



REGIONAL CENTER OF THE EAST BAY

Board of Directors Meeting

Monday, January 25, 2016

500 Davis Street, San Leandro

Approved 2/22/16

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Evangeline Iyemura, Vice-President
Steve Whitgob, Treasurer
Rose Coleman, Secretary
Nyron Battles, CAC Vice-Chair
Sister Marygrace Puchac, PVAC
Chi Lee
Morena Grimaldi
Gwen Nash-Butler, CAC
Marie Parra
Carmen Quinones

ABSENT:

Mike Treppa, Budget & Finance Committee Chair [excused]

STAFF PRESENT:

Jim Burton, Executive Director
Lisa Kleinbub, Director of Health & Behavioral Services
Nancy Kubota, Director of Finance & Administration
Steve Robinson, Director of Community Placement & Sonoma Developmental Ctr Closure Plans
Ronke Sodipo, Director of Community Services
Pam Thomas, Director of Consumer Services
Melanie Fowler, Associate Director of Adult Services
Evelyn Hoskins, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Priscilla Gomez, Manager of Transportation
Gabriel Mendoza, Case Manager
Meredith Rosenberg, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Chris Hebert
Kathy Hebert

Sandi Soliday, ACDDC
Josh Sullivan, CCCDDC

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:09 p.m.

WELCOME AND INTRODUCTIONS

Self introductions were made and a quorum was present.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the January 25, 2016 Agenda as presented.”
 [Battles/Parra] Unanimous

M/S/C “The Board moves to approve the minutes of November 23, 2015 as presented.”
 [Battles/Parra] Unanimous

PUBLIC COMMENT

Evangeline Iyemura informed the board of the annual April 23rd Autism Speaks Walk that will take place in History Park, San Jose.

<http://www.walknowforautismspeaks.org/faf/home/default.asp?ievent=1150374>

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

CONTRACT APPROVALS:

A-Para Transit Corporation

Mr. Burton advised the board that at our November board meeting, we had approved a one month extension [January 2016] for MV Transportation to work out the details with our new transportation provider. However, MV Transportation suddenly declined the extension and we had to quickly arrange for A-Para Transit to cover the routes. Mr. Burton credited Transportation Manager Priscilla Gomez, Ms. Sodipo and Ms. Kubota for their work in arranging for the transportation transition for 580 of our clients but acknowledged that this was not the way we wanted this transition to occur.

Contract Details

Terms: 1/1/16-12/31/18

\$22.23/consumer/day

\$15.45/hr/attendant

Estimated annual \$3,799,255.32

Questions were asked by the board and answered accordingly.

M/S/C “The Board moves to approve the A-Para Transit contract retroactive from January 1, 2016 going forward to December 31, 2018, with the rate details as listed in the contract approval form.” (Battles/Whitgob) Unanimous

Evelyn Manor Home

This home is the first of many created for the Community Placement Plan [CPP] for those residents currently residing in the development centers. Evelyn Manor is a single 4-bedroom home, which is similar in plan to the homes developed for the Agnews closure. These residents have significant physical, medical, and behavioral challenges requiring specialized staff.

Contract Details

Term: 2/1/16 – ongoing

\$17,291.65/consumer/month

Total: Up to \$829,999.20

M/S/C “The Board moves to approve the Evelyn Manor Home contract beginning on 2/1/16 with the details listed in the contract approval form as presented.” (Battles/Iyemura) Unanimous.

2016 Work Schedule

Work Plan

- The board strives to achieve 4 major goals with multiple objectives every year. Mr. Burton added that these are basically the same goals/objectives every year but with adjustments which do not change the overall plan.
 - Suggested changes to the Work Plan are:
 - Correcting the year to 2016
 - Adding the word “diverse” before “community” in Goal #4

M/S/C “The Board moves to approve the 2016 Work Plan with the two amendments listed above.”
[Battles/Lee] Unanimous

Master Calendar

- The Board of Director’s Master Calendar is a schedule of target months for the completion of reports and activities. Mr. Burton re-iterated that consistent with the Work Plan, it is basically the same calendar that we have been using annually.

M/S/C “The Board moves to approve the 2016 Master Calendar as presented.”
[Para/Puchac] Unanimous

BUDGET AND FINANCE COMMITTEE- Report from January 25, 2016 - Steve Whitgob

Purchase of Service

Our Fiscal Year 2015-16 Purchase of Services projections remain stable with ½ of the fiscal year expenditures in base.

Based on our expenditures through December 2015, RCEB is currently projecting a balanced Non CPP Purchase of Services budget. Currently, five Regional Centers including RCEB are reporting a balanced projection of their POS budgets.

