



**THE IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE**

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**STANISLAUS COUNTY
IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE (IHSSAC)
MEETING MINUTES
2/12/2016**

Committee Members Present: Valerie Mitchell Linda White
Joan Blackwell Rose Martin
Marie Cochran Connie Muller
Mohamed Rashid

Committee Members Absent: Alma Avina (advanced notice given)

IHSS & Link2Care Staff Present: Jeff Lambaren

OPENING REMARKS by Linda White

- Meeting called to order at 1:00 pm.

PUBLIC COMMENT

- Guest - Jim DeMartini, Supervisor District 5.

ACCEPTANCE OF MINUTES

- Meeting minutes from the January 15, 2016 meeting were accepted.

PUBLIC AUTHORITY UPDATE

- This past Tuesday, the Board of Supervisors approved a multi-year (41 months total) labor agreement with the United Domestic Workers Union (UDW); effective February 9, 2016 through June 30, 2019. The agreement will see three wage increases for the providers. The first wage increase is for \$.25 per hour and should be effective May 1, 2016; we have to submit the request to CDSS for their approval process. The second wage increase is for \$.20 per hour and will be effective January 1, 2017. The third wage increase is also for \$.20 per hour and will be effective January 1, 2018. The current provider wage is \$10.20 per hour; May 1, 2016 - \$10.45, January 1, 2017 - \$10.65, and January 1, 2018 - \$10.85. In addition, the agreement has the reinstatement of some health benefits for the providers. There will be a dental and vision trust which will be operated by the Union for providers who work more than 60 hours per month. There are still no medical benefits. Also, there will be some additional training for IHSS providers. Currently, the Public Authority offers training for CPR and additional caregiver training for registry providers. To augment that, the Union will also be offering CPR training and they will also have a "training academy" to educate providers about

important issues such as blood-borne pathogens, universal precautions, etc. All of these processes have been approved. So, the first item is to get the rate increase to the State for their approval. The second item is to get information back from the Union to get the trust set up to activate the health benefits portion of the agreement. The third component will be to work on the training format. Additionally, there are some monies available for the Public Authority and the Union which will be utilized to make supplies available to providers; such as gloves, masks, hand sanitizer, etc. The final note of the contract is if there is still some additional funding which could be used for the purpose of some type of “career ladder” for providers. It is a concept at this point but the idea was that people could get home health aide certificates or CNA certificates which would help increase the knowledge of providers in the community. The Board approved the previous agreement on March 25, 2014. Prior to that, they had asked to start inquiring about use for the health benefits; so this process has been ongoing since January, 2014. Labor negotiations were conducted and we have finally reached an agreement.

- Handout, “All -County Letter (ACL) No. 16-07.” This is part of the ongoing process of implementing the Fair Labor Standards Act (FLSA) regarding the changes in the IHSS program related to the new overtime policy. At our previous meeting we discussed the first ACL, and reviewed the power point presentation which explained restrictions. This ACL outlines two categories of exemptions. The first one has already taken place; it is for live-in family care providers. IHSS providers who meet the following requirements on or before January 31, 2016 may provide services to two or more live-in family member recipients and work up to 12 hours per day, or 90 hours per workweek; not to exceed 360 hours per month. The IHSS provider must work for two or more IHSS recipients, everyone must be related, and everyone must live in the same home. As previously discussed, the current limit for a provider who works for two or more recipients is 66 hours per week. This exemption will allow “live-in” providers who qualify to work up to 90 hours per workweek; again, this would have to have been in place on or prior to January 31, 2016. The second exemption has yet to be determined; currently there is a workgroup being formed. This would allow an IHSS or Waiver Personal Care Services (WPCS) provider to work beyond the recipient’s maximum weekly hours or beyond the 66 hour limitation for two or more IHSS recipients where there are extraordinary circumstances which places the recipient(s) at imminent risk of out-of-home institutionalized care. One example of extraordinary circumstances is where no other provider speaking the same language can be identified in the local labor market. Such exemptions will only be granted on a case-by-case basis. These exemptions are granted by the State, not the County. There are forms to complete and ultimately the State will approve it and code it in the system so the penalties would not apply to these individuals. The All County Letters or All County Informational Notices are provided by the State to give us direction on how they want us to implement program rules. The next notice we are expecting from the State is how we are supposed to institute the provider violation of program policy. As previously discussed; **Violation #1** – Written warning. **Violation #2** – Written warning and optional training within 14 days. **Violation #3** – 3 month suspension. **Violation #4** – 1 year suspension and must re-do background check and attend orientation again. There is a process for the Providers to appeal a violation notice. Violation appeals must be requested within 10 calendar days of the notice. There is a grace period until May 1, 2016 when the violation process will be enforced.

BUDGET UPDATE

- Handout, "California State Association of Counties." This document discusses the Governor's revised Managed Care Organization (MCO) Tax fix proposal and the impact on Counties. There was a hole in the Medi-Cal program caused by the State being non-compliant with Federal rules in terms of how health care entities were taxed. A tax plan has been crafted; if the health plan serves a lot of Medi-Cal individuals, it is likely to see a tax credit. If the plan does not serve a lot of Medi-Cal individuals, it is likely to see a tax increase. This agreement would reduce the corporation tax for health care entities to offset their MCO tax loss. The bills are SBX 2 15 and ABX 2 20; looking at action in the next week or two. If they can get this passed, the monies would be used to continue with the 7% restoration of recipient hours; so there will be no cut in hours.
- Handout, "Analysis of the Human Services Budget from the Legislative Analyst's Office." They are a non-partisan entity which provides analysis on the impact of budgets, bills and initiatives. This is the overall summary for the Human Services section which the IHSS program falls under. Discussion and review followed.

LEGISLATIVE UPDATE

- Currently all the entities are working on legislative proposals. Should have an update at our next meeting. One of the specific items being requested by both the Welfare Directors and the Associations of Public Authorities is to change the payroll system to coincide with the weekly workweek changes and overtime in regards to the time card. Instead of the current Recipient authorization for a month, give weekly authorizations so it lines up with what the provider does on a weekly basis.

FURTHER ACTION PLANNING FOR 2015-2016

- Per our previous meeting, still working on having an informational symposium about the benefits of the Coordinated Care Initiative (CCI) and the transition from hospital-to-home to assist people. Each year the Area Agency on Aging (AAA) puts on the Healthy Aging Summit at the Centre Plaza in October. The plan is to have something at the summit; while all the various representatives are there. Again, this would apply to the next fiscal year, which starts in July, so there are still funds available in the committee's budget if there is something else that you are looking at for the remainder of this fiscal year 2015-2016.

COMMITTEE MEMBERS REPORT

- Mohamed will be applying for an intern position with Anthony Cannella's office next week.

AGENDA ITEMS FOR NEXT MEETING

- Public Comment
- Acceptance of Meeting Minutes from February 12, 2016 meeting
- Public Authority Update
- Budget Update
- Legislative Update
- Further Action Planning for FY 2015-2016
- Committee Members Report
- Agenda Items for Next Meeting

Stephy Tracey, Recorder