



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

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**STANISLAUS COUNTY
IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE
(IHSSAC)
MEETING MINUTES – 6/8/2018**

Committee Members Present: Don Bak Valerie Mitchell
Janet Ward Linda White
Rose Martin Naomi Manke

Committee Members Absent: Marie Cochran –Prior Notice Given

Link2Care Staff Present: Jeff Lambaren

Dignitaries and Guests: None

OPENING REMARKS by Don Bak

- Meeting called to order at 1:00 p.m.

PUBLIC COMMENT

- None

ACCEPTANCE OF MINUTES

- May 11, 2018 Meeting Minutes approved.

PUBLIC AUTHORITY UPDATE

- California Department of Social Services (CDSS) Important Information for In-Home Supportive Services Providers about the New Paid Sick Leave Program (Handout)-
 - Beginning July 1, 2018, (which is the first day of the State Fiscal Year), IHSS providers, will get eight hours of paid sick leave after being paid for working a total of 100 hours, providing authorized services for one or more IHSS recipient(s). Although the provider has earned eight hours of paid sick leave after working 100 hours, provider cannot begin to use paid sick leave until working an additional 200 hours or 60 calendar days, whichever comes first. Provider has until the end of the State Fiscal Year, June 30, 2019, to use sick leave hours.
 - At the start of each fiscal year thereafter, the provider will get eight hours of paid sick leave. If provider does not use all of sick leave hours by the end of the State Fiscal Year, any unused hours will expire. On July 1, 2019, sick leave hours are reset back to eight hours.

- It is important for the provider to let the recipient (employer) know as soon as possible when using paid sick leave so that the recipient can arrange for his/her services for the day when provider will not be available.
 - How providers use their sick time: planned time off (for doctor's appointments, for example) - at least 48 hours (or two days) in advance. Unplanned time off (provider is sick or has a medical emergency) - at least two hours before the time of starting work.
 - Provider must determine how many hours of paid sick leave will need to take for each occurrence; the minimum amount of paid sick leave that may be used for each occurrence is one (1.0) hour with additional time used in increments of 30 minutes.
 - Provider must complete Provider Paid Sick Leave Request form (SOC 2302) and submit it to the address on the form. This form can be found on CDSS website at <http://www.cdss.ca.gov/inforesources/Forms-Brochures/Forms-Alphabetic-List/Q-T>.
- Exemption 2 State Administrative Review (ESAR) process for IHSS providers and recipients who the county has deemed to be ineligible for an Exemption 2.
 - On June 27, 2017, SB 89 (Chapter 24, Statutes of 2017) was enacted to formally establish the California Department of Social Services' (CDSS) existing Live-In Family Care Provider Exemption (Exemption 1) and Exemption 2. These exemptions were initially established in February 2016 to maintain continuity of care and to ensure that IHSS recipients potentially at risk out-of-home placement can remain safely in their homes. When granted, the exemptions allow IHSS providers to work hours in excess of the 66-hour workweek limitation implemented by the passage of SB 855 and SB 873.
 - The county is required, at the time of assessment and reassessment, to evaluate each recipient to determine if their circumstances appear to indicate that the provider for that recipient may be eligible for an exemption. The county shall then inform those recipients about the potentially applicable exemptions and the process by which their provider may apply for the exemption. The county shall review the exemption request and determine whether the case meets the established Exemption 2 criteria based on the information provided in ACL No. 18-31. Extraordinary Circumstances would be:
 - Provider lives with the recipients and both have severe medical conditions that would be impacted if another provider was in the home.
 - Lives in a rural or remote area where available providers are limited.
 - Unable to hire another provider who speaks the same language as the recipient, resulting in the recipient being unable to direct his or her own care.
 - In addition to meeting one of the exemption criteria, the recipients, with the assistance of the county, as needed, must have explored available options for hiring an additional provider.
 - The county shall document all Exemption 2 requests and the basis for ineligibility determination on the provider's Person Notes screen in CMIPS II.