This year, the Statewide Projected system-wide deficit is currently at a low of approximately \$43.3 million and a high of \$85.3 million. This time last year, the overall system was projecting a statewide deficit from a low of \$293 million and a high of \$321 million. Therefore overall, the Regional Centers statewide deficit projections in Purchase of Services are decreasing.

For RCEB, there are some factors to consider:

- RCEB's projected program development for community clients (Non-CPP) is at an all time low. It has been an extreme challenge to establish new programs and services in our area due to rising housing costs, no start up funding (except for CPP), frozen and capped rates, and other limitations.
- On the B-1 amendment, the Department allocated the funding for both the minimum wage impact (effective 1/1/16) as well as the Sick Leave Act (effective 7/1/15). Although staff have made estimated projections that are reflected in our financial statement, the actual fiscal impact of these rate adjustments is currently unknown. Due to the large volume of requests for rate adjustments based on the sick leave act, the Department has not been able to respond to all of the requests to date. If the allocation for the sick leave act and state minimum wage exceeds the actual cost of these mandates, the Department could adjust Regional Centers' allocation at a later date.
- Our current POS projections also include our estimated cost for the 5.82% rate increase for services impacted by the Federal Labor Act (for worker overtime) but we are still analyzing the true cost of this mandate. We will not have an actual fiscal impact until all rate increases are entered and calculated. At this time, the Department has not allocated the funding for the 5.82% Federal Labor Law that was effective 12/1/15. We expect to see an allocation for this mandate in the B-2 amendment.

We will continue to monitor the status of our POS projections carefully until year end.

Operations

We continue to monitor our operations budget but at this time we are pleased to report a projected balanced operations budget for current year.

Cash Flow status

The agency is maintaining a stable cash flow at this time. To date, we have been receiving full reimbursement for our claims, which is great news. DDS recently announced that they will begin to offset cash advances starting in April but this was anticipated.

We will keep the Board, as well as the Executive Committee, posted on our cash flow status. Please note that the agency has no active line of credit but we expect to have bank documents to reestablish our line of credit beginning in April or May of 2016.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

We currently have 12 board members and are seeking an additional Alameda County Latino member in order to maintain ethnic representation that is consistent with our community.

If you recall, former board member Kathy Hebert will be completing her year off the board this spring, and is interested in serving on our board once again.

PROVIDER/VENDOR ADVISORY COMMITTEE [PVAC]: Sister Marygrace Puchac

The last meeting was on January 8th where there was a presentation from the Wage and Hour Division of the U.S. Department of Labor Education & Training. The training provided the members with clarity and written information on the basics of labor law as it applies to residential care as well as elaborated on the recent changes in law. There were also nominations for PVAC memberships, sub-committees and chairpersons.

CONSUMER ADVISORY COMMITTEE: Nyron Battles/Gwen Nash-Butler

At the January 11th CAC meeting, there were elections for chairpersons for 2016, where Mr. Battles was elected to serve as the new chairperson. There are openings for new members, so applications will be sent out to those who are interested.

DIVERSITY and EQUITY COMMITTEE: Morena Grimaldi

The committee met this evening prior to the board meeting and started with a discussion on when and where to have presentations to discuss the POS expenditure and demographic data from the 2015 report.

<http://rceb.org/BoardOfDirectors/publicinfo/POSExpenditureDataFY2014-2015.pdf>

We then followed up with sub-committee updates on the new website, support-groups, and training. The next meeting will be before the board meeting on February 22nd.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

Local Objectives: 2015 Performance Contract – Presented by Pam Thomas

Ms. Thomas informed the group that this yearly report for the Department of Developmental Services (DDS) reports statistical measures of our regional center's performance in 2015. Ms. Thomas distributed the Local Public Policy Outcomes as she elaborated on the multiple events that RCEB supported or sponsored in 2015 that addresses the needs of our culturally diverse community.

The three Local Public Policy Outcomes with one highlight per category are:

1. *Support multi-cultural family conferences that address the needs of our culturally diverse East Bay community.* Ms. Thomas added that RCEB co-sponsored the **Congreso Familiar Conference** in the summer on August 8th. This year, the conference had 41 workshops, 37 organizational tables and over 600 consumers and families learning about preparations for transitioning from school to day/work services. Ms. Thomas stated that the transitional fairs have been growing in popularity over the years, and are also offered in Spanish. In order to reach our families in Contra Costa County, a similar conference was held on April 25th called the **Congresito**, which was attended by 465 consumers and families with 13 workshops. This was a smaller event, but a tremendous success.

