

California IHSS Consumer Alliance
Statewide Call
May 16, 2018 – 10 a.m.

**It is important to listen to the recoding, the below is not word for word
and only a summary**

Roll: Sidney (Cindy) Anderson, Sandy Hilton, Brad Toy, Janet Canterbury, Cindy Calderon, Cindy Soto, K. Sepulvedaburc, Bet Tzedek Lega, Bonnie Newman, Deborah Miles, Deborah Hibbler, Jene McCovey, Paula Herman, Karen Keesler, Karol Swartzlander, Kim Rutledge, Claire Ramsey, Maxine Hayden, Kerry Riley, Eva Stafford, Vickie Molzen, Shelly Ray, and 5 names not announced or shown.

CDSS – EVV Update: Status of Good Faith request to extend starting time beyond January 2019. The Department of Health Care Services does all the communication with the Center of Medical Services (CMS) Regional Center is in conversation about this and it is believed applications will be sent out to the State for the Good Faith extension this summer. The State intends to request an extension of one-year.

Second item, we have started talking to our current vendor about enhancing the Electronic Timesheet System (ETS) and Telephonic System, as well as developing an EVV app. The approach is to work with our current vendor EDS, which use to be HP that oversees the pay-rolling system of CMIPs to meet the needs of EVV. We are also in a contract transition right now, so we are working with CGI and we are working with both vendors on the development of an application.

We are going to approach the EVV program as we did the ETS with small work groups as it is developed and then larger using the computer, telephonic, and app systems for using EVV. Get feedback on each prototype as done with the ETS. This will then go to staff and legislation and then to larger groups for additional feedback. Cannot give exact time this will start, but as soon as a prototype is developed we will be putting together Small stakeholder groups from throughout the State.

Lastly, an update on our Stakeholder Communication Plan. Our plan is to send an email out to our Stakeholder distribution list for May and June, with plans to hold our next in person Stakeholder meeting towards the second half of July. We are planning on mailing out information to recipients and providers to inform them about the EVV process. For providers they will be distributed with their payroll documents in the mail and the recipients will receive them through their mail about EVV and how it will impact them, as well as tell them how to get involved in the Stakeholder process.

D. Miles: She summarized that was presented being late on the call and asked had she missed anything?

K. Rutledge: Shared information missed.

B. Newman: What kind of tools will be used for the EVV system.

K. Rutledge: There are three ways: Land line, web portal to be accessed by the computer and an App to be used by your tablet or smart phone.

C. Calderon: Wondering about the procedure you will be doing with small groups. Will it include everyone from around Sacramento, or from throughout the State?

K. Rutledge: We have not decided how just yet, but look for a cross section of representation, to include different disability and abilities.

D. Miles: When having your next Stakeholder Meeting, is there plans for holding one in southern California? Not everyone can get to Sacramento.

K. Rutledge: We have not finalized our stakeholder plan, and knowing it was offered to use PSAC network, we will take it under consideration.

The Stakeholder meeting in July will be in Sacramento. We had some technical issues at our last Stakeholder meeting and we have been talking to AT&T, our carrier, about the problems and plan on the technical difficulties being worked out.

D. Miles: Shared from the PSAC Board that it is felt the EVV program will be a different type of employment than what was signed up for and ask if providers can be exempt? (not word for word – listen to the recording).

K. Rutledge: What we do know, there will not be allowance for exemptions at all.

D. Hibbler: Who will be calling this information in using the different types of tools you mentioned earlier?

K. Rutledge: It will work very similar to how the Electronic Timesheet System (ETS) works now. Both Recipient and Provider will need access to devices for inputting information and approval of time.

D. Hibbler: Mentioned concern about individuals who do not have mental capacity to use the tools provided, dementia, etc.

K. Rutledge: Those with dementia, Autism, Intellectually Development Disabled, etc., as they have now will have authorized representatives to approve their time submitted.

D. Hibbler: One other thing, what if someone has a job of their own. How would they call-in to verify the work was being done.

K. Rutledge: It will be done as it is now. They will verify the work is done as they currently under the ETS. It will only be done electronically.

K. Sepulvedaburc: In past Stakeholder meeting it was talked about recording one's time as "Home" or "Home/community," with concerns being that if one marks community hours may be cut) check recoding for exact wording).

