



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

Monday, June 24, 2019
1320 Willow Pass Road, Concord
Approved 9/23/19

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Gerald Tamayo, Budget & Finance Committee
Steven Whitgob, Budget & Finance Committee
Morena Grimaldi, Diversity & Equity Chair
Brian Blaisch
Teresita DeJesus
Caroline Ortiz
Chloe Page
Reneé Perls

BOARD MEMBERS, cont.

Sister Marygrace Puchac, PVAC
Carmen Quinones
Dinah Shapiro
Linda Stevens
Yesenia Fantham

ABSENT

Nyron Battles, Secretary
Frank Paré
Lisa Soloway

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health and Behavioral Services
Ronke Sodipo, Director of Client Services
Melanie Gonzales, Associate Director Client Services
Chris Hanson, Associate Director of Adult Services
Evelyn Hoskins, Associate Director of Federal Programs
Jeff Nagafuji, Associate Director of SDC/CP
Elvia Osorio-Rodriguez, Associate Director of Children Services
Priscilla Gomez, Manager of Transportation
Bret Hatcher, Case Manager
Julie Whiskeyman, Case Manager
Michi Toy, Executive Assistant

GUESTS:

Hope Beale/DDS
Jacqueline Brambila
April Hope

Sheraden Nicholau
Will Sanford
Geneva Ziaouré

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled meeting of the Regional Center of the East Bay to order at 7:07 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 June 24, 2019 agenda as presented.”
[Perls/Shapiro] Unanimous

M/S/C “The Board moves to approve the May 20, 2019 minutes as presented.”
[Perls/Page] Unanimous

PUBLIC COMMENT

There were no public comments at this time.

COMMITTEE REPORTS

EXECUTIVE COMMITTEE: Kathy Hebert

OPERATIONS CONTRACT APPROVALS

Department of Developmental Services Contract# HD199015 A-Series Preliminary

This is a new contract between DDS and RCEB with \$38M in OPS and \$325M in POS Allocations for a total of \$363M. The term is from 7/1/19 to 6/30/22. Ms. Hebert distributed DDS’s “A” series contract approval document.

M/S/C “The board moves to approve the Department of Developmental Services A-Series Contract as presented.” [Puchac/Shapiro] Unanimous
The motion was adopted.

Department of Developmental Services Contract# HD119015 E-3 Contract Amendment

This contract amendment is from a different contract number than the A-Series which we received earlier. This amendment adds \$5M in OPS and \$14M in POS Allocations for a total of \$14M. This contract amendment was approved by the Executive Committee at their 6/12/19 meeting.

M/S/C “The board moves to ratify the Department of Developmental Services E-3 Contract Amendment as presented.” [Shapiro/Iyemura] Unanimous
The motion was adopted.

La Familia Counseling Services [LFCS]

This is a renewal of the current ongoing contract for case management services between RCEB and La Familia Counseling Services for the term of 7/1/19 to 6/30/20. The rate of reimbursement is \$92.99/client/month. The monthly contract amount is up to \$66,119 for an annual estimated contract amount being \$793,430.

M/S/C “The board moves to approve of the renewal contract between RCEB and LFCS as presented” [Shapiro/Perls] Unanimous

PURCHASE OF SERVICES CONTRACT APPROVALS

Community Placement Plan [CPP]

These three contracts represent the CPP service provider agreement for the contractors to operate one 4-bed SRF for individuals with forensic/mental health support needs. These service providers assume operations of the homes due to the bankruptcy/termination of service of Anka Behavioral Health, Inc.

Term: May 2019 – April 2024

Average Monthly Rate: \$75,646.80

Annual Disbursement: \$907,761.60

1. Omelagah, Inc.
2. Vista Home, LLC
3. GEN Care, LLC

M/S/C “The board moves to approve the contract for Omelagah, Inc., Vista Home, LLC and GEN Care, LLC to operate one 4-bed SRF home as presented.” [Shapiro/Puchac] Vote: 15-yea, 1-abstain The motion was adopted.

Community Placement Plan [SDC/CPP]

ACRONYMS

CPP = Community Placement Plan

EBSH = Enhanced Behavioral Support Home

SRF = Specialized Residential Facility

These contracts represents CPP start-up funds for the contractor to develop nine properties [five 4-bed SRF’s, three EBSH’s for those moving out of Sonoma Developmental Center, and one community crisis home]. The community crisis home will serve consumers living in the community who may be at risk of living in a locked facility.

SP West Properties, LLC (Scioto)

Terms: 6/30/16 – 6/30/19

Amendment Amount from \$8M: Additional \$551K for renovation

Total Revised Amount: \$8.5M

M/S/C “The board moves to approve the contract for SP West Properties, LLC (Scioto) To develop nine homes as presented.” [Perls/Ortiz] Unanimous The motion was adopted.

Supported Living Services

These 30 contracts represent agreements 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. Clients receiving services under these contracts have individualized rates based on need.

Term: July 1, 2019 – June 30, 2024

List of Agencies/Capacity/Average Monthly Rate:

1. Community Access/30/\$7,353
2. Community Integrated Support Services/20/\$8,412
3. Creative Living Solutions/20/\$7,157
4. DABS, Inc/25/\$9,961
5. East Bay Innovations/50/\$7,834
6. Elicia’s SLS Program/15/\$11,252
7. Empowerment for Success/15/\$8,340
8. Friends of Children with Special Needs/40/\$5,918
9. Full Circle of Choices/30/\$7,542
10. Gentle Hands/15/\$8,003
11. Harmony Home/40/\$7,030
12. Inclusive Community Resources/30/\$12,013
13. Jaqui Foundation/20/\$14,498
14. Las Trampas, Inc./41/\$6,739
15. Living Options/20/\$8,655
16. Novelles Developmental Services/16/\$9,692
17. Omelagah, Inc./15/\$19,507
18. One Step Closer/25/\$13,403
19. PACT/15/\$13,258
20. Pathway to Choices, Inc./24/\$10,978
21. Positive Adult Transitions/20/\$6,559
22. Rights of Passage, LLC./15/\$12,483
23. Serra Center/35/\$6,506
24. Sierra Environmental/20/\$10,596
25. SOAR Community Services/15/\$7,500
26. Thrive Support Services/40/\$9,843
27. Toolworks/35/\$9,911

- 28. Unity Social Services/30/\$4,721
- 29. Debbie’s Home Supported Living/15/\$9,491
- 30. AES Professionals/15/\$7,500

M/S/C “The board moves to approve the SLS agreements for the 30 Supported Living Services as detailed.” [Shapiro/Perls] Vote: 15-yea, 1-abstain The motion was adopted.

Transportation

Ms. Herbert distributed the multiple transportation contract renewals to the board members.

875-Contracts – These five renewal contract agreements are between RCEB and the transportation companies directly for a five year term from July 1, 2019 to June 30, 2024.

Desoto Access Transportation, LLC

Consumers served: 115
 Rate per consumer/day: \$24.62
 One way/consumer: \$12.31
 Annual Disbursement: \$781,439.00

Kidz First Transit, LLC

Consumers served: 45
 Rate per consumer/day: \$