

## **PASC Governing Board Meeting Minutes February 3, 2014**

### **I. CALL TO ORDER AND ROLL CALL**

Ms. Navarro called the meeting to order. Mr. Oliver called the roll:

Members present: Mr. Adler, Ms. Bardeaux, Ms. Becker Kennedy, Ms. Belton, Mr. Castano, Mr. Davila-Castro, Ms. Navarro, Ms. Otero, Ms. Poole

Members absent: Ms. Bloomshaft, Mr. MacDonald, Mr. Magady, Ms. Miles

### **II. READING OF MISSION STATEMENT AND MOMENT OF SILENCE**

The mission statement was read by Ms. Belton, and a moment of silence was observed for all requested intentions.

Mr. Thompson introduced Jason Moore from Health Net.

### **III. GENERAL PUBLIC COMMENT**

Hugh Hallenberg reported that he is living in a nursing home, and that his quality of life is not the same as when he was living in the community as an IHSS recipient.

Sawako Nitao from the LACCC and the Aging Coalition announced that the Black Los Angeles County Client Coalition will hold its 7th Annual Community Mental Health Wellness Cultural Forum on February 22nd.

### **IV. APPROVAL OF JANUARY 6, 2014 MINUTES**

Mr. Oliver reported that attorney Barbara Gould of the Office of the County Counsel confirmed that the Brown Act requires a quorum of eight Board members, as the total number of PASC Governing Board seats is 15.

Minutes approved on motion of Ms. Belton, seconded by Ms. Becker Kennedy, by consensus.

### **V. DECEMBER 2013 FINANCIAL REPORT DECEMBER 2013 FINANCIAL REPORT – NPER**

December 2013 Financial Report approved on motion of Mr. Castano, seconded by Ms. Becker Kennedy, by consensus. December 2013 Financial Report – NPER approved on motion of Mr. Castano, seconded by Ms. Belton, by consensus.

In accordance with California Government Code Section 53646(b)(1), Mr. Wagstaff reported on interest income for December 2013.

### **VI. FY 12-13 AUDIT BY Q&M**

Ms. Belton stated the following motion: That we accept this Board resolution with these caveats, that anything that needs to be checked will be checked with the financial officer of PASC, along with the Board Chair and the Board Treasurer. Seconded by Ms. Poole, approved by consensus.

## **VII. CHAIR'S REPORT**

### **INTRODUCTION TO NEW COMMISSIONER**

Ms. Navarro reported that the Managed Care Committee has been working with Mr. Thompson on issues surrounding implementation of Cal MediConnect, the impact of overtime regulations and mandatory training on consumers with severe disabilities, potential changes to the IHSS Program, preservation of independent living and the independent provider mode, and the integrity of the home.

Ms. Navarro invited all Board members to the annual Abilities Expo beginning February 28th at the Los Angeles Convention Center.

## **VIII. EXECUTIVE DIRECTOR'S REPORT**

### **1. PASC OPERATIONS**

#### **a) MMR**

Mr. Thompson called Board members' attention to the report in the Board packet; PASC is reaching more consumers, and enrolling more providers into the health plan.

In response to a question from Ms. Navarro, Mr. Thompson outlined the provider criminal background check process, PASC's monitoring of the CORI and subsequent arrest processes, and research of Tier I and Tier II convictions. PASC dedicates approximately three full-time staff members to these responsibilities, and processes approximately 3000 CBIs each month.

In response to a question from Ms. Bardeaux, Ms. Tostado-Hernández and Mr. Thompson outlined Tier I and Tier II crimes and the waiver process.

#### **b) PASC WEBSITE**

PASC had approximately 700 new visitors to its website last month. Video interviews with IHSS consumers are being posted for a new feature, "Actively Living with the Help of IHSS."

### **2. CONSUMER OUTREACH**

#### **a) TELE-TOWN HALL**

Mr. Thompson reported that PASC will host its next Tele Town Hall for consumers on February 12th at 6 pm, with Jane Ogle.