The fifth annual **Going to College with a Disability Conference** was held on October 10th and was again sold out. This is a tremendous opportunity for those consumers and families to better educate themselves on what to expect and is needed as they transition to college. The information was also translated in Spanish and American Sign Language [ASL].

The Services, Treatment, Advocacy and Research [**STAR**] **Conference** was held on October 3rd. This is our 10th year working with other agencies to put this conference on, it aims to help those families with younger autistic children learn about the options, interventions and other programs related to autism.

RCEB co-sponsors and participates in two end of the year family events; the Asian Community Mental Health Services [**ACMHS**] and La Familia Counseling Services [**LFCS**]. These festive events bring families and their community together as entertainment, games, food, and gifts are enjoyed by all.

2. *Families and consumers will be assisted in preparing for transition from school to day/work services.* RCEB offers three transition fairs in our community; the **Alameda County Transition Fair** at the College of Alameda on March 14th, and for Contra Costa County, Transitions Fairs in the cities of Pleasant Hill on October 23rd and April 25th in Richmond. All the transition fairs offer workshops, resource tables, information on

services, living options and benefits and supports as it relates to moving into the adult world.

The Going to College with a Disability Conference also addresses this Local Public Policy Outcome.

3. *Given the rise in consumers diagnosed with autism, families have increased needs to for training and support. RCEB will increase the number of educational programs and training supports for these families.* RCEB's Autism Resource Team and the Autism Clinical Team meets several times a month in each county. RCEB has an autism specialist as well as an autism coordinator funded by the State who provides outreach and educational training. We also have a resource development team which looks at the growing needs of this community especially towards development.

State Budget – Governor's Budget Proposal 2016-17 – Jim Burton

Mr. Burton informed the board that there is a lot going on with the budget and that events are happening very quickly. He reminded the board that there are two tracks to the budget: Special Session/Extraordinary Sessions – There is one session to deal with transportation funding and the other relating to our core health program. Although the legislature met and talked last year, no action was taken and they recessed until January 2016.

There is good news in that the Governor, the Administration and the legislative leaders were engaged in these issues, as they made tremendous progress in putting together some compromises in the Managed Care Organization [MCO] tax (i.e. reform). Mr. Burton recognized Jennifer Kent, Director of the California Department of Health Care Services for putting together this tax, which really is not a tax since the fee offsets and other items that most managed care organizations will see sufficient changes in the net tax through this MCO reform. This effort will bring in an estimated \$1.3 billion in Federal funds.

Mr. Burton added that it appears that a deal has been reached and that the plans are in favor of this reform. Going forward, funds should be made available for some form of rate adjustment for our service providers and regional center staff. Once the MCO plans give their approval, then it will be presented to the legislature where it will require a supermajority of all the Democrats as well as 3 Republican members to agree and vote for this. Legislative advocates believe that we can achieve those votes. The Administration has worked very hard on this issue and was willing to compromise. Mr. Burton added that the MCO tax is also important to our developmental disability community because it is also to be an ongoing source of revenue for IHSS to restore the 7% cut to service hours to all In-Home Support Services [IHSS] recipients and providers over \$1.3 billion annually in ongoing funding for Health & Human Services in California.

Lastly, our system is struggling, and although we have a balanced budget, it is balanced because we do not have sufficient services available for our clients and their families. Our consumers

are often on waiting lists as programs are closing or not accepting new clients. Although it is not a final solution, it is survival for many programs and a vote is expected in the next few weeks. The Administration has stated that they will prefer “targeted increases” not an across-the-board increase. We have been supporting the Lanterman Coalition’s proposal of a 10% across-the-board rate adjustment for all. However, Mr. Burton added that there could well be a compromise since the Lanterman Coalition and the Administration seem willing to work together to find a solution.

Based on how quickly this is moving, Mr. Burton is asking the board for its support, since this could be finalized by the end of next week. Although we did not want to be part of the MCO tax proposed originally, it is a source of ongoing federal revenue which will be in the best interest for those in the developmental disability community, as it will provide all of us with relief.

Board questions were asked and addressed accordingly.

M/S/C “The Board supports the Governor’s proposal for the Managed Care Tax/ Reform.”
 [Whitgob/Battles] Unanimous.

Mr. Burton added that the Lanterman Coalition has been representing 21 organizations in our service System, and has been working hard to come up with workable positions. Their current position is to support a targeted 10% increase on salaries, wages and benefits for all providers and regional center staff. Mr. Burton asked the board to support the Lanterman Coalition’s efforts in achieving an agreement with the Administration, as they are in a good position to negotiate a reasonable solution.

