



REGIONAL CENTER OF THE EAST BAY
Board of Directors Meeting
MINUTES

Monday, April 27, 2015 7:00 p.m.
500 Davis Street, San Leandro, CA
Approved 5/18/15

RCEB BOARD MEMBERS PRESENT:

Anne Struthers, President
Kathy Hebert, Vice-President
Steve Whitgob, Treasurer
Nyron Battles, CAC Vice-Chair
Rose Coleman
Morena Grimaldi

Daniel Hogue, PVAC
Evangeline Iyemura
Donald Morris
Carmen Quinones
Darcy Ting
Mike Treppa

ABSENT:

Chi Lee [excused]
Gwen Nash-Butler [excused]
Marie Parra [excused]

STAFF PRESENT:

Jim Burton, Executive Director
Terri Jones, Director of Human Resources
Lisa Kleinbub, Director of Health & Behavioral Services
Nancy Kubota, Director of Finance & Administration
Ronke Sodipo, Director of Community Services
Pam Thomas, Director of Consumer Services
Evelyn Hoskins, Associate Director of Federal Programs
Michi Toy, Executive Assistant

GUESTS:

Bill Barbaria
Jason Hebert
Cleo Manspeaker
Sister Marygrace Puchac
Gabe Rogin, SCDD, Bay Area Office

Sandi Soliday, ACDDC
Todd Struthers
Josh Sullivan, CCCDDC
Bonnie Thurman, DDS
Geneva Ziaouré, PVAC

CALL TO ORDER

President, Anne Struthers called to order the regularly scheduled meeting of the Regional Center of the East Bay at 7:00 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 April 27, 2015 Agenda with the addition of an Executive Session on Real Estate at the end of the Board meeting.”
[Battles/Whitgob] Unanimous

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

PUBLIC COMMENT

Cleo Manspeaker spoke about how pleased she was with her supported living arrangement and in being a regional center client for nearly 33 years.

Evangeline Iyemura spoke about the Autism Speaks Walk on May 16th at History Park in San Jose from 9 to 1:00 pm to help raise funds to support vital research and top-quality programs for those who struggle with autism.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Anne Struthers

Purchase of Service Data Presentation

Presented by Lisa Kleinbub, Director of Health & Behavioral Services

Ms. Kleinbub’s presentation at the board meeting was based off of the results of our Purchase of Service data compiled for the 2013/2014 fiscal year for roughly 18,766 RCEB consumers. According to the California Welfare and Institutions Code Sections 4519.5 and 4519.6, the regional centers must also post this data as it relates to purchase of service (POS) authorization, utilization, and expenditure with respect to consumer’s age, ethnicity, primary language, disability, and residence type. Ms. Kleinbub stated that the residence type category was just recently added.

Ms. Kleinbub proceeded to explain the reason for this requirement and how RCEB uses this as an opportunity to look at the current trends and changes in order to better understand and respond to both existing and emerging needs as well as to identify how to meet the needs of our consumers and families. We have been able to share and hold discussions with our community about this data and what is needed and attempt to reduce the disparities. Ms. Kleinbub also summarized on the results of the 5 public POS data meetings that were held in March.

Discussions/Questions/Answers were asked and addressed accordingly as Ms. Kleinbub elaborated on the data. Mr. Burton added that the main thing that families want to know is how can we improve access to services for our consumers and their families, and that is what we will be continuing to focus on.

Annual Report of Strategic Plan Performance Objectives
Presented by Pam Thomas, Director of Consumer Services

Ms. Thomas had the summary of the Performance Report distributed to the board members and explained the purpose of the report, which is a measurement of how well our regional center is doing in meeting our goals and in fulfilling our contract with the Department of Developmental Services. Ms. Thomas elaborated on the demographics of our consumers as it relates to the results, and explained the increase/decreases.

Contract Approvals

There are no contracts to be approved at this time.

ByLaw Review

The update in the RCEB Board of Directors ByLaws is strictly due to the elimination of the inactive *Supports and Services Committee*, which has been replaced with the *Diversity and Equity Committee* in the ByLaw Articles/Sections pertaining to RCEB's committees. Also included is the structure of the Diversity and Equity Committee located in Article VIII Section 8.4(d). These changes were discussed and approved by the Executive Committee members who met on April 8, 2015.

