



Regional Center of the East Bay
REGIONAL CENTER OF THE EAST BAY

Board of Directors Meeting

Monday, February 24, 2020
500 Davis Street, San Leandro
Approved 4/27/2020

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Gerald Tamayo, Budget & Finance Committee
Stephen Whitgob, Budget & Finance Committee
Morena Grimaldi, Diversity & Equity Chair
Nyron Battles
Sister Marygrace Puchac, PVAC
Brian Blaisch
Gwen Nash-Butler
Caroline Ortiz
Frank Paré
Reneé Perls, Secretary
Linda Stevens

ABSENT:

Evangeline Iyemura, Treasurer
Teresita DeJesus
Yesenia Fantham
Chloe Page
Carmen Quinones
Dinah Shapiro
Lisa Soloway

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health and Behavioral Services
Steve Robinson, Director of Community Services
Ronke Sodipo, Director of Client Services
Kiera Swan, Director of Human Resources & Support Services
Chris Hanson, Associate Director of Adult Services
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Jairo Guiza, Diversity & Equity Specialist
Jeffery Dix, Case Manger
Alisha Erskine, Case Manager
Bret Hatcher, Case Manager
Julie Whiskeyman, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Melissa Robinson/DDS
Breeanne Burris
Vi Ibarra/CCCDDC
America Liberty Manspeaker

Sheraden Nicholau/SCDD
Jeri Pietrelli
Alan Smith, DDS

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled meeting of the Regional Center of the East Bay to order at 7:03 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 February 24, 2020 agenda as presented.”
[Battles/Nash-Butler] Unanimous

M/S/C “The Board moves to approve the January 27, 2020 minutes with the correction
of the Supports & Services meeting date should be February 24th instead of
March 23rd.” [Battles/Perls] Unanimous.

PUBLIC COMMENT

America Manspeaker expressed her happiness and appreciation for living in an ideal care home vs. living on her own, which was too quiet for her.

COMMITTEE REPORTS

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Executive Committee: Kathy Hebert

CONTRACT APPROVALS

Department of Developmental Services Contract# HD149015 A-3 Contract Allocation

This amendment was approved by the Executive Committee at their February 12th meeting. It adds \$374K OPS regular, policy & regular CPP and ongoing workload, as well as \$16M from the SB81 supplemental rate increase, regular CPP placement and Safety Net start-up for two STAR homes.

Term: 7/1/19 – 6/30/26

M/S/C “The board moves to ratify the DDS A-3 Contract Allocation adding a total of
\$16.5M to the A Contract.” [Puchac/Battles] Unanimous. The motion was
adopted.

Department of Developmental Services Contract# HD199015 A-4 Contract Allocation

This allocation adds \$288K in OPS regular, and provider rate supplemental & transparency bringing the total of the A contract to \$491M.

Term: 7/1/19 – 6/30/26

M/S/C “The board moves to approve the DDS A-4 Contract Allocation adding 288K as presented.” [Battles/Perls] Unanimous. The motion was adopted.

HOUSING

Spread Your Wings, LLC.

This contract represents the agreement to operate a supported living services agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

Term: 3/01/20 – 2/28/2025

Max Capacity: 15

Average monthly funding: \$7,500

Annual Disbursement: \$1.4M

M/S/C “The board moves to approve the contract for Spread Your Wings, LLC. as presented.” [Battles/Whitgob] Unanimous. The motion was adopted.

Questions were asked by the Board and addressed by Ms. Kleinbub and Mr. Robinson

Budget & Finance Committee: Gerald Tamayo

Purchase of Service

Through January 2020, we have expended 55% of the total POS budget of \$441.9M.

At this time, we are projecting for NON-CPP POS Expenditures a deficit of \$5.4M which is a decrease of \$.8M from previous month’s projection. Currently, 10 Regional Centers including RCEB, are reporting a deficit POS budget in their projections. The Statewide system is projecting a surplus of \$1.7M which is a decrease of \$27.6M from previous month’s projection. Last year at this same time, the overall system was projecting a statewide deficit with an average of \$56M. Therefore overall, the Regional Centers statewide projection in Purchase of Services shows a better outlook this year with a surplus, compared to a deficit in previous year.

We continue to monitor closely our POS budget to see how it is trending compared to actual expenditures as more months are processed in base with the SB81 Provider Supplemental Rate Increase. The staff will monitor our POS deficit closely and work with the Department to request for additional funding.

Operations

The A-4 allocation provided additional OPS funding of \$288k, mainly for OPS policy items such as the provider rate supplemental and transparency.

