

**California IHSS Consumer Alliance  
Statewide Phone Call  
Wednesday, May 18, 2016 at 10 a.m.  
Notes**

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

**Roll call:** Jene McCovey, Humboldt, Sarah May, Dennis Mills, Karen Keesler, Deborah Doctor, William Reed, Placer, Cindy Calderon, Humboldt, Felicia Connelly, Mary Tinker, Santa Clara, Rick Simonson, Sacramento, Mark Beckham, Berkeley, Bonnie Newman, Calaveras, Heidi Aharonian, Orange, Michele Geving, Randi Bardeaux, LA PASC, Janet Canterbury LA PASC,, Louis Lopez, Imperial, Becky Stockton, Lake, Margaret Jorgenson, Paula Herman, Janet Clark, Calaveras, Elaine Paoli, Janie Whiteford, Kristine Loomis, Riverside, T& P Smith, Linda Roberts, Shasta, Vicki Molzen, San Diego. Sandi Hilton, Solano, Ann Howett, Marin, Elaine Paoli, Napa

**This month CICA has the pleasure of welcoming three hard-working individuals involved in the IHSS program from different agencies.**

**Starting off the call will be [Karen Keesler](#), Executive Director, of the California Association of Public Authorities (CAPA). She will share updates about the budget, FLSA, and CAPA work.**

Note one thing CAPA has been working on with, IHSS Coalition, Unions, DRC, and Seniors of California is the implementation of FLSA act which is complicated for the counties with new confusing policies in paying overtime, travel-time, and wait-time the state has advanced. With those CAPA has been working with believe the violations should have been extended to September, there have been so much training and new policies developed it has been very confusing with too many questions. Too many components to the policies are unknown and how they are supposed to work. There are situations with the overtime and that not every case can follow be exact same rules.

The Coalition developed a pretty comprehensive document called the “FLSA Simplification Proposal” that was pitched to both the Assembly and Senate Budget Committees. Administration had been very hard on the implementation plan and unwilling to extend the grace period and focused on getting the work done. Advice was give last week from legislative staff to pair the proposal down to bare bones. Our thinking was guided by the May revised and what was reported there.

In the May revised the Department of Social Service believed there would be 6,200 providers going over the caps (work 12 hours per day or 360 hours per month); putting dollar figure to this, for those being allowed exemptions it would cost \$47 million in which \$22 million would be the State General Fund share. This was a surprise to know what the cost was for those working over the caps.

It was noted to extend the grace period it could cost \$10 to \$20 million a month and with the current political environment this does not seem doable. So the Coalition chose to drop its proposal because of two reasons: One because they were not getting traction with the administration and two, because the costs were getting pretty high for the Legislators to even consider.

The good news is the State Social Services issue a Program Manager letter to last night stating they would not enforce the violations in May, but more likely to begin in June. This gives the Counties and state a month to work out the differences being discovered. The state is doing a weekly call with the counties to answer questions and clarify differences found in the All County Letters.

They are asking that all consumers eligible for one of the two exemptions they receive notice and there is an appeal process in place to the state, if they are denied at the county level they could appeal it to the state.

They are asking for parity for providers with multiple consumers that the weekly cap be at 70.45 hours per week as it is with those having only one consumer.

It looks like the budget committees met yesterday and it does not look like they adopted any of the suggestions submitted.

Another budget issue is to reinstate the “Share of cost” buyout. Back in the 90s when the State was able to get Federal participation in the IHSS program, then under the Personal Care Services Program the consumer would not be penalized for not following the Medi-Cal Rules. As part of the package in the 90s the State paid the higher costs of the Medi-Cal rules for the consumer. Under Arnold’s Administration the share of cost effort was repealed, leaving the burden on the consumer. The Coalition has been working on getting this restored and but they need more figures on what the cost will be. There also is not much traction or support at this time for going through on this in the Legislature, but it is still being worked on by the coalition.

The third issue regards the 7% cut. The budget in both January and May proposes to repeal this. It is connected to the Manage Care Organization (MCO) and the goal is to remove it from the MCO to totally repeal it, not to happen.

The increase in minimum wage, the Governor signed into law a couple months ago to reach \$15 per hour over the next few years. There are some off-ramps to this:

### **1. Economy**

Governor has the ability to pause an increase if seasonally adjusted statewide job growth for either the prior 3 or 6 months is negative and retail sales receipts for the prior 12 months is negative.

