



**SELF-DETERMINATION LOCAL ADVISORY
COMMITTEE MINUTES
Approved 12/14/15**

Date: Monday, November 2, 2015
Start Time: 7:00 pm **End Time:** 8:30 pm
Location of This Meeting: Regional Center of the East Bay/San Leandro
Location of the Next Meeting: RCEB/Concord

Self-Determination Program Updates: <http://www.dds.ca.gov/sdp/SDPUpdates.cfm>

Video by **Sally Burton-Hoyle, PhD**
Person-Centered Planning: Why it is Critical for Self-Determination
<https://vimeo.com/118543476>

Wesley Moss, Regional Manager at Premier Healthcare Services
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ATTENDEES:

Committee Members Present: Pamela Baird, Nickole Bouslog, Esther Chow, Morena Grimaldi, Vi Ibarra, Arthur Lipscomb, Irene Litherland, Kim Luqman, Maria Marquez, Dianne Millner, Darcy Ting

Staff Present: Jim Burton, Pam Thomas, Michi Toy

Guests: Rebecca Corbett, Guy Houston, Dannon Jenkins, Wesley Moss, Mark Polit, Gabriel Rogin, Will Sanford, Josh Sullivan

Welcome and Introductions

Chairperson Vi Ibarra chaired this 5th meeting at RCEB's San Leandro office. Attendees were greeted and self-introductions were made.

Agenda Item: Consent to the Minutes

M/S/C "The committee moves to approve the October 5, 2015 Minutes as presented"
[Luqman/Bouslog] Unanimous

Agenda Item: Meeting Schedule for 2016

The tentative meeting schedule for 2016 was presented and accepted. We will continue to alternately meet at both RCEB's San Leandro and Concord offices.

Agenda Item: DDS Updates on Self-Determination – Jim Burton

- Mr. Burton reported that the next Department of Developmental Services [DDS] workgroup meeting will be held this week, but since their last meeting in October, there have been no significant changes. The sub-committees have been meeting on various issues, including on FMS. There have not been any updates from the Federal government but when there is, it will either be a Yes, No, or more questions will be asked. The questions they have asked so far have been focused on how Self-Determination in California will meet CMS's new rules. They are "On the Clock" with a 90 day review period, and the Department is expecting more questions instead of an approval right away. These meetings are open to the public, and you can attend in person or via Webinar. Since the meeting room is very small, we recommend you call in instead of going to the meeting in person. Please contact DDS for the details or check their website.

Agenda Item: Process for Recommendations to DDS – Vi Ibarra

- During the October meeting there were a number of pertinent suggestions and requests that this committee had for the DDS workgroup. A discussion took place regarding the process for making suggestions and/or requests from our local Self-Determination Advisory group to the DDS workgroup. Ms. Thomas reminded the committee that any suggestion coming from the committee should be approved and supported by the committee as a whole. It was agreed that suggestions/requests will be discussed and once approved by the committee, sent in written form to DDS. Mr. Burton added that the law specifies that the role of the committee is to advise the regional center and DDS, in order to make recommendations on the improvement of the Self-Determination program.
- Vi suggested that we as a committee, hold off on submitting any suggestions to DDS pending the statewide meeting of the committee chairs. There is a possibility that the other local committees have the same concerns that we have. The main issue is the request for transparency, and we were informed at this meeting that DDS's meeting are now open to the public. Vi also suggested that if anyone were to attend/participate in those meetings, that a reporting at our meeting of what transpired would be

appreciated. A secondary issue along the lines of transparency is timely access to the agenda/minutes/handouts. Mr. Burton advised the group that there are no formal minutes taken at the meeting, and that they usually do not receive the agenda until the day of the meeting. If the Department is going to formalize their meetings into a public meeting then there are many other rules that they will need to address.

State Council on Developmental Disabilities {SCDD}, Bay Area Office

Pending still is the first meeting of all the chairs of the each local SD committee. The SCDD, Bay area office has finalized their list of local chairs, and they will soon be contacted regarding setting up a meeting. Mr. Burton stated that regional centers need to let the SCDD know that they are taking too long to set up these meetings. The local committee has been meeting for months now, as requested, and now we are waiting for them.