M/S/C "The Board moves to ratify the Executive Committee's approval for the substitution of the *Supports and Services Committee* with the *Diversity and Equity Committee* in the following pages: Pg.17-Section 8.1, Pg.18-Section 8.4(a)(1) and the write-up on Pg.21-Section 8.4(d) in the ByLaws as stated."
[Battles/Iyemura] Unanimous

BUDGET AND FINANCE COMMITTEE: Steve Whitgob

The Budget and Financial Report dated 4/27/15 was distributed to the board members.

Purchase of Service

RCEB is currently reporting a mid-range **NON-CPP** Purchase of Service insufficiency of approximately \$9.9M. This is a slight decrease from last month's mid-range projection. Our POS projection includes the annualized impact of the local minimum wage increase as well as the impact of the elimination of the 14 day mandatory holiday schedule. We were informed very recently that DDS is appealing the injunction eliminating the 14 day holiday schedule and Regional Centers are waiting for further instructions.

Overall, our POS projections remain relatively stable. At this time, 18 of the 21 regional centers are reporting best and worst case insufficiencies in their POS budgets.

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

Operations

We continue to report a projected balanced operations budget for current year.

Cash Flow status

Staff reported the agency had adequate cash on hand to fully fund our March invoices on April 15th as well as all other payment obligations for April. As we reported last month, the Department indicated they would start to issue partial warrants for claims due to the offset of our cash advances but we were uncertain how much of March's claim would be paid. To update the board, DDS recently stated that all Regional Centers will receive only 30% of their March claims in May, which for RCEB is approximately \$7.8M. Our typical monthly State reimbursement is approximately \$26M

As of this date, we have approximately \$40M cash on hand. We have sufficient cash to meet all of our POS for April services in May. But if DDS offsets our state claim reimbursement for April by more than 70%, we may have difficulty in fully meeting our obligations without accessing our Line of Credit. The agency currently has an active \$49.6M line of credit in place until October 15, 2015. However, we cannot borrow beyond the limits of our state contract and claim receivables. If the Department cannot provide regional centers with adequate and timely reimbursement, the Board is advised that there is a possibility we may need to access our LOC before the end of the fiscal year. If we do not receive any other reimbursements from the Department going forward due to cash advance offsets, we will run out of cash by mid June. We will be working directly with the Department, who has assisted us in the past with our cash flow, once we get closer to June. We will keep the Board, as well as the Executive Committee, updated on our cash flow status.

Mr. Burton added that compared to last year; we have not experienced any cash flow difficulties as we enter May. To address the deficiencies, in the Governor's budget, the Departments had proposed \$159M in additional funding and we are hopeful that it will be approved through the budget process. Mr. Burton added that the Department has been terrific in working with each regional center to address their cash flow. Last year, the circumstances were more difficult and we survived it, so we don't foresee any major issues this year.

MEMBERSHIP DEVELOPMENT COMMITTEE: Anne Struthers

Recruitment of additional board members in Alameda County is underway.

PROVIDER/VENDOR ADVISORY COMMITTEE: Daniel Hogue

Mr. Hogue stated that the meeting on April 10th was very productive, as they went over vendor needs in regards to the HIPAA training/Security Awareness presentation given by DDS last month. Also reviewed at this meeting were the ByLaws as it relates to PVAC, and a couple of sub-committees were created. The main topics at this meeting were the uniform holidays/mandated closures, half-day billing and minimum wage. The members voted to return to the 10-day holiday schedule with the change of President's Day instead of Washington's Birthday. The members were also informed of the changes to the half-day billing and reimbursement information.

CONSUMER ADVISORY COMMITTEE: Nyron Battles

The last meeting was on April 13th where Ronke Sodipo presented the Director's report for Jim. Mr. Battles informed the CAC members about the Lanterman Coalition's 10% across-the-board increase in funding stance and Grassroots Day at the Capitol. The next CAC meeting will be on May 11, 2015.

DIVERSITY and EQUITY COMMITTEE: Anne Struthers

There was no meeting today due to the POS Data presentation. The next meeting will be at 6:00 p.m. prior to the board meeting on May 18th. Ms. Struthers added that we are looking for a board member to be a co-chairperson to replace Cecilia Corral in this Diversity and Equity Committee.