Through January 2020, we have expended 54% of the total operations budget of \$48.7M. At this time, we are projecting a balanced budget in operations. Staff will be keeping the board apprised of our operations budget for the year.

Cash Flow status

The agency is currently maintaining a stable cash flow. To date, we have been receiving full reimbursement for our claims through January.

We have received documents from Union bank to re-establish our Line of Credit for Fiscal Year 19-20. We had preliminary discussions about a new uncommitted line of credit which would save the Agency on commitment fees over a term of 12 months.

We hope to report good news and finalize these documents at the next Board meeting in March.

Audited Financials Statement submission

RCEB has met our reporting deadline for FY18-19 Audited Financials which was sent to the Federal Clearinghouse on 2/21/2020 even though the due date is 3/31/2020.

Membership Development Committee: Kathy Hebert

Ms. Hebert reminded the board that this is Mr. Nyron Butler's last board meeting as he terms out this month. On behalf of the board, Ms. Hebert expressed her gratitude in his commitment and advocacy since he began his intermittent service on the board over twenty years ago.

Provider/Vendor Advisory Committee [PVAC]: Sister Marygrace Puchac

Sister Marygrace distributed the 2020 PVAC member list to the Board and pointed out the variety of services that the committee represents.

The PVAC meeting was held on Valentine's Day, February 14th with a presentation by Ron Halog/Alameda County VOAD (Volunteer Organizations Active in Disasters) along with Sylvia Yeh of Friends with Children of Special Needs [FCSN]. VOAD's goal is to train 250K people on emergency disaster preparedness. The presentation used the Listos California initiative on emergency preparedness and focused on four proactive steps: Find trusted allies to inform them of your plans; prioritize health needs (i.e. medicines); create emergency supply kits; and then plan how/when to evacuate your residence and agree with family members/friends on a meeting place after evacuation. This training empowers those who may live in unincorporated areas or have challenges due to language or disability and what to do if affected by a natural disaster. The presentation was very interesting with all the various product examples such as the inflatable solar light.

Also discussed was the Home and Community Based Service's [HCBS] Self-Assessment tool that was discussed at last month's meeting where many service providers will be receiving a mandatory self-assessment survey. There will be in-depth and specific questions in the survey to see if these programs are moving into compliance with Federal regulations. There are 9,000 service programs that will be surveyed within California along with random visits to 1,100 programs after the survey. Apparently 400 providers in our area did not receive the survey, so we are looking into that. The deadline to complete the survey will be March 31, 2020 and will be presented to the legislators in April.

Also announced at the PVAC meeting was an invitation for clients to attend RCEB's Consumer Advisory Committee to boost the participant number and thus the advocacy.

Consumer Advisory Committee [CAC]: Nyron Battles

Mr. Battles stated that at the February 10th meeting, they welcomed a new individual with some good input. The meeting was well attended and they were able to hold a vote for officers. After a ballot vote was conducted, the new CAC Chairperson was Dinah Shapiro, and the Vice-Chair was Nyron Battles. Also discussed was the importance of washing ones hands often as well as basic hygiene to stay healthy.

Due to Mr. Battles' terming-out at this meeting, on the Board's behalf, Ms. Hebert presented him with an engraved award thanking him for his service on our board over a period of 22 years.

Presentation: *Purchase of Services Expenditure by Diagnosis, Ethnicity, Language, Residence and Age FY 2018-2019.* By Jairo Guiza, RCEB Diversity & Equity Specialist

Mr. Guiza elaborated on his PowerPoint presentation outlining the improvements in servicing those areas showing disparities in purchase of services. The presentation was to give a summary of the detailed report that is on DDS's website as well as on our website: <https://www.rceb.org/purchase-service-data>

Questions were asked by the Board and addressed by Mr. Guiza and Ms. Kleinbub.

Diversity & Equity Committee: Morena Grimaldi

Ms. Grimaldi stated that the committee did not meet this evening due to the new Supports and Services Committee meeting.

The disparity data for 2018/19 has been posted on RCEB's website: <https://www.rceb.org/general-information/purchase-services-expenditure-data-diagnosis-ethnicity-language-residence-and>

The public meetings for February and March have been scheduled and all are welcome to attend to provide input on the data: <https://www.rceb.org/post/notice-public-meetings-2>.

We value the input as it is considered for our Request for Proposals to DDS from the Disparity Fund Program for those special projects that fulfill a need.

The unfinished business of the committee is for the Board to approve the committee's Mission Statement.

M/S/C "The Diversity & Equity Committee requests the Board's approval of the new Mission Statement as presented" [Battles/Puchac] 11-yes, 1-no
The motion was adopted.

