

North Los Angeles County Regional Center
Vendor Advisory Committee Meeting Minutes

October 3, 2013

Present: Bob Erio, Rick Clemens, Annie Cox, Michelle Heid, Pamela Jacobson, Roy Jensen, Ken Lane, Rebecca Lienhard, Jenni Moran, Marina Pink, Scott Shepard, Wayne Tashjian, Gay Wane, and Asilia “Dolly” Wauls - Committee Members

George Stevens, Kim Rolfes, Joan Watson-Patko, Jennifer Kaiser, Arsho Garlanian, Ruth Zepeda, Anna Polin, John Youngbauer, Sarah Staley, and Jason Trevino – Staff Members

Emily Owens, Anthony Jenkins, Robert Weimer, Richard Briseno, Randi Levinson-Kuzmin, Fredlyn Berger, Jill Martin, Keri Castaneda, Glesteree Blades, Debra Dinielli, Linda Cobuzzi, Vanessa Serrano, Valerie Kissell, Arcelia Berleson, Donnette Springman, Don Lucas, Jack Darakjian, Myesha Arguelles, David Adams, Benjamin & Madeleine Manalo, Cynthia Fernandez, Theresa Quarry, Roschell Ashley, Maribel Galvan, Marielle DeFazio, Rodel Alfonso, Perla Alfonso, Adriana Gracias, Bianca Sevilla, and Doug Pascover - Guests

Absent: Sienna Greener-Wooten and Jonathan Istrin

I. Call to Order & Introductions (Jenni Moran, Chair)

Jenni called the meeting to order at 9:36 a.m. Introductions were made.

II. Public Input

- A. Maribel Galvan announced that Shield Healthcare is having its 13th Annual Story Contest about what makes caregiving rewarding. Information about the contest was made available on the information table.
- B. Theresa Quarry announced that the Family Focus Resource Center is having a Special Needs Resource Fair, 10:00 a.m. to 2:00 p.m., on Saturday, November 23rd at CSUN. They are looking for vendors who would like to have tables at the fair to distribute information about their services. Sponsorship and volunteer opportunities are also available. For more information, call (818) 677-6854. Flyers were made available on the information table.

III. Consent Items

A. Approval of Agenda

Item VI.G. was added to the agenda.

M/S/C (R Lienhard/R. Jensen) To approve the agenda as modified.

B. Approval of Minutes from August 29th VAC Meeting

M/S/C (G. Wane/A. Cox) To approve the minutes as presented.

IV. Executive Director's Report (George Stevens)

A. The Proposed Phasing Out of Subminimum Wages

A key federal agency is calling for an end to a controversial government policy allowing some employers to pay workers with disabilities less than minimum wage. In a report that was sent to President Barack Obama, the National Council on Disability is recommending that a provision of the Fair Labor Standards Act, Section 14(c), which allows companies to obtain government permission to pay subminimum wage be eliminated over the course of six years. If approved, they plan to phase out the 14(c) program gradually as part of a systems change effort that enhances existing resources and creates new mechanisms for supporting people in obtaining integrated employment. Since the 1930s, employers have been able to request special permission from the U.S. Department of Labor to pay those with disabilities less than the federal minimum wage, which is currently \$7.25 per hour. About 420,000 Americans with disabilities are now employed under the arrangement, according to the Government Accountability Office.

George stated that the center's Government & Community Relations Committee has been discussing this and would appreciate the VAC's input on it, so they can recommend an educated position to the Board of Trustees.

If this proposal is approved, it would have a dramatic effect on many service providers. Jenni reported that if Desert Haven had to pay its consumers the increasing minimum wage, she projects at it would cost her agency \$1.7 million the first year, \$2 million the second year, and \$2.4 million the third year. In other words, Desert Haven would be put out of business.

Subminimum wage certificates enable consumers of varying skill levels to work. Lower functioning consumers would no longer be given work. We need to keep all people working in integrated settings in our communities.

Action: The VAC will tackle this issue during their break-out groups next month.

Action: The Children's Group will meet after this meeting and they will discuss getting children and their families focused on a work ethic so as the children grow up, they know they are expected to work one day and become a contributing member of society, and that they are not exempt just because they have a disability.