M/S/C “The Board supports the Lanterman Coalition’s proposal with regard to a targeted increase from the MCO tax funds for our service system.”
 [Battles/Iyemura] Unanimous

Summary of the Governor’s Budget Proposal

The budget does not include any rate adjustments or proposed adjustments for regional center staff as that will hopefully be addressed in the Special Session. It is a continuation of the current budget, updated for a higher number of people to serve. By January of 2017, it is forecasted that there will be 300,000 individuals with developmental disabilities in California eligible for regional center services. Because this is a proposal and not the final budget, we have to continue to press forward with anything we weren’t able to achieve through the Special Extraordinary Session.

There are proposed increases included in the Governor’s budget with two pots of \$80M:

1. \$80M in additional resources, on top of what was already slated, to accelerate the closure process for all State developmental centers [Sonoma, Fairview and Porterville] in the form of new community resources and Community Placement Plan [CPP] funding.
2. A second \$80M increase which includes \$46M to support smaller residential models at a rate that will allow for 4-bed models, in order to be more consistent with the Federal CMS requirements in these rules. \$15M in grants to assist service providers to convert to the CMS compliant services, in particular with the settings requirement in these rules. There is more push from the Federal government to have smaller, integrated home-like settings for all residents with developmental disabilities. California has until March, 2019 to comply, and these are the initial steps to reach compliance. \$1.6M for 21 program evaluator positions to ensure compliance with CMS rules. \$17M to hire additional service coordinators at regional centers to decrease the case load ratios which have been out of compliance for many years. The Department calculates that this will allow 200 additional case managers to be hired, and all regional centers are struggling to recruit and fill the vacant positions.

There is one other component to the changes in the Governor's Budget that is very positive. For the first time in many years, there is an increase of \$2.96% included in the budget which translates to about \$17/month for Supplemental Security Income [SSI/SSP].

There is an item that may become a hot issue:

The Administration is proposing to take out \$45M from the current POS budget to provide \$42.5M to pay back the Department of Health Care Services for audit mistakes made by the prior DDS administration. We will be advocating that those funds remain in the POS budget to be used for its intended purpose.

Minimum Wage

There are many changes/adjustments to be made as a result of the increases in minimum wage locally and Statewide and to the federal labor laws. The manual rate adjustment implementations that need to be made are very time consuming and difficult. Mr. Burton acknowledged Ms. Kubota and Ms. Sodipo and their staff for their tireless work on this, which will be continuing as each city's minimum wage increase is implemented.

Program Closures

We started reporting on program closures last month, and will continue advising the board regularly.

Some of the major closures for this month are listed below. The majority of the closures are due to the low State rates that do not cover the cost of providing services. The older programs suffer the most because their rates were set many years ago and have not been adjusted for many years.

Additional Closures in 2015:

As reported at the November board meeting, the **Lynn Center**, which had provided early intervention services to children for 61 years, closed both their programs located in Contra Costa County. There were many other closures due to a variety of reasons: **Holy Spirit Residential** (level 4 facility for 6 individuals), **Las Trampas** closed one of their homes, **Camino Verde** (level 4 facility for 5 individuals), **Botany Green** (level 4 facility for 5 individuals), **JMJ Retreat #1** (level 4 adult residential facility for 6 individuals), **Lori's Group Home** (level 4 facility for children), as well as **Comfortcare Home Care** (in-home respite provider).

Major Events

Golden Gate Regional Center [one of the two original regional centers] hosted a **50th Anniversary of the Lanterman Developmental Disabilities Services Act** on January 20th. A couple of the speakers were Santi Rogers, retired Director of the Department of Developmental Services, and Jim Shorter, retired Executive Director of Golden Gate Regional Center.

Mr. Burton added that it was a great celebration and time to reflect on what a great accomplishment the Lanterman Act was in the past, present and will be in the future.

There is a lot of activity as a result of preparations for the closure of **Sonoma Developmental Center**; from parent meetings to legislative staff visits. Many of the families and employees have come to terms with the closure, but not everyone. There will most likely be challenging legislative hearings ahead. Mr. Burton added that RCEB knows the process and the work with the families, and are committed to doing this properly. Legislative staffers came to RCEB recently to visit homes currently housing former residents of the development centers, and they were very pleased with what they saw and heard.

Mr. Burton gave the board an update on the status of **Inland Regional Center**, site of the deadly mass shooting in San Bernardino, and the outpouring of support and acknowledgement that they are receiving. Their new Executive Director, Lavinia Johnson, has been keeping ARCA abreast of their status as they work towards healing. Mr. Burton also advised on steps that RCEB has taken for the health and safety of our staff and community as well.