The next Diversity & Equity meeting will be in San Leandro on March 23, 2020 starting earlier at 5:30pm.

Supports & Services Committee: Lilian Ansari

Ms. Ansari stated that this was the first meeting of the new Supports & Services Committee. The meeting consisted mainly of brainstorming on the charge and goals of the committee, identifying areas of need (not based on the POS categories) and which areas to focus on. There were lots of subjects discussed and important input received on ways to reach out to those who are currently not receiving services. The next Supports & Services meeting will be in San Leandro on April 27, 2020 at 5:30pm.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

Self-Determination

Ms. Kleinbub reiterated that the Self-Determination program takes a major effort to look at new ways to deliver services to individuals. We have a number of new people who were selected for Self-Determination last fall, orientations have started, and the families are working on their spending plans and budgets. We also posted a Self-Determination Program Specialist position [via funding from DDS specifically for that purpose] who will work with the case managers and individuals on their budgets and other processes. Our Local Advisory Committee received funding to complete activities to support the Self- Determination program as we move forward. We are building an infrastructure so that we will be able to support people in the future.

DDS Medicaid Information

Ms. Kleinbub acknowledged and thanked the Board members for their quick turnaround in completing the Medicaid Provider Application paperwork, which was imperative for us to continue to receive Federal funding. The Department of Health Care Services did receive all the applications. We expect another provider enrollment application for our service providers in the near future.

HCBS Settings Rule

Ms. Kleinbub referenced Sister Marygrace's report on the HCBS Settings Rule and added that our providers are in many categories. There is now a focus on the individual experience of living in

integrated communities instead of previous guidance that was about building location and large populations of only individuals with developmental disabilities. The Federal government's guidance on this shifted a little, and is really focusing on the individual's overall experience in their daily life. Therefore, the online survey provides a chance to share where we are in the transition. Also in the survey, providers are asked to talk to individuals served and their families to include them in terms of how they answer the survey. If a provider does not submit their survey and they are in the required group for submission, they may receive an on-site visit from a contractor through the State of California. Also, if they answer "Yes" to every question, they may also get a visit because they want more detailed answers. Supported Living Services [SLS] are not included in the survey because the client is in their own home, which is viewed as already being an integrated setting. Day Services and Residential Services are all part of the target group for the survey.

State Budget Highlights

Ms. Kleinbub stated that there will be an Assembly Budget hearing in Sacramento on March 4th followed by a hearing in the Senate on March 19th. There will be many questions on the budget and the rate study implementation. There are a couple of issues that are in the proposed budget which will be the focus of a lot of advocacy. One main issue is that there are no plans for the implementation of the rate study. There is a proposal to apply the 8.2% increase to Independent Living Services [ILS] and Early Start services in January 2021. They were left out of the previous rate increases. DDS stated that they will make decisions on any ongoing plans for implementing the rate study, including adjusting rates based on the geographical differences and all other elements as part of the Developmental Services [DS] Task Force. These may influence next year's Governor's budget. Currently, we have the completed rate study, which is a good study but as with anything else, has its faults. We would like to see a plan for moving forward and be assured that the system will be sustained over time.

Another item in the proposed budget is the Enhanced Performance Incentive Program proposal that is in trailer bill language. This proposal targets \$78M in OPS funding for regional centers. Every year, similar to the HCBS proposals or diversity & equity proposals, regional centers would be given guidelines for what proposals can be submitted and by what date and we would see the outcome of these proposals around January. Proposal priorities would be achieving individual quality outcomes, access to meet culturally and linguistically supports and services, progress in reducing disparities and improving equity, facilitation and advocacy for care coordination in the broader community, such as with schools, IHSS, foster care, etc. There may be dollars allocated to get us to a base level, which might be technology to improve measurements in the first year. However, ongoing, these incentives would not be paid until certain outcomes were achieved. Some of the things that have been talked about are case-load reductions for certain consumer groups, and projects such as adding more employment specialists. However, that would depend on achieving certain targets.

Ms. Kleinbub stated that the Legislative Analyst's Report, which assesses the Governor's proposed 2020-21 budget for the Department of Developmental Services, was sent to the Board members last week. It's important to look at this report by an individual who knows our system

very well and has spoken in our community often. The analyst does not support these performance incentives as such programs are only a good idea if we have an infrastructure already in place. The analyst points out that we lack the number of case managers required by the Federal government in California as well as a lack of funding for services, and states that those should be addressed before the performance incentive program is looked at. Although the legislators do not have to take that into account, it is significant that someone looking from outside our system recognizes the substantial problems that we have overall with infrastructure and funding. ARCA has a neutral approach on this program. If this is going to be developed, then we want to make it the best program it can be. We do recognize that there are so many difficulties currently in the system around just the basic funding.