B. Federal Government Shut Down

The shutdown is having no impact on our cash flow at this time.

C. Community Candidates' Forum

The center is holding a second candidates' forum for Matt Dababneh and Susan Shelley, finalists in the race for the local state assembly seat vacated by Bob Blumenfield. The forum will be held Tuesday, October 8th, from 6:30 to 8:00 p.m. at Sam's Café at New Horizons. It is very important for us to show them our numbers! So please attend and bring other interested individuals with you. RSVP to (818)778-4405 or webmaster@nlacrc.org. Flyers are available on the information table.

D. Legislation on the Governor's Desk

1. SB 555 (Correa): This bill would require regional centers to provide a copy of the IPP or IFSP in the family's *native* language. There are so many native languages and translation is very expensive. We would have to translate information into nearly 40 different languages. This is untenable and cost prohibitive. The center's Board of Trustees sent a letter to the governor urging him to veto this bill.
2. SB 468 (Chesbro/Mitchell): Self-determination program. George believes the governor will sign this bill, but it will take some time to implement it because it will need to be added to a state plan amendment or on the Medicaid waiver so it can receive federal dollars. Also, the Department of Developmental Services (DDS) would have to promulgate regulations for the program. If this all does come to pass, George is planning to have a

massive outreach campaign so that all consumers and families know what this program is all about so they can make informed decisions about it.

E. New Federal Overtime Rules

Last month, the U.S. Department of Labor announced a final rule extending the Fair Labor Standards Act's minimum wage and overtime protections to most of the nation's workers who provide essential home care assistance to elderly people and people with illnesses, injuries or disabilities. This will affect providers of independent living services, respite, attendant care, in-home support services, etc. The rule will take effect January 1, 2015. Information on this is available at: www.dol.gov/whd/homecare/.

F. NLACRC's Budget for FY 2013-14

1. Purchase of Service (POS): We will not have our financial projections until we complete our Sufficiency of Allocation Report which is due to DDS next month. However, we were allocated less money in POS this fiscal year than we spent last fiscal year, so we anticipate that we will be projecting a budget deficit.
2. Operations: DDS under-funded us by nearly \$2 million in our operations budget. They have recognized the error and will be including these additional funds in our E-2 allocation; unfortunately they were not clear as to when we might receive the E-2. This impacts our ability to appropriately staff the center and also creates a cash flow issue for us.

George confirmed that no matter what the center's budget situation is, we will continue to provide services based on consumers' needs as identified in their IPPs. This is an entitlement program and DDS is required to provide us with adequate POS funding.

V. Community Services Director's Report (Joan Watson-Patko)

A. In-Home Support Services (IHSS)

An interim rate of \$11.59/hour has been established for IHSS. The rate increase is effective August, 1 2013. We will be sending notices regarding this change to our supported living service providers.

B. Workers' Compensation Insurance

The Community Services department has mailed out several notices to our residential providers requesting proof of compliance with having current Workers' Compensation insurance. All of the center's residential providers that have staff must carry Workers' Compensation insurance. Residential providers who have not submitted proof of compliance will be reported to the appropriate state oversight agency, the Department of Industrial Relations (DIR), and can face a misdemeanor charge and fines (several thousand dollars per staff member!) when DIR shows up onsite to investigate. Providers are also at-risk of being closed down, which is not a safe situation for our consumers. For any questions, please contact Eden Garcia at EGarcia@nlacrc.org.

C. Independent Audits

Community Services is working with our Accounting department to collect any outstanding reviews/audits for 2011. This applies to all providers with billing of \$250,000 or more annually. We know it is costly for our providers to get an independent audit, but it is in regulation and you must either submit proof of compliance or submit an appeal as directed in the mailed notice. For any questions, please contact Rowena DeGuzman at RDeGuzman@nlacrc.org.

D. Joan Watson-Patko

Kim Rolfes announced that Joan is leaving the center to pursue her interests in another state. Her last day at the center will be October 9, 2013. Kim publicly thanked Joan for the tremendous work she has carried out over this past year. Joan leaves behind a very capable team in her department. Until a new director of Community Services is hired, providers can contact one of two supervisors in that department: Sarah Staley (quality assurance) or Erica Beall (vendorization and resource development). Good luck Joan, we are grateful for all you have done and you will be greatly missed.