BUDGET UPDATE

- Constitutional deadline is June 15, 2018 to have the Legislature pass the Budget.
- Budget Conference Committee to meet at 3:00 on Friday, June 8, 2018. Many major “open” items remain for the Budget Conference Committee to take action on, including budget issues impacting Medi-Cal eligibility expansion, including reinstating automatic cost of living adjustments for the state portion of the SSI/SSP (Supplemental Security Income/State Supplemental Payment grants) for the lowest income Californians with disabilities (including developmental), the blind and seniors.

LEGISLATIVE UPDATE

- **AB2872 (Carrillo)**—*This bill would require the California Department of Social Services (CDSS) to designate the hours, per county, to compensate providers of IHSS for educating other providers, using peer-to-peer training.* **Update:** Bill was heard 4/10/2018 and passed out of Assembly Human Services and is now referred to Assembly Appropriations Committee **Update #2:** Still in the Assembly Appropriations Committee Suspense File. **Update #3:** Now with Senate, waiting for action.
- **AB3200 (Kalra)**- *This bill would increase SSI/SSP benefit payment and would reinstate the Cost of Living Adjustment as of January 1, 2019 and continue to provide COLAs annually.* **Update:** Raise based on cost of living and index it for future annual increase. Hasn't been a COLA since 2011. Will sit with the Appropriations Committee. **Update #2:** Still in the Assembly Appropriations Committee Suspense File. **Update #3:** Now with Senate, waiting for action.
- **SB 1040 (Dodd)**—*This bill came out of last year's tragic flooding and fires. Would expand the definition of “supportive services” to include all needs and services required during a natural disaster resulting in a declared state of emergency, and authorize, under those same circumstances, as county to allocate additional hours of supportive services. Counties could allocate addition hours for affected Recipients and expedite replacement of Provider warrants that could not be delivered or retrieved. Counties could expedite the replacement warrant process. Current warrant replacement process is typically 6 weeks, but depending on circumstances could take 6-9 months or longer. IP could be from a neighboring county.* **Update:** Passed out of the Senate Human Services and is with Senate Appropriations Committee **Update #2:** This bill has been dual referred to Assembly Human Services and Assembly Housing Committees, where it has yet to be scheduled for hearings. **Update #3:** Amended in the House of Origin, it was read for second time, and then re-referred to the committee where it originated. Bill will likely move ahead.
- **Waiver Providers**- *This bill is for Association of Public Authorities to bring waiver providers under the umbrella of the Public Authority. Waiver providers work for the Department of Healthcare Service, program only for the severely medical needy. Frequently they work the recipients IHSS hours and then they work their waiver hours.* **Update:** Close to a deal.
- **Expedited Provider Enrollment**-*This bill basically states within 14 days of the Provider contacting IHSS, provider has to be through the process.* **Update:** This bill is working its way through the Legislative process.

IHSSAC WEBSITE UPDATE

- No update – Jeff unable to work on it.

RETREAT PLANNING

- Christy Almen will facilitate.
- Retreat will be held at SVC on August 10th, 2018. Time may be changed to 10:00 – 2:00.
- Discussion items for the retreat are: purpose and function, off-site meetings, what can be done for funding, consider doing an annual report, website postings advising recipients of any news.
- Jeff reminded the committee of one of their functions that Public Authority uses the committee for, is if a provider is suspended for performance issues the provider has the ability to appeal to the committee for review. To be held at a regular meeting and noticed on the agenda as closed meeting.
- Don called for a vote to hold a short meeting before the retreat on August 10, 2018. Naomi motioned to accept and Janet seconds the motion approved unanimously.
- Jeff will follow up with Fiscal if lunch can be catered.

COMMITTEE MEMBERS REPORT

- Linda reported a new phone number. *Contact information has been updated.*

AGENDA ITEMS FOR NEXT MEETING

- Public Comment
- Acceptance of Meeting Minutes from June 8, 2018 meeting
- Public Authority Update
- Budget Update
- Legislative Update
- Website Update
- Retreat Planning
- Committee Members Report
- Next meeting July 13, 2018.

Recorder
Nancy Gunnels