peer training and that, beginning on January 1, 2020, all new providers, or returning providers who have not yet received the training, receive at least 2 hours of peer-to-peer training within their first year of employment.* The bill would require a provider conducting peer-to-peer training to be compensated at the county's prevailing wage rate for providing in-home supportive services. The bill would require the department to ensure that peer-to-peer hours are reimbursed to the employee representative organization for disbursement to the provider, by the county, nonprofit consortium, or public authority no later than the 10th day of every month.

AB3082, This bill would require the department, ~~on or before July 1, 2019,~~ in consultation with interested stakeholders, to develop a ~~program~~ *policy* to address the issue of sexual harassment of IHSS providers. The bill would require the ~~program~~ *policy* to include ~~a uniform statewide protocol to follow whenever a provider reports sexual harassment, a continuing program of uniform data collection that includes a mechanism to track reports of sexual harassment in the program and standardized~~ sexual harassment education for providers and ~~recipients, a procedure for providers to report sexual harassment with guidelines and timelines for investigation, and a procedure to ensure protection against retaliation.~~ *recipients*. The bill would require the department, on or before ~~July 1, 2020, and annually thereafter,~~ *September 30, 2019, and in consultation with the interested stakeholders,* to submit a report to the Legislature summarizing the ~~outcomes of the program.~~ *policy*.

SB1040, 1) Existing law establishes the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with supportive services, as defined, in order to permit them to remain in their own homes. The California Emergency Services Act authorizes the Governor to declare a state of emergency under specified conditions and requires a county, including a city and county, to update its emergency plan to address, among other things, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering.

This bill would require a county to use a void and reissue warrant process for any provider who lost or had damaged an uncashed warrant because of a natural disaster resulting in a state of emergency. The bill would require a county, including a city and county, at the next update to its emergency plan, to integrate and require the assessment and provision of supportive services to IHSS recipients.

(2) Existing law establishes the Predevelopment Loan Fund for the purpose of making predevelopment loans and land purchase loans to eligible sponsors, as defined, for assisted housing for occupancy primarily by persons of low income. Existing law requires the Department of Housing and Community Development to award those funds to provide disaster relief in communities subject to a natural disaster, if the funds have been made available for that purpose. Existing law requires those funds to be used for housing persons of low income and moderate income, with first priority given to funding housing for persons of low and moderate income. ~~Existing law also requires the funds to be expended only for rehabilitation or reconstruction of housing and related infrastructure that has been damaged as a result of a natural disaster.~~

This bill would require first priority for those funds in providing disaster relief to also be given to fund housing for IHSS ~~recipients and for remediation and restoration necessary to return the IHSS recipient to his or her home that has been damaged by a natural disaster.~~ recipients.

(3) Existing law requires a county welfare department to establish an IHSS recipient's weekly authorized number of hours of services, pursuant to a specified formula. Under existing law, the county welfare department may temporarily adjust the authorized weekly hours of a recipient at the request of the recipient to accommodate unexpected extraordinary circumstances.

This bill would specify that the extraordinary circumstance may include a situation arising out of a natural disaster.

(4) By increasing the duties of counties, this bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.