EXECUTIVE DIRECTOR'S REPORT: Jim Burton

State Developmental Centers

Mr. Burton distributed the amended notice dated 4/1/15 from the Centers for Medicare & Medicaid Services [CMMS] to the Deputy Director of the Center for Health Care Quality in the California Department of Public Health. This notice stated that CMMS will no longer fund the Intermediate Care Facilities at Sonoma Developmental Center, effective May 7, 2015. Mr. Burton stated that losing federal funding is a serious situation and will be the subject of a Senate hearing on May 7th as well. This information will result in the increase of calls for developing a closure plan. In the short term, the State will have to backfill and fund these services from the State general fund at the developmental center. We will be expecting an announcement will be forthcoming shortly from the administration for their plans for the State developmental centers.

May Revision

The May revision is scheduled to be around the 14th of May, and we may see action from the May 7th Senate hearing on the developmental centers. Mr. Burton stated that he is hopeful that we will begin to see some small signs that the Administration will support the recommendations of the Lanterman Coalition. The grassroots effort that regional centers have been participating in leaves us optimistic that we will see a positive response to the calls from throughout our service system and our community and all of our legislators. These grassroots efforts should continue because it is still an uphill fight and will remain that way as the Governor does not want the State to end up in a deficit again like we were in the last recession.

Mr. Burton added that our community service system is really struggling, and hears that from the many service providers that he has been meeting with who tell him of how they are just trying to hold things together, as they are hoping that there will be a positive response to the Lanterman Coalition recommendation. Mr. Burton clarified that he does not expect the Governor to completely respond to all the issues in his May Revision, since there is a negotiation that always takes place between the legislature and the Governor, but that we should know of the decisions by the time the final budget is complete and approved in mid-June.

Assembly Bill 662

Mr. Burton distributed a summary sheet regarding Assemblymember Susan A. Bonilla's authored bill entitled *Expanding Access for Individuals with Physical Disabilities*. This bill expands public restroom accommodations to meet the health and safety needs of individuals with physical disabilities by installing adult changing stations in commercial places of public amusement that services over 1,000 people/day. Josh Sullivan elaborated on the success of the introduction of the bill, where Nickole from CCCDDC and Alisa, a Concord resident, assisted Assemblymember Bonilla in introducing the bill. Mr. Sullivan stated that grassroots legislative advocacy does make a difference, as evidenced by the speech that the Senate minority leader made, stating that he came to the meeting fully intending to vote "No" on this bill, but after hearing the testimonies given, he refrained, stating that he has constituents who will benefit from this change. All his colleagues were also intending on voting against it, but changed their position, and it passed overwhelmingly.

Mr. Burton asked the board for their backing on this bill, and will draft a letter of support to Assemblymember Bonilla on behalf of the board.

M/S/C "The Board moves to support Assemblymember Susan A. Bonilla's AB662 Expanding Access for Individuals with Physical Disabilities" [Morris/Treppa]
Unanimous

Holiday Schedule

From last month's board meeting:

Historically, RCEB had a uniform holiday schedule [10 days] that we collaborated on for many years with our providers, especially our transportation providers. The State increased the

mandatory holiday schedule to 14 days in 2010. Recently a judge ruled that the State illegally established this 14 day schedule and half day billing rules because they were not approved by the Federal Government's Center for Medicaid/Medicare Services [CMS]. Since the State had decided not to appeal that ruling, we had everything set to go back to the 10 day schedule.

Update:

Late last week, the State changed their mind, and is appealing the Court's decision. Mr. Burton reiterated that this is an administration's decision, not simply a DDS decision and attributed the change in position to a Medicaid case with a similar issue where the court found in favor of the State. Since this information is so recent, we do not yet have any information from the Department. We will post this news to our website for our vendors. Mr. Burton explained that appeals can take a long time, so at this point, everything remains on hold and we will advise the board once we receive direction from the Department. Mr. Burton added that for RCEB, the cost for each day of programmed services comes up to an average of \$600K/day.

Local Minimum Wage

Mr. Burton stated that we are making good progress in getting approvals from the Department for health and safety rate adjustments as we address the minimum wage in Oakland which increased from \$9.00/hour to \$12.25/hour on March 2nd. Mr. Burton added that making all the changes is a slow and arduous process. We are not able to issue payments until we have all the approvals in place, which will take a few months. We will then address the minimum wage increases in Berkeley and Richmond, as well as other cities. Mr. Burton added that we have not heard much from our residential care providers regarding minimum wage adjustments, which is concerning because we know that they are affected.