VI. Committee Business

A. Resignation of Lawrence Burton and Salisa Wagner (Jenni)

Lawrence had to resign his position on the VAC due to the closure of the Willie Ross Foundation day program. Salisa resigned her position on the VAC due to personal reasons.

1. VAC representative needed for CS/GCR Committees: Michelle Heid has agreed to take Lawrence's place at these meetings with Rebecca Lienhard.
2. New chair for the VAC's Prevention/Early Start work group: Annie Cox has agreed to take Salisa's place as chair of the work group.

B. Board-Approved of VAC Priority Issues and Teams for FY 2013-14

The board approved the VAC's priority issues for this fiscal year; copies of them were provided. One of the focus topics for our groups will be the Employment First policy.

C. Discussion on Providers' Perspectives: 14C Special Wage Certificate

(See Section IV.A. above.)

D. Further Discussion: Statewide data for Senator Carol Liu's office about realistic providers' costs and actual savings realized from recent trailer bill language (Rebecca)

At the last VAC meeting, Rebecca reported that she and Kim Rolfes met with Jacqueline Wu, district representative for Senator Carol Liu, as part of the center's Grass Roots Week visits. During their discussion about service provider rates and some of the unfunded costs that service providers have had to absorb, Jacqueline asked if the center would provide data or have access to statewide data about what the costs have been to implement trailer bill language and what the savings have been for it (uniform holidays, independent audits, etc.). Kim also talked with her about how DDS used to collect cost statements from service providers to establish rates and that DDS had not collected this information in many years. Jacqueline expressed an interest in obtaining data about what it costs a service provider to operate their business and indicated that Carol Liu's office may reach out to DDS on this issue. After discussion, the VAC took the following action: "Further discussion about this will be held at the next VAC meeting in October and in the priority issue groups. The outcomes will be to provide information to the NLACRC Board of Trustees on: 1) Data for Senator Carol Liu's office on realistic providers' costs and actual savings of recent trailer bill language; and 2) what the VAC's priorities are for the new DDS director."

The priority issue groups will not be meeting today, so they will be asked to discuss this after the next VAC meeting on November 7th.

Action: Bob Erio will provide the VAC with copies of the presentation he created for his visit with Senator Richard Bloom and they will revise it for Senator Carol Liu and will also present it to the Board of Trustees.

E. VAC's Priorities for the New DDS Director (Jenni)

The VAC discussed this last month and put their comments in a letter to the Board of Trustees. Copies of the letter were included in the VAC's meeting packets. George stated that he will be incorporating the VAC's comments into the letter he is drafting from the board to the secretary of the Department of Health and Human Services this topic.

F. California Health Facilities (CAHF) Cost of Living Increase (Jonathan) - *Deferred*

G. Volunteer Driver Programs and the New Freedom Grant Opportunity (Jenni)

Volunteer driver programs were discussed at a recent transportation meeting. These programs have been highly successful in the senior community. Melody Goodman with Area Board 10, who coordinates the transportation meetings, is passionate about finding a progressive agency to develop a program for our consumers. An agency can apply for New Freedom grant monies to get this off the ground. However, this is not a program that is going to create a lot of income. Melody would like to know if she could have 15 minutes at a future VAC meeting to share this information with us.

Action: Melody Goodman will be invited to attend the next VAC meeting on November 7th to give a presentation on volunteer driver programs.

VII. Reports from the VAC Priority Issue Work Groups

A. Early Start/Prevention Services (Annie Cox)

Annie reported the group heard from Early Start supervisor about legislation preventing Regional Centers from covering insurance co-pays. The group also discussed the importance of the new DDS director to understand the importance of Early Start services.

B. Children's Services (Rick Clemens)

Rick reported that his group discussed characteristics they would like the next DDS director to possess. They are also discussed rate structure and developed guidelines for VAC representatives at NLACRC new family orientations (handout). Right now this will be limited to VAC members, but it could be opened up for other providers in the future. Rick also announced that they now have a parent representative in their group; her name is Donna Ross-Jones. She is a parent of a high-school aged consumer and will be joining the group's discussions regarding the Employment First policy. Donna is also a former NLACRC board member.