#### **b) CONSUMER CORE – LEGISLATIVE VISITS**

PASC's Consumer Corps will visit legislators in their local offices on February 14th to discuss implementation of Cal MediConnect, the impact of overtime regulations, proposed mandated training, and what it means to live in the community on IHSS. Visits to 14-17 legislators are planned.

Mr. Thompson will meet with legislators in Sacramento at the end of the month, and has scheduled a meeting with the Senate Research Committee regarding the Back-Up Program and the governor's proposal on overtime.

The Labor-Management Committee continues to meet to discuss issues such as late payments and timesheet processing.

### **3. UPDATES**

#### **a) CAL MEDICONNECT ENROLLMENT TIME LINE – 2014 (DRAFT 1/17/14)**

Materials regarding Cal MediConnect are being posted to PASC's website as they are received.

In response to a question from Ms. Belton, Mr. Thompson reported that he has spoken with state CMIPS staff members regarding rejection of timesheets from providers who are unable to sign their names.

In response to concerns from Ms. Belton and Ms. Becker Kennedy, Ms. Tostado-Hernández outlined the payment process relative to criminal background checks and Tier I and Tier II crimes. Ms. Tostado-Hernández reported that providers are notified during the orientation of crimes that will disqualify them from payment. **Ms. Belton suggested that PASC review current regulations on this issue; Mr. Thompson agreed.**

**Archie Souter of Service Employees International Union, United Long Term Care Workers requested information on individuals who are not eligible for the IHSS Program because of Social Security, and on Tier I/Tier II crimes; Mr. Thompson agreed to provide this information.**

**Ms. Becker Kennedy requested that members of the Managed Care Committee review talking points for the planned legislative visits; Mr. Thompson agreed, and invited Board members to participate in the visits.**

Ms. Becker Kennedy reported that she, Ms. Navarro, and Susan Chandler of Californians for Disability Rights have asked for an injunction against Cal MediConnect until the final sample letter on opting out has been sent to all community-based organizations, and objected to PASC's upcoming Tele Town Hall with Ms. Ogle. Ms. Bardeaux disagreed, and agreed with Mr. Thompson's recommendations for the Town Hall, and Ms. Ogle's participation.

Ms. Becker Kennedy stated the following motion: To postpone the call, until committees have met and determined whether this is the best way to educate Los Angeles County consumers.

Following discussion, Ms. Becker Kennedy restated her motion: That PASC go ahead with this Town Hall, as long as it has another presenter at the same time with Jane Ogle, to give a clear picture of the issues that on the statewide level are matters of concern, so that somebody, either Kevin Prindiville or Silvia Yee, or somebody from the California Healthcare Foundation, balance out that presentation to consumers, with the aspiration vs. the reality.

Following discussion, Ms. Navarro and Ms. Becker Kennedy restated the motion: To support Greg in this February Town Hall, with a balanced presentation with a second speaker who can speak to the actual operational status.

Following discussion, Ms. Becker Kennedy withdrew her motion.

## **IX. MANAGED CARE COMMITTEE**

- 1. DEPARTMENT OF LABOR OVERTIME REGULATION**
- 2. CAL MEDICONNECT**

Ms. Navarro stated the following motion: The Personal Assistance Services Council of Los Angeles County was created to enhance the In-Home Supportive Services Program, so as to improve the health and safety of the 180,000 seniors and people with disabilities in Los Angeles County receiving IHSS services. In accordance with our mission, the PASC strongly opposes the transition of the people we serve into Cal MediConnect at this time, for the following reasons: 1) Widespread and systemic issues have been identified and documented as still remaining in the managed care plans in the Cal MediConnect program. These defects threaten to endanger the health and safety of the seniors and people with disabilities currently participating in Medi-Cal managed care, which utilizes the same plans. 2) In the design of Cal MediConnect, there was not sufficient attention paid to the input from the stakeholders. Also, there was not sufficient attention paid to how Cal MediConnect would impact the IHSS Program in the future. In fact, to date, there is no comprehensive proposal for the reasonable transfer of the IHSS Program into the managed care model of healthcare. 3) There is already a documented, substantial risk of harm to consumers from the discontinuity of care to seniors and people with disabilities, and there have been no evidence-based studies of any improvements regarding the discontinuity of care. The damaging, even life-threatening delays in critical medical services in Medi-Cal managed care that have already been found out to have caused serious harm to a substantial number of seniors and people with disabilities with complex and co-morbid conditions have already resulted in more catastrophic illnesses, expensive therapies, and the need for more homecare. 4) There has been no reported improvement in the plan sufficiency, in terms of missing specialties, to assure that recipients who need to be seen by their special doctors are going to have continued and competent treatment. 5) Those dealing with the safety of seniors and people with disabilities in the Medi-Cal transition have identified that there is insufficient administrative capacity and ombudsman services to keep the people we serve safe in the programs at this time.