Self Determination

RCEB has been working closely with Gabe Rogin, State Council on Developmental Disabilities, Bay Area Office to appoint our local oversight committee for Self-Determination and the Self-Determination Program. We have received numerous applications, and will be putting together a short interview process from which we will be making our selections. Our local committee will consist of 11 people, the local office of the State Council will pick 5 people and RCEB will also pick 5 people to be on this committee, and the Clients Rights Advocate will also be a member. Our deadline to make this selection will be June 1st, and the first meeting will be held before July 1st. We learned at the recent self-determination task force meeting, that the federal approval is not moving along very quickly, and it looks like it won't be until at least Fall/Winter when federal approval occurs. The Department does not know the timing, as there is no telling when the federal government will approve this. Mr. Burton added that everyone involved in the Self-Determination task force has been working extremely hard to get this through the process and moved along. Our current challenge is how to inform over 18K individuals that we serve and their families about self-determination in all the languages that are being used. Mr. Burton extended thanks to Gabe Rogin for all the work that he has been doing getting out preliminary information and laying the groundwork for this program.

Local Events

Transition Fair

Recently, RCEB along with both the Alameda County and Contra Costa County Developmental Disability Centers participated in a successful Transition Fair in Richmond. Mr. Burton spoke about how these types of events really make a difference for families who have a child transitioning out of high school into adulthood and need assistance in seeing what services are available to them.

Congresito

There was also a mini Congreso Familiar event on Saturday in Oakley called Congresito that was very successful, with around 200 participants who were able to attend the training classes which were given in Spanish. This event was organized by some of the Congreso Familiar mother's, and was the first of a yearly event for the Contra Costa developmental disability community.

Las Trampas

Mr. Burton informed the board of the yearly Las Trampas 'What's in Our Hat?' event on April 26th that drew a big crowd and had wonderful entertainment.

PUBLIC COMMENT

Rose Coleman, board member, informed the board of the passing of her grandfather. His obituary preferred donations to RCEB in lieu of flowers. Ms. Kubota thanked Rose and advised her that the donations were received and deposited in RCEB's Helping Hands Fund and added that we are honored that Mr. Coleman had chosen to donate to this special fund.

[The Helping Hand Fund allows RCEB to respond immediately with critical goods or services that cannot be funded with public or other private funds and would not otherwise be available to those in serious need.]

Carmen Quinones, board member, passed around information about Creative Growth's *In Habit* exhibition on May 1st from 5-9 pm.

Sandi Soliday, Alameda County Developmental Disabilities Council

April 28: There will be an East Bay Employment Task Force meeting from 10-12.

April 30: The Alameda County Transition team will be meeting at RCEB in San Leandro from 3-4:30.

May 6: The East Bay Legislative Coalition will meet at RCEB in Concord from 10-12 to review numerous legislation and draft support letters.

May 13: This will be the next ACDDC meeting from 9:30-12 to hear about new mental health service programs at the Shreiber Center.

June 16: Save-the-date for the disability councils annual dinner. Reminder-> the awards nominations are due on May 8th.

Josh Sullivan, Contra Costa County Developmental Disabilities Council

May 21: The Transition Task Force meeting in Concord is at 3:15.

May 27: This will be the next CCCDDC meeting at RCEB in Concord from 10-12.

Mr. Sullivan extended his thanks to RCEB Lisa Kleinbub and Lucy Rivello for their presentation at the April meeting on dental options to meet individual needs.

As a result, an ad-hoc committee was created to bring attention to some of the gaps in service.

ARCA REPORT: Anne Struthers

Ms. Struthers announced that the next ARCA Board of Director's meeting will be on June 19th from 8am–1pm at RCEB in San Leandro. Ms. Struthers highly recommends that board members attend this meeting with her, especially since it is conveniently being held in our San Leandro location.

Closed Session

There was a brief closed session regarding a real estate issue.

MEETING ADJOURNED

The board meeting adjourned at 9:00 p.m.

The next Board Meeting will be at 7:00 p.m. on May **18**, 2015
The next Diversity & Equity Meeting will be at 6:00 p.m. before the Board Meeting