K. Rutledge: That should not be a concern and IHSS hours are for use in the community and EVV is not going to change this.

Thank you, Kim & Karol!

Karen Keesler: The number one concern this year has been with the finances of the Public Authority through the new MOE, causing disruption of services because of lay-offs and timeliness in provided need services.

There is no change in funding for Advisory Committees. The level of funding for Public Authorities in the Governor's Budget is fair and adequate. On some counties the PA is assigned duties by the count like running the registry, this is over and above the State's funding. Example some counties have the PA overseeing payroll, IHSS enrollment, etc., these are mandated operations of the county, so the funding would be from State and County funds for these programs, not PA mandates. So, it is important counties receive adequate funding to pass-on to the PA for doing the work expected to do on the county's behalf.

County is concerned about data used for getting funding and believe it does not represent accurately the need. What is roped in the Governor's revised is not sufficient. There is a meeting scheduled to work this out regarding county administrative funding on Friday of this week.

EVV – There is a Budget Bill Language to give them authority to spend money on admin, which is normal request on new work being done by the State. Part of the language gives the state very broad language in starting EVV over the next two years. Concerns have been expressed about the very broad language by CAPA, SEIU, UDW, DRC, Justice in Aging, Congress of California Seniors & CICA.

With Kim's explanation shared earlier by the State, we are given assurance of the EVV system not being so intrusive, all positive. But given two years broad authority a new governor could step in and this would eliminate all the work being done to date.

Part of the letter explaining the reason more:

We appreciate the commitments from DSS to comply with the federal law in a manner that respects consumers and providers, does not alter their Olmstead protections, and minimizes state costs relative to federal penalties. DSS has also promised to work with stakeholders

to identify a realistic timeline that will allow for full stakeholder engagement and development of the least burdensome EVV system for consumers and providers. However, the proposed ~~TBL~~ BBL could undermine the collaborative approach promised by DSS.

Allowing CDSS to use sub-regulatory guidance at this time significantly diminishes stakeholder's ability to ensure CDSS implements this in a way that works for consumers and providers. Implementation of EVV is not just about setting up a series of CDSS processes, but instead needs to consider potential use and misuse of data, electronic privacy, and consumer and provider's rights. CDSS has publicly announced that it is not implementing EVV in IHSS until January 1, 2020 so there is time to ensure the Department works with stakeholders through the normal rulemaking process making this ~~trailer~~ budget bill language premature.

As proposed, the ~~TBL~~ BBL is overly broad and provides sweeping authority to DSS to develop an EVV system that would affect every IHSS consumer and provider. Understandably, IHSS consumers and providers are wary of any kind of electronic monitoring that would invade their privacy and make the delivery of personal care services more difficult. We urge the budget subcommittees to reject the proposed ~~TBL~~ BBL and require DSS to submit statutory changes for implementation of EVV to the legislature for full public vetting.

Concern expressed about what could happen with a new governor going forward with actions leaving out the work accomplished by CDSS and Stakeholders.

SEIU & UDW, with CICA and others, is supporting a trailer bill to result in holding more meetings about "Back-up Providers." Letter below:

Amend Section 246 of the Labor Code to read:

(p) (1) The State Department of Social Services, in consultation with stakeholders, shall convene a workgroup to develop the requirements for implementation of a in-home supportive services

provider backup system or systems to be operational in all 58 counties beginning when the minimum wage, as set forth in paragraph (1) of subdivision (b) of Section 1182.12 and accounting for any years postponed under subparagraph (D) of paragraph (3) of subdivision (d) of Section 1182.12, has reached thirteen dollars (\$13) per hour.

(2) The workgroup shall begin its work no later than September 1, 2018 and conclude its work no later than June 30, 2019.

(3) The State Department shall issue guidance on the implementation of an in-home supportive services provider backup system, such as an all-county letter or similar instructions, by September 1, 2019.

(4) No later than June 30, 2019, the State Department of Social Services shall submit a report to the Legislature outlining, but not limited to, the following:

(A) The number of paid sick leave hours taken by in-home supportive services providers, by county.

(B) The status of any operational provider backup system.

~~(p)~~ Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific this section by means of an all-county letter, or similar instructions, without taking any regulatory action.