M/S/C “This committee proposes that the Department have their Self-Determination agendas/minutes/materials available to the local Self-Determination committees, and to archive the Webinar’s associated with their meetings.”
[Millner/Litherland] Unanimous

M/S/C “This committee makes a motion to submit a letter to the SCDD, Bay Area Office to inform them of our request expedience in scheduling the statewide Self-Determination meeting as well as to provide a timeline on their proposed schedule.” [Baird/Luqman] Unanimous

Agenda Item: Financial Management Services [FMS] – Wesley Moss/Premier Healthcare Services

In October 2011, FMS services were implemented in many regional centers to take over the vouchered daycare, transportation, respite services, etc. but these services are not as in-depth as it would be for Self-Determination.

IMPORTANT POINTS

- Participants have choice over what goods/services to purchase within their spending plan, which would be approved through the IPP process.
- Employer authority- Participant has the authority to recruit, hire, train and supervise workers of their choice. They will have budget and employer authority.
- The FMS is the only vendor that is required to be vendorized by the regional center.
- The National Resource Center for Participant-Directive Services – This is a site where you can check on the FMS that you are interested in to see if they are listed here.

<http://www.bc.edu/schools/gssw/nrcpds/>

- In California, there are 5 FMS that are vendored with one or more regional centers.
- Compensation to FMS has *not* been determined yet. There are several possibilities that are in discussions from a negotiated rate between the FMS and the participant to a sliding scale.
- Background Checks- This will have to be paid by the support workers, not the FMS.

MAIN MODELS

Fiscal Agent Model- This model basically is for bill paying services.

Fiscal Employer/Agent Model [F/EA]- This is where the participant/family is the sole employer. They have the sole authority to hire and fire their workers. They will receive their own Employer Identification Number [EIN#]. All taxes and items will be run through their name/information. This model is attractive to those who want the most control, and with that control carries more liability such as workers compensation and labor claims. This model will not allow for the direct employment of *support* workers. The FMS, as your agent, will still be paying your workers and helping out with the hiring process. This model generates the most forms that need to be completed. According to Title 17, current payment to FMS varies from \$45/month to \$95/month depending on how many services you have the FMS responsible for, but we do not know what it will be for Self-Determination.

Co-Employer Model- Although the participant shares responsibility with the FMS, the FMS is the primary employer and takes on some of the liability, such as payroll and taxes, since it is going through their EIN#. The participant still maintains budget and employer authority and is responsible for the hiring, just like the other model, but this model may have a little less control than the Fiscal Employer Agent Model. Example: An FMS can require certain things for their support workers to do, such as being CPR certified. Some FMS have these requirements, some do not. This model is recognized by the Department of Labor, but not by the I.R.S., so a participant can be brought into labor claims in rare circumstances. Therefore, the FMS that you choose needs to be well thought out. According to Title 17, current payment to a FMS is \$95/month, but we do not know what it will be for Self-Determination.

RESPONSIBILITY OF FMS UNDER BOTH MAIN MODELS

Budget Management- Track, prepare and distribute monthly reports [SB 468] such as what has been paid out, what is left in the budget, monitoring fraud/abuse, etc.

Payroll- Process payroll, withholding, filing and payment of federal, state and local employment related taxes (i.e., Social Security, federal and state income tax, and Medicare tax) and legally required insurance (i.e., unemployment and disability insurance) for authorized services.

*Payroll schedules must be in place, and FMS does not work on that.

Agenda Item: Public Comment

Several questions were asked and discussed accordingly.

Meeting Adjourned at 8:30

FUTURE 2015 MEETINGS

DATES/ LOCATION

- 10/5 Concord
- 11/2 San Leandro
- 12/14 **Concord**

TENTATIVE SUBJECTS

Person-Centered Planning, Budget
Financial Mgmt Services [FMS]
Independent Facilitator

Location of the next meeting: Concord → 2151 Salvio Street, 3rd floor
Monday, December 14, 2015 at 7:00pm