### **2. Budget**

Governor has the ability to pause an increase if any year from the current budget year to two additional years is forecasted to be in deficit when including the next scheduled increase. Pursuant to Proposition 2, a multiyear forecast is adopted as part of the annual Budget Act. A deficit is if the operating reserve is projected to be negative by more than 1 percent of annual revenues, currently about \$1.2 billion. The budget off-ramp can only be used twice.

Link to Fact Sheet on California's Minimum Wage:

[https://www.gov.ca.gov/docs/Fact\\_Sheet\\_Boosting\\_Californias\\_Minimum\\_Wage.pdf](https://www.gov.ca.gov/docs/Fact_Sheet_Boosting_Californias_Minimum_Wage.pdf)

Also included in this was paid sick leave for IHSS Providers and his is to take effect the 1<sup>st</sup> of January, 2017.

It was noted the costs of implementing the FLSA, increase in minimum wages, and getting CIMPS up to date is in the \$100 million's.

Question from Heidi: Asked about clarification of the \$7 million and \$22 million mentioned.

Also asked about the 7% and its link to the Managed Care Tax. What is being asked is for the Legislature to permanently remove the 7% cuts, where the Governor is linking it to the MCO tax and if the MCO does not get approved in 3 or 5 years, however long it is, the 7% tax will be restored. The coalition is working to get the legislators to eliminate the 7% cut and not have it linked to the MCO.

The Federal Government just approved the MCO Tax yesterday, May 17, 2016. This would be in effect through June 2019.

It was noted that even if the legislators repeal the 7% cuts permanently, nothing is permanent. The State Budget goes up and down each year and the IHSS program is a part of the budget and where to make cuts is always going to be looked at. It was remembered one year 12% cuts were made. So, the program always needs to work towards improving.

Question from Beckham, What about the rainy day fund, could they not take money from this?

The Governor has set aside an amount more than required into the rainy day fund. This could be used at the discretion of the Legislature and Governor, but if the economy goes as it did in 2008 cuts can be expected throughout all state programs. It is not believe the rainy day fund would stop cuts of any kind.

Michele Geving asked for clarification on the parity. The parity was to allow providers who have multiple consumers (currently can only work 66 hours per week) be able to work 70.45 hours per week, as do providers who have one consumer and are allow to work this. There is a price-tag to this and this could be a significant factor in getting this through.

Heidi asked about the number of providers with more than one consumer. It is estimated to be a little over 500 thousand consumers and about 440 thousand providers. This means there is a possibility of 60 thousand providers with more than one consumer.

**Following Karen, [Mary Tinker](#), Executive Director, Santa Clara County Public Authority Service. She will share information about Santa Clara's IHSS program and training available to consumers and providers.**

Mary spoke of Provider and Consumer training.

One of the mandates for all Public Authorities is to provide access to training. In Santa Clara this has been a priority. Then in 2008-09 the budget for training and other services was cut, but because of the union contract funding for Providers remained in the amount of \$50 thousand, but not for consumers.

In developing what training was wanted a workgroup was established to develop a survey to use in finding out what kind of training was needed and wanted. From the results of the survey, building on training already in place they went from 9 training classes to 15.

Training provided was done through partnering with local agencies promoting the Independent Living Philosophies like the Adult Educational Center. Instructors who wanted to teach needed to attend one yearly class to promote the philosophy of Independent Living to understand the IHSS program with the Independent Living Philosophy or they did not teach our courses.

They began holding classes at one site and down have expanded to 12 different locations throughout the county. Because there is a training coordinator the curriculum has been expanded. Santa Clara now has a library of training and all CAPA members have access to our library of training curriculum. No need to re-invent the wheel, other counties are wheel to use. Information on training can be found by [clicking here](#) a clicking on training.

The consumer training had to be shut down, but they were being done in group settings. This was tough to get people to come to group trainings.

Now they are offering opportunities through a call-in system through the "[Senior Center without walls](#)." This is a no cost and consumers are asked to register early so information can be mailed to them to follow along while on the phone. No special equipment needed.

Sharing from the PAs site:

### **Consumer Call and Connect Sessions**

Join with the Public Authority, special guest speakers, and your fellow IHSS recipients on toll-free conference calls to share information on a variety of subjects.

Call and Connect Sessions are held monthly, and are available exclusively to IHSS recipients or their authorized representative.

The current schedule of topics includes:

**May:** New Overtime Rules: Managing hours and Avoiding Violations for Your Provider

**June:** Recognizing and Addressing Abuse

**July:** Finding and Using Community Resources

**August:** Understanding and Using the Public Authority Registry

**September:** Cancer Care: Support from Diagnosis through Remission

In the future we are going to try include consumers in training with providers, like FEMA that way both hear the same information and they can talk about it together.