Ms. Belton objected to the number stated in the motion, and noted capitalization errors. Ms. Bardeaux noted that the motion makes broad accusations.

Following discussion, Ms. Becker Kennedy suggested that rewrites suggested by Board members be finalized by Mr. Adler, and the final motion be approved by the Executive Committee. Ms. Navarro agreed. Motion seconded by Mr. Castano, approved by consensus.

## **X. DPSS REPORTS**

Ms. Gomez reported that a conference call with CDSS to discuss LA County's Back-Up Attendant Program was held on January 30th; CDSS will be discussing this program directly with PASC.

Ms. Gomez also reported that DPSS has not taken a position on the proposed overtime policy; DPSS is currently analyzing the proposed legislation and estimating the potential impact.

In response to questions from Ms. Becker Kennedy and Ms. Navarro, Mr. Thompson outlined the PASC Back-Up Program's funding, and the governor's proposed statewide plan.

**Ms. Becker Kennedy outlined the new provider enrollment process and delays, and reported that she submitted a proposal for improvements to Mr. Thompson, Mr. Aguilar, and Ms. Spiller; Mr. Thompson agreed to forward the proposal to Ms. Gomez, and Ms. Gomez agreed to forward it to IHSS operational staff.**

## **XI. SEIU-ULTCW REPORTS**

Mr. Tapia apologized that he lost his documentation from last month's meeting, and so was unable to respond to Board members' requests from last month.

Mr. Tapia reported that the union is continuing to work with DPSS to resolve provider claims for timesheets and pay issues, and a more centralized process is in place. There was an increase in claims in December and January, and a lower response from DPSS staff. 482 claims were made in December, with 384 outstanding; 500 claims were made in January, with 262 outstanding. PASC and the union have met with DPSS leadership to continue to work on this issue. Mr. Tapia reported that DPSS reported 3000-3500 timesheets exception per day when CMIPS II was first implemented; this number is now down to approximately 2000 per day. DPSS reports that duplicate timesheets can now be generated within 24-48 hours, and providers receive a letter explaining the reason for the rejection. DPSS has 25 clerks assigned to timesheet exceptions.

In response to questions from Ms. Becker Kennedy, Ms. Gomez outlined the exceptions and change of address processes.

## **XII. MISSION MOMENTS**

## **XIII. NEW BUSINESS**

In response to a question from Ms. Bardeaux, Ms. Navarro requested that a list of Board committees and descriptions be sent by email to all Board members.

## **XIV. CLOSED SESSION**

None.

## **XV. ADJOURNMENT**

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Approved by

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Date minutes approved

## **ACTION POINTS**

- In response to concerns from Ms. Belton and Ms. Becker Kennedy, Ms. Tostado-Hernández outlined the payment process relative to criminal background checks and Tier I and Tier II crimes. Ms. Tostado-Hernández reported that providers are notified during the orientation of crimes that will disqualify them from payment. Ms. Belton suggested that PASC review current regulations on this issue; Mr. Thompson agreed.
- Archie Souter of Service Employees International Union, United Long Term Care Workers requested information on individuals who are not eligible for the IHSS Program because of Social Security, and on Tier I/Tier II crimes; Mr. Thompson agreed to provide this information.
- Ms. Becker Kennedy requested that members of the Managed Care Committee review talking points for the planned legislative visits; Mr. Thompson agreed, and invited Board members to participate in the visits.
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