There are proposals in the Governor's budget to reduce caseloads to a ratio of 1:45 for our 3 to 5 year-old population who are served by the regional centers. This is certainly a positive for this age group however there are questions about the proposed dollars and whether these accurately reflect costs.

Update on Programs

Our community is losing Dungarvin, which is a day program that has been around for about ten years in Alameda County. They are not able to continue to provide services due to their rates, and have not been able to hire needed staff for over a year. They are part of a larger organization and were able to support this particular division through their other programs but they are not able to continue doing that. We are working to identify alternatives for the individuals attending Dungarvin.

PUBLIC COMMENT

March 5-6: *Linda Stevens* stated that UCSF's School of Medicine and School of Nursing is having their annual Developmental Disabilities Conference for health professionals at the Holiday Inn Golden Gateway in SF.

Kathy Hebert for Sandi Soliday, Alameda County Developmental Disabilities Council [ACDDC]

March 8: Our next Health & Wellness Committee meeting is scheduled for Friday from 2 – 4pm at the Public Health Department.

March 11: The next EBLC meeting is scheduled for Wednesday from 10am – 12pm at the Public Health Department.

March 14: This is the next Alameda County Transition Faire from 9:30am – 3pm at the College of Alameda. The Alameda County Transition Faire registration is in full swing. If you'd like to register for workshops the registration form can be found on the RCEB website. If you'd like to volunteer (we need lots!) please contact Sandi at 510-267-3261. We welcome additional service providers and family registrations, both deadlines have been extended.

April 8: Our next Council meeting is scheduled for Wednesday from 9:30am – 12pm at the Public Health Department. We will not have a Council meeting in March due to the Transition Faire.

June 9: Joint Annual Awards Dinner will be at Scott's. Award nomination forms and invitations to go out soon.

Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCDDC]

Feb 26: This is the next CCDDC Board meeting at RCEB/Concord from 10am – 12pm with two presentations; one on the 2020 Census and one on Contra Costa County's Accessible Transportation Strategic Plan.

March 18: This will be a planning meeting for the October Vision for the Future Conference for those going to college with a disability.

March 28: The annual Autism Star Conference for families with 0-21 years-olds will be at the Contra Costa College in San Pablo from 8am – 2:45pm. Registration is still open and there is space.

April 25: The West County Transition and Special Education Resource Fair in Richmond from 10am – 12:30pm

Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office

Ms. Sheraden stated that their area board has sponsored/co-sponsored four bills this legislative season and are focusing on housing, employment, health & safety and many other issues:

SB-1118 Caballero: This Multi-Family Housing Program bill makes sure that housing projects for those receiving regional center or IHSS services are competitive and have the same incentives as other populations.

SB-1063 Durazo: Competitive Integrated/Supported Employment

SB-1062 Durazo: Insures that those with DD who work at developmental centers are paid at least minimum wage.

SB-1264 Hurtado: SCDD via W&I 4541(a) can appoint an authorized representative to help those with DD in making decisions and in advocating their needs.

Senator Mulholland is sponsoring the California Supported Living Network's Outcomes Project

Feb 26: This is the next Regional Advisory Committee meeting 7pm – 9pm at the Millbrae Library with a discussion on long term services and supports.

March 4 & 5: The annual Statewide self-advocacy meeting in Sacramento

March 12: This is the legislative and public policy meeting

March 17: This is the next council meeting in Sacramento

April 23: This is the next Employment First meeting

ARCA REPORT: Kathy Hebert

The ARCA Academy training event took place on Saturday, February 22nd at the Alta Regional Center in Sacramento. This event was well attended with 135 people [8 from RCEB] representing all 21 regional center Board of Directors. There were presentations on financial oversight and budget as well as smaller focus groups on other topics. This training event provided regional center board members an opportunity to network and to be trained on several subjects relating to their responsibilities.

Ms. Kleinbub stated that ARCA has a letter out now on the Governor's budget. ARCA and SEIU are in discussions to make the same ask to the legislators regarding the lack of service coordinators. This will be done during the assembly budget hearings. ARCA is currently analyzing other legislation that's been proposed, as the deadline for bills to be submitted it today/tomorrow.

Executive Session – Legal Issues

MEETING ADJOURNED

The board meeting adjourned at 8:51 p.m.

The next Board Meeting will be at 7:00 PM on March 23, 2020 in **San Leandro**