Other Events

The Department of Developmental Services has scheduled its standard biennial audit of RCEB at the end of February, 2016.

Behavioral Treatments- Some of the behavioral treatments that were provided by regional centers are being transferred to some Managed Care Organizations, beginning February 1st. Ms. Kleinbub added that around three years ago, private health care plans started covering behavioral health treatment for autism but MediCal was excluded. Then in September 2014, MediCal started providing that service for children with autism who did not have regional center services for behavioral health treatment. It was a long transition period until February, 2015 for those children receiving regional center service and have MediCal with a managed care plan, as they transition to the service being provided through MediCal Managed Care Plan.

RCEB is working closely with these health insurance plans, to make sure that no one falls through the cracks during this transition.

The Asian Community Mental Health Services [ACMHS] is one of our delegate case management agencies serving 1,375 clients of Asian and Pacific Islander heritage, is struggling as an organization with a number of internal problems. RCEB is monitoring carefully the services ACMHS provides, as they have a significant contractual obligation to us. We will keep the board apprised as this situation unfolds.

Self-Determination

The implementation of the Self-Determination Program is pending federal CMS approval. Once approved, it will be available to 2,500 consumers and their families during the 3 year introductory period and all others are on a volunteer basis thereafter.

The timeline of events is as follows:

- 12/31/14 DDS submitted the *draft* of the 1915(c) Home and Community-Based Services [HCBS] Waiver Application to the federal Centers for Medicare and Medicaid Services [CMS].
- 9/29/15 DDS re-submitted the above formally.
- 12/11/15 CMS responded to the State with 180 questions and requesting additional information.
- The State now needs to respond to CMS with answers and information.

Our local Self-Determination Committee has met 8 times since June 2015. Our committee and guests benefitted from presentations on Person-Centered Planning, Independent Facilitator, and Financial Management Services. We will next focus on outreach and get assistance with our two developmental disability councils and family resource agencies with input and resources on how to maximize our outreach to our culturally diverse communities. The committee will also be looking at the questions submitted by CMS to see if there is any input we would like to give to the DDS Self-Determination Workgroup as they will meet on February 10th.

Next meeting → February 1st in Concord at 7:00pm.

RCEB Award

On January 26th, the Alameda County Board of Supervisors recognized RCEB with a commendation award at their Board of Supervisor's meeting. This award acknowledges our 40 years of service to the developmental disability community. Mr. Burton added that the Alameda County has been a great partner for many years as we have done a lot of pioneering work together and that RCEB sincerely appreciates their partnership and collaboration.

Grassroots Day

Grassroots Day will be Wednesday, March 30th in Sacramento. Last year we had 17 RCEB representatives attend, and hope to have a good turnout from RCEB this year as well. It is a great opportunity to meet with our legislators and staff to discuss the issues.

PUBLIC COMMENT

Sandi Soliday, Alameda County Developmental Disabilities Council

Jan 29th: There will be an East Bay Health Care Task Force meeting from 10:00-12:00 in the Public Health building.

Feb 10th: This will be the next ACDDC meeting with a presentation on the crisis in supported living services.

Feb 23rd: A Sacramento location for a town hall meeting is being considered for this date.

Feb 26th: The annual Oakland Town Hall Meeting is from 10:00-12:00 in the State Building where the theme is California's Golden Promise: 50 Years of the Lanterman Act!

Mar 12th: The Transition Faire is from 9:30-3:00 at the College of Alameda. The registration forms will be posted on the RCEB website.

Josh Sullivan, Contra Costa County Developmental Disabilities Council

Mr. Sullivan commented on the importance of the self-determination program and to commend RCEB's commitment of resources and time to the meetings.

Jan 27th: This will be the next CCCDDC meeting with an update on Assembly Member Bonilla's AB662, changing facilities in public places.

ARCA REPORT: Anne Struthers

Ms. Struther's informed the board of DDS's Acting Director, Michael Wilkening who is the Deputy Director at the California Health and Human Services, as well as John Doyle, the Chief Deputy Director of DDS, and ARCA's focus on good governance and the importance of the Lanterman Act. Ms. Struthers reflected on her many years of service as RCEB's board president [Ms. Struthers terms-out after March 2016] and her respect for the board, the Executive Director, and the staff.

MEETING ADJOURNED

The board meeting adjourned at 9:06 p.m.

The next Board Meeting will be at 7:00 p.m. on February 22, 2016 in San Leandro
There is a Diversity & Equity Meeting at 6:00 prior to the board meeting