G. Thompson: Comment for the EVV process: It is difficult to phantom how a stakeholder process can be done without including Los Angeles, having close to half of all IHSS recipients. It was mentioned earlier, that using PASC tele-townhall call-in service would be available. Inviting Kim and

others from CDSS to be on our monthly calls is open – possibly we could discuss this off-line after the call.

K. Keesler: There are different stakeholders in the process, starting with smaller groups to increasing the group sizes to larger groups. The Back-up Stakeholder group you have served on just has not met. It is as if it is not important to get started and the Unions of put this language together to increase future meetings. Agree with you having capacity for more dialog.

K. Rutledge: I never said we are not going to have more stakeholder meetings throughout the State. We are committed doing more. We are willing to come onto you monthly PASC tele-townhall calls, we just need to just arrange this.

If there are other groups, like we do for CICA we will schedule meetings th them to get information and take feedback.

G. Thompson: Did not mean to sound critical, just want to emphasize our availability offer collaboration.

K. Rutledge: Reach out to me personally, I would gladly be on one of your calls.

D. Miles: Thank you for being on the call and answering our questions, extending an offer to attend one of our PASC Legislative meetings. Here's my email: spoke too fast.

K. Rutledge: Greg has my email, he can share this with you.

P. Herman: I called into PASC and my called was screened. I never got to ask my question.

Larger groups should be included in stakeholder groups, not select hand-picked individuals.

Claire Ramsey, Justice in Aging: Main IHSS budget issues surrounded Public Authority and EVV. There was some increase in the budget caseload, where an increase was given to meet additional increases.

The 7% cut talk is being held for next fiscal year, the MCO tax is good for one-year. This is an on-going topic and maybe be brought of in the last half of the Fiscal Year.

Two things that was there was the amount of one-time funding for abuse prevention and more allowed in the EITC.

The governor's budget is looking to have a big rainy-day fund of \$10 billion.

At this time the SSI increase and cash-out was not included in the governor's budget (at this time of this call neither the Assembly or Senate had voted in favor of this). There is still a push to increase SSP to be increased by \$100. There is also a push to end the cash-out so individuals on SSI can get Food Stamps.

This is what the Senate approved:

Senate Proposal. The Senate proposes to include adjustments for inflation in the SSI/SSP and CalWORKs programs beginning January 1, 2019 and annually thereafter, using the California Necessities Index (CNI) as the inflation factor. Without inflation adjustments, these programs, which serve some of the most impoverished and vulnerable populations in California, are effectively cut every year, making it more and more difficult for recipients to keep up with rising costs of living. Using a 4.04 percent CNI in 2018-19, this proposal would allocate \$55 million in SSI/SSP and \$50 million for CalWORKs in 2018-19 and continue to use the CNI in calculations for the out years.

Staff Comment and Recommendation. Approve.

They are push a hold-harmless act to allow food stamps to be received. Below is what the Senate Budget Sub-committee passed:

Senate Proposal. Currently, State policy provides SSI/SSP recipients an extra \$10 payment in lieu of their being eligible to receive federal food benefits through California's CalFresh program. The Senate proposes to end the SSI Cash-Out and allow all SSI recipients to apply for CalFresh benefits and hold harmless those households that would see either a loss or reduction of benefits due to this policy change, either currently in the program or in the future.

Staff Comment and Recommendation. Approve a placeholder amount of \$60 million in 2018-19 and \$120 million ongoing for a hold harmless. Amounts approved in this action includes costs for the benefit for populations held harmless, outreach, administration, and automation.

On Medi-Cal they are trying to raise the amount for seniors to be eligible for a no-cost share for Medi-Cal. They would raise the eligible income rate for this.

B. Toy: Thanked Justice on Aging for the information sent.

D. Miles: To K. Keesler, Does CAPA not support the back-up system?

K. Keesler: We totally back the idea of creating a back-up service. But because of cuts to the PA program we have been working on getting the funding back. It is governor Brown that believes the back-up program is not needed, the IHSS program has not needed it since it started in 1973.

C. Calderon: More waiver positions have been requested, what are your thoughts on this?

C. Ramsey: there has been 2,000 slots increased by the Senate, and the Assembly was increasing it by 12,000. Only 2,000 slots are in the governor's budget.