Quarterly Newsletter is used to share training, how to be a better provider and consumer, improve relationships, and just share information on changes in the IHSS program.

Consumer Training modules are available on the website in a PDF format and on VHS video. [Click here](#) for Consumer Modules

Working on establishing a peer mentoring program. A member of the Advisory Board is receiving her Masters and they will be going to San Francisco to learn more about it peer mentoring program and come back to Santa Clara to establish one here.

They are also looking to increase group calls and going out to consumers' homes to find out what it is they want to see or need in training.

Paula thought it would be nice to send out information for training, like CPR. It was noted each county is different, so this could not be done statewide.

Kristine, where did you get your funding? Additional funding came from the County Board of Supervisors. This is on top of the funding in the contract with the Union. It takes justification and support from the BOS.

It was noted they went from 34 classes to 78 classes per semester.

For more information [click here](#).

How do your newsletters go out? They send out 22,000 and cost about \$10,000 a quarter. It is done in only one language.

There was discussion for developing a library of training that can be accessed statewide. It is a project that CAPA has been working on with the state.

Following Mary, [Deborah Doctor](#), Legislative Advocate of Disability Rights California (DRC) to share information about speaking and public hearings. There is a need for speakers at State hearings and it is hoped to create interest in knowing more about hearings and speaking at them.

Janie spoke about looking for consumers to go to Sacramento to testify and hearings. What is being proposed is to develop a list of consumers willing to be prepared to testify at different hearings when the need arises. Individual would be trained over the telephone or webinar presentation; individuals would not go unprepared but have scripts of what to say. The main purpose is to get the consumer in front of the Legislators and here about needs and their support from the consumer.

There is a possibility of maybe providing some funding through CICA, CAPA, or DRC, no promises, but funding needs to be looked for. Michelle Rousey of Alameda, has been a great representative and had travel to Sacramento several times to speak at hearings. The Alameda Advisory Board and Public Authority provided funding for her travel. This is something that the county Advisory Board can pay for.

In a perfect world there would be individuals in a county near Sacramento where it would be easy to travel. It does not necessarily need to be someone from an Advisory Board, it could be any consumer willing to speak and go through training offered.

If you are interested email Charlie by [clicking here](#).

Deborah, wanted to thank CICA, Michelle, Joe, Joseph, Mark, and others who have already participated by speaking at the hearings. Karen and Deborah are recognized as representatives of the programs, but the legislators and staff would like to hear from those the programs serve. By driving the distance and speaking to them gives more weight to what is being asked for. They pay more attention to those who can share their personal experience.



An example of the need for individuals to give testimony was most recently, looking for a consumer with a high share of cost that after meeting their share they were left with \$600 each month. Not being able to find anyone to give testimony so the legislators did not act on this, besides other reason testimony may have got a stinger traction for future hearings.

Deborah believes the state has been misapplying their own family/parental exemption rules because there are those who have been denied this exemption because they did everything correctly knowing they would be limited to 360 hours and then hired a second provider then denied the exemption because the second provider was available. There are six individuals' cases and the state has assured her these and others are being reviewed. People need to be reminded that having another provider or not does not deny the eligibility for receiving the family/parental exemption. Having another provider available or not was not one of the criteria for receiving the family/parent exemption. If you have any concerns about this or believe you have been denied wrongfully contact DRC at **1-800-776-5746 or TTY 1-800-719-5798 toll free.**

If you are a person who got the exemption and the 360 is not meeting the needs or care of the consumer DRC would be very interested in learning more about the circumstances. There should be an appeal process in place and DRC is working on this. So, if you got the exemption and the needs of the consumer are not being met contact DRC at **1-800-776-5746 or TTY 1-800-719-5798 toll free.**

Kristine asked "Does exemption number one include siblings, like brothers?" No, it does not. Who it covers is listed on DRC website: [IHSS Overtime Exemptions](#).

Though they may be eligible for the Extraordinary Exemption is a second possibility.

Kristine suggested creating a list of individuals able to give testimony in the future and at the same time a list of the counties that use Advisory Board or PA funds to send individuals to Sacramento for giving testimony.

In advance, CICA thanks the three speakers for their participation in Statewide telephone call!

**Following the Statewide call is a very important call for members of California IHSS Consumer Alliance please watch for the agenda directly following this email.**