C. Adult Services (Rebecca Lienhard)

The group discussed the characteristics they would like the next DDS director to possess. They also spent time updating the Employment First visions statements and will share them at next month's group meeting.

D. Mental Health Issues (Gay Wane)

This group meets the last Thursday of each month. They discuss confidential cases of consumers with mental health needs and help problem solve. There are a lot of people who participate in these meetings and Gay made a list of them (handout) to show the diversity of the group.

E. VAC Employment (Blue, Red, and Purple Bubble Groups) – *No Report*

VIII. Report on Board Committee Meetings

A. Administrative Affairs (Ken Lane)

At the August meeting, the committee was given an annual presentation on the center's various insurance coverage (Ken recommended NIAD to any nonprofit agencies for liability insurance). They also discussed the importance of carrying cyber-liability insurance, cash flow difficulties that have been brought on by the implementation of the intermediate care facility (ICF) state plan amendment (SPA), and approved a contract for a supported living service provider.

At the September meeting, they approved a large contract for Southland Transit. It was also announced at that meeting that Eva Maldonado, the center's longest tenured employee is retiring from the center after 39 years.

B. Board of Trustees (Jenni Moran)

1. The board reviewed the center's 2014 performance contract with DDS and it will be presented for their approval at the next board meeting.
2. They also talked about including a consumer/provider satisfaction in the 2015 performance contract which will be forwarded to the Strategic Planning Committee for consideration.
3. They approved 3 policies, which have been posted on the center's website:
 - A new policy on Zero Tolerance on Consumer Abuse and Neglect:. **All providers are also required to develop a zero tolerance policy within 120 days of the board's policy approval.**
 - A new Recovery policy: which puts a process in place for the center to collect overpayments from its providers.
 - Transparency policy: which has been updated to include the length of time the center's will post documents on its website and also includes the new zero tolerance policy.
4. The next board meeting will be held Wednesday, October 9th, at Jenni's agency, Desert Haven in Lancaster.

C. Consumer Services (Rebecca Lienhard)

The committee made changes to the center's IPP service standard to reflect new trailer bill language. They were given their monthly report on the center's community placement plan activities; NLACRC has placed 9 consumers out of Lanterman Developmental Center since July 1st.

D. Government & Community Relations (Rebecca Lienhard)

The committee has been tracking many bills and was given an update on each of them. They also discussed SB 468 regarding the self-determination program.

E. Housing (Jonathan Istrin)

The next quarterly Housing Committee meeting will be held Monday, November 18th.

E. Nominating (Bob Erio)

The Nominating Committee has been “dark” these last couple of months, but recruitment notices will be sent out this month soliciting applications for the Board of Trustees, Vendor Advisory Committee, and Consumer Advisory Committee. The committee will reconvene on January 9th to review the applications that have been submitted and to begin interviewing applicants.

G. Strategic Planning (Jonathan Istrin)

The next quarterly Strategic Planning Committee meeting will be held Monday, November 4th.

IX. Open Issues for Discussion

A. Southern California Association of People Supporting Employment (APSE)

Rebecca shared flyers for an APSE conference that will be held October 22nd, from 9:00 a.m. to 3:00 p.m. at San Gabriel/Pomona Regional Center. For more information, contact Sherry Beamer at beamers@capcinc.org. Please share this information with your families.

Also, the National APSE conference will be held in June 2014 in Long Beach and NLACRC has provided sponsorship.

B. “Enough is Enough” Anti-Bullying Strategies

Gay provided copies of an information packet Area Board 10 developed which contains anti-bullying strategies for students with developmental disabilities, their families, and their schools. Please review and help prevent bullying. October is National Anti-Bullying Month.

X. Agenda Items for the Next Board Meeting

The following items were identified for the October 9th board meeting agenda:

- A. Minutes of October 3rd Meeting
- B. VAC’s Input on the Proposed Phasing Out of Subminimum Wages

XI. Announcements/Information/Public Input

A. Next VAC Meeting: Thursday, November 7th, at 9:30 a.m.

XII. Adjournment

Jenni adjourned the meeting at 11:42 a.m.

Submitted by,

Jennifer Kaiser

Jennifer Kaiser
Executive Assistant

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