



COMMUNITY SERVICES AGENCY

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**STANISLAUS COUNTY
IHSS ADVISORY COMMITTEE MEETING
MINUTES
03/12/10**

Committee Members Present: Marie Cochran Rose Martin Jose Cisneros
Robbyn Foster Valerie Mitchell
Joan Blackwell Linda White

Committee Members Absent: Connie Muller

IHSS & Link2Care Staff Present: Maria Childers Jeff Lambaren Egon Stammler
Ana Enes Robert Taylor

Other Guests: Kim Nevel, UDWA

**Advance notice given.*

OPENING REMARKS by Robin Foster

- Meeting called to order at 1:06 pm.

PUBLIC COMMENT

- Kim from UDWA announced they will be having an event at Donelly Park on April 5 and at Graceda Park on April 7th. She asked if the Advisory Committee would be willing to have an information booth. There are more than 1,000 people expected to show up. The Fire Department is scheduled to BBQ, there will be activities and entertainment for everyone. They are having a meeting at the UDWA office on March 17 at 2pm to discuss details. Robbyn will attend for the committee.
- Rose asked if there was any cost for us to attend and set up a booth. Kim mentioned there is no cost to set up a booth. The only thing that would cost us, is the materials we give out.
- Linda White motioned that we attend the event, Rose Martin seconded, motion passed.
- Kim added the marchers will be coming to the park around 2-3pm. The booths should be set up at 11am, and people would be around until 6-7pm.
- Jeff suggested everyone works in shifts and has partners, so no one would be alone. Link2Care would then follow up with IHSSAC members.

ACCEPTANCE OF MINUTES

- Acceptance of minutes from 02/12/10: Motion to accept made by Joan Blackwell, Marie Cochran seconded, motion passed.



PUBLIC AUTHORITY

- Due to the Budget, Link2Care will be moving to the CSA building on Hackett Rd. The move will happen sometime at the end of June.
- As discussed before, all future IHSS Advisory Committee meetings can be held at County Center III or CSA. That is something that can be discussed at a future meeting.
- Jeff announced we would be losing two staff members at Link2Care this year. Jennifer will be leaving on maternity leave, and Doreen will be retiring.
- The IHSS Advisory Committee survey has been mailed out and we have received all of the responses we need. The consultant has all of the surveys and is tabulating the results. We should have more information in April.
- Jeff went over the status of the lawsuits currently in place. Beckwith/Ellis vs. Wagner lawsuit regarding any person convicted of a felony or serious misdemeanor is ineligible to be an IHSS Provider. On February 9, 2010, there was an order confirming the state isn't allowed to disqualify individuals for having any felony conviction, just in the meantime, IHSS will continue to screen for the specified crimes which has been the practice since the original temporary restraining order was issued.
- V.L vs. Wagner, which states Recipients of IHSS need to have a Functional Index (FI) Score of at least 2.00 before services could be authorized. In addition, domestic and related services be authorized for only those with a FI of at least 4 in that area. The state filed the motion to appeal on November 18, 2009. The State filed their Opening Brief on December 29th, 2009 and the answering brief is due March 16, 2010 until the state is prevented from taking any action.
- Yang/Martinez vs. Schwarzenegger, reduction in Provider wages/benefits. On March 3, 2010, the court upheld the lower court's injunction. The court held that the injunction was appropriate due to the irreparable harm that IHSS Providers would suffer under the ruling. The state is working on filing a petition with the United States Supreme Court.
- Northern California ADAPT vs. CDSS, share of cost buyout program. Plaintiffs argue that Recipients weren't given proper notice of the termination of the program. On November 30, 2009, the court denied plaintiffs' request for preliminary injunction.
- Putz vs. Schwarzenegger, Public Authority Administrative Funding Reduction. Plaintiffs argue the cuts violate the American with Disabilities Act, and that it violates part of the California Constitution. A hearing on the preliminary injunction is scheduled for April 8, 2010.

LEGISLATION

- AB 1763 – Providers who pass a background check in one county would get a certificate that could be used for clearance in all counties.
- AB 1801 – CDSS would convene a stakeholder group to explore funding sources, review quality data, and make recommendations toward improving IHSS.
- AB 1875 – This bill would make technical, nonsubstantive changes to an IHSS program provision. This is a spot bill.
- AB 1924 – Would delete the limitation on a county's authority to investigate fraud in connection with the provision or receipt of supportive services to overpayments of \$500 or less.
- AB 2073 – Would establish adult day health care services as a Medi-Cal benefit for Medi-Cal beneficiaries who meet certain criteria.
- AB 2204 – Would require the department to take into account the state's ethnic, geographic, and socioeconomic diversity and to use best efforts to include groups that reflect the interests of the state's diverse population.
- AB 2274 – Would allow a person receiving services authorized by a specified waiver to select any qualified person to provide care.
- AB 2374 – Sets new commencement date for the voluntary five-county pilot currently in statute, and lifts the requirement that only the severely impaired consumers may participate.
- AB 2389 – This bill would make technical, nonsubstantive changes to an IHSS program provision. This is a spot bill

- AB 2619 – An IHSS Provider found civilly liable for elder abuse could still work in the IHSS program, but have their pay docked to cover restitution.
- SB 886 – Would authorize Providers to use electronic timekeeping for purposes of verifying tasks completed and ensuring quality home care for Recipients.
- SB 891 – Would require the department, commencing Jan 1, 2011, and every 3 years after, to update the needs assessment tool.
- SB 998 – Requires the State Department of Health Care Services to initiate a process for the long-term care (LTC) services assessment of individuals in order to assist consumers in finding LTC services of their choice.
- SB 1062 – Welfare & Institution Code 12301.6 amended to require CORI recipients to issue a copy of the report to Providers who fail the background check.

STATE/COUNTY BUDGET UPDATE

- Jeff discussed that funding is down in Stanislaus County. The tax revenue, alcohol tax, vehicle fees and property taxes are all down.
- The mid-year budget has been approved. The county will be going back in May for mid-quarter review.
- Linda asked what would happen if the IHSS program gets wiped out. Jeff answered that it is very unlikely it will be terminated. There would be someone that would file a lawsuit and it would be held up in court.

COMMITTEE BUDGET

- Jeff announced the IHSS Advisory Committee budget has been cut. There will be no more stipends and no money to participate in any activities that require funding effective the new fiscal year that starts in July. This isn't permanent, but most likely for at least 2 years.
- Robin asked what happened to the money in our budget that wasn't used. Jeff explained that it goes back to help the program, and it can't be saved up to use the next year.
- Robin announced that this is a hardship for her not to receive a stipend, so she will be resigning effective in July. The last meeting she will attend will be in June. Jeff explained she would need to write a letter of resignation to the board.

GENERAL UPDATE

- None

Meeting adjourned @ 2:37 PM,
Ana Enes, Recorder