

PASC Governing Board Meeting Minutes December 14, 2009

I. CALL TO ORDER AND ROLL CALL

Ms. Otero called the meeting to order. Mr. Castano called the roll:

Members present: Mr. Adler, Ms. Becker Kennedy, Ms. Belton, Mr. Castano, Ms. Heinritz-Canterbury, Mr. MacDonald, Mr. Magady, Ms. Navarro, Ms. Otero, Ms. Varga

Members absent: Ms. Argenta, Mr. Davila-Castro, Ms. Park, Mr. Vasquez

II. READING OF MISSION STATEMENT AND MOMENT OF SILENCE

The mission statement was read by Ms. Otero, and a moment of silence was observed. Ms. Becker Kennedy asked for prayers for healing for Maggie D. Dowling and Harley Rubenstein. Ms. Otero asked that the moment of silence also be observed for Ms. Varga.

III. PUBLIC COMMENT

Hugh Hallenberg reported that the Governor will punish people with disabilities next year, and urged the Board to encourage consumers to visit their Assemblymembers.

IV. APPROVAL OF NOVEMBER 2, 2009 MINUTES

Approved on motion of Mr. Castano with one correction, seconded by Ms. Belton, by consensus.

V. CHAIR'S REPORT

Ms. Otero expressed her support for Mr. Hallenberg's comments.

VI. INTERIM EXECUTIVE DIRECTOR'S REPORT

No report.

VII. OCTOBER 2009 FINANCIAL REPORT

Presented by Mr. Golledge. **Approved on motion of Mr. Castano, seconded by Ms. Becker Kennedy, by consensus.**

In accordance with California Government Code Section 53646(b)(1), Mr. Golledge reported on interest income for October.

VIII. DPSS REPORT

Naomi Tostado-Hernández reported that DPSS and PASC staff members participated in six pilot orientations in December.

Ms. Tostado-Hernández reported on the lawsuit that stopped use of the provider enrollment form and limited provider crimes under consideration to dependent adult abuse, child abuse, and fraud. DPSS staff members have been advised to continue using the 2002 provider enrollment form.

IX. AMENDMENT #17 TO COUNTY – PASC AGREEMENT (PROVIDES FOR EXTENSIVE NEW PASC INVOLVEMENT, IN COOPERATION WITH DPSS, IN THE ORIENTATION AND ADMINISTERING OF CRIMINAL BACKGROUND INVESTIGATION FOR ALL IHSS PROVIDERS – PURSUANT TO NEW STATE LAW)

Mr. Golledge outlined new county requirements for orientations and criminal background investigations for new and existing IHSS providers. Amendment #17 proposes a partnership between PASC and DPSS to conduct approximately two orientations per day, and process 50-100 providers per orientation.

Mr. Golledge reported that the Registry has referred CBI-cleared providers since the new requirements took effect on November 1st; six pilot orientations have also been conducted.

Mr. Fisher added that the county will check and make copies of provider identification cards and Social Security cards, and process enrollment agreements; PASC will handle the instructional aspect and CBI followup.

In response to a question from Ms. Becker Kennedy, Rebeca Sinclair Douglas, Assistant Director, Registry and Outreach, reported that one or more Live Scan vendors have been present at each of the pilot orientations. Ms. Douglas also reported that DPSS has provided PASC with lists of providers who have consumers waiting to hire them; candidates for the pilot orientations have been contacted from these lists.

In response to a question from Mr. Castano, Ms. Douglas reported that Live Scan rates vary from \$49-\$60, depending on the vendor. Providers are informed of the exact cost prior to the orientation.

In response to questions from Ms. Varga, Ms. Douglas reported that an average of 40 providers attended each of two pilot orientations per location in Lancaster, West Los Angeles, and Burbank. Additional orientations have been scheduled in Norwalk, Lancaster, and Altadena/Pasadena. To date, Ms. Douglas has received 29 cleared CBI reports from these orientations.

In response to questions from Mr. Adler and Ms. Becker Kennedy, Ms. Douglas reported that DPSS has informed PASC that there will be retroactivity; DPSS is instructing providers to keep a daily calendar until they receive their timesheets. Sonia Perez reported that consumers are eligible for retroactivity from the date of application. Hortensia Diaz emphasized that payment retroactivity is similar to the regular IHSS process for paying newly hired providers.

In response to questions from Ms. Navarro, Ms. Douglas and Mr. Fisher outlined the CBI reporting process. Ms. Douglas reported that DOJ informed PASC that turnaround time for CBI results would be two-three business days; however, current turnaround time varies from one to seven days.

In response to a question from Mr. Adler, Ms. Douglas reported that DPSS is responsible for locating and evaluating orientation venues.

Mr. Adler asked the Board to commend Philip Browning and the work he and DPSS have done to respond to the state legislature's changes to the IHSS Program.

Ms. Becker Kennedy voiced her concern for those providers who are unable to pay the cost of the CBI. Ms. Douglas emphasized that PASC has made an effort to locate those CBI vendors whose charges are the lowest.

In response to a question from Ms. Varga, Ms. Douglas reported that orientations will be conducted in English, Spanish, Chinese, and Armenian. Orientations are currently conducted only in English, as state materials have not yet been translated into other languages; Ms. Diaz reported that translations are expected in January.

In response to a question from Mr. Adler, Mr. Golledge reported that PASC will have authority to report CBI results in CMIPS; Mr. Fisher reported that the county has agreed to secure this authority from the state.

In response to a question from Mr. Adler, Ms. Diaz reported that DPSS informs consumers that, if their provider does not pass the CBI, the consumer will be responsible for paying the provider; Ms. Diaz emphasized that DPSS cannot put on its payroll someone who does not pass the CBI, and that consumers are advised to contact the PASC Registry for CBI-cleared providers. Ms. Becker Kennedy objected to this procedure.

Mr. Fisher reported that, under the Superior Court injunction, providers can only be disqualified on limited grounds, including elder abuse, child abuse, and welfare fraud.

Ms. Heinritz-Canterbury suggested that PASC be mandated to hire people with disabilities and give consideration to GAIN and GROW participants; Mr. Adler agreed that PASC's policies should comply

with the ADA. Mr. Fisher responded that this is an existing contract term between PASC and the county.

Motion to approve amendment and to authorize Ms. Otero and Mr. Golledge to sign the agreement, with such further amendments as are consistent with it, made by Mr. Adler, seconded by Mr. Castano. Approved by consensus.

Mr. Adler requested that DPSS provide PASC with their script, to be reviewed by a PASC subcommittee; Ms. Otero agreed, and asked Ms. Becker Kennedy to participate.

Mr. Browning thanked the Board for its approval, and reported that DPSS has worked to ensure that no consumer lost service. Mr. Browning has urged social workers to avoid giving consumers or providers false hope that an individual will pass the CBI, and has suggested that consumers who need providers contact the PASC Registry. Notices have been sent to hospitals, nursing homes, and discharge planners. To date, DPSS has over 1000 providers in the queue awaiting approval.

Mr. MacDonald called a point of Board etiquette, and asked Ms. Otero to put items requiring further discussion on a future agenda; Ms. Otero agreed.

X. PASC ACTIVITIES AND ISSUES

1. REPORT OF PASC'S ACTIONS REGARDING IHSS CUTS

2. BACK-UP PROGRAM

Beau Hennemann, Supervisor, Programs and Public Relations, distributed a report of Back-up Program activity for October and November, which have been the busiest months since the Program's inception; calls have predictably dropped off in December.

Ms. Becker Kennedy reported that she recently received excellent service from the Back-up Program, and was sent a qualified provider within a very short turnaround time.

3. REGISTRY AND OUTREACH

4. LEGISLATIVE REPORT

Mr. Hennemann reported that the legislature will return to regular session in January; the Governor will release his proposed budget on January 10th.

Mr. Hennemann reported that a concept paper on Medi-Cal reforms has been released, proposing to enroll all participants in a managed care plan over the next five years.

Ms. Becker Kennedy urged PASC to work with Protection & Advocacy to schedule legislative visits; Ms. Navarro suggested that PASC work with CFILC. Ms. Otero agreed. Ms. Becker Kennedy suggested that the Board form a committee to work with Mr. Hennemann on legislative visits; Ms. Otero agreed.

Ms. Varga requested that Mr. Golledge track additional costs incurred due to new legislation; Mr. Golledge responded that this is part of reporting requirements under Amendment #17.

5. PROGRAMS AND TRAINING STATUS REPORT

XI. CICA UPDATE

Ms. Heinritz-Canterbury reported that Ms. Belton, Mr. Davila-Castro, Ms. Varga, Ms. Otero and she will attend the upcoming CICA conference. Ms. Navarro may attend.

XII. UNION ISSUES

Wendy Duchon agreed with Ms. Becker Kennedy's views on provider conversations and notifications, and suggested that future providers be given a notice or disclaimer regarding the CBI requirements. The union wishes to work with PASC and DPSS to minimize harm to consumers and providers.

Ms. Duchon distributed a report on the union's efforts to reflect, rebuild, and renew over the past nine months. A Move Committee composed of 100 members of many ethnicities was created, which

organized a Leadership Summit held in November and attended by over 2000 providers, consumers, and family members. Ms. Duchen requested that the union be permitted to show a DVD on the union's 2009 activities at the Board's January meeting.

The union will hold a legislative briefing for legislators on January 8th.

In the coming year, the unions wishes to focus on working with PASC to prevent future budget cuts, including integrating consumers into lobby visits and exploring grants for affordable Live Scans.

In response to a question from Ms. Navarro, Ms. Duchen and Janelle Obando reported that the union is investigating a federal grant for \$10 Live Scans through the Hawthorne Police Department, with a target implementation date of the end of January. Ms. Duchen emphasized that the union is also looking into other affordable programs statewide.

Mr. Hennemann requested additional information on the fees covered by the proposed \$10; Ms. Obando agreed to provide this.

Mr. Adler suggested that the union consider creating a pool of union money to pay for Live Scans, and recoup this money through payroll deductions.

In response to a question from Ms. Navarro, Ms. Duchen reported that the union is researching the actual cost of the state's fraud program, the extra cost to the counties, and the burden on providers and consumers.

XIII. NEW BUSINESS

Audrey Harthorn thanked those individuals who are concerned about the effect of background checks on consumers. Ms. Harthorn expressed her shock and dismay that the disability community at large did not anticipate the recent changes, and take full and adequate measures to stop them, and emphasized that the approach to background checks must be balanced with common sense. Ms. Harthorn expressed her intention to retaliate against the state, the county, and PASC.

XIV. CLOSED SESSION

Ms. Otero reported from the closed session that

XV. ADJOURNMENT

Yungsuhn Park, PASC Board Secretary

Date minutes approved

ACTION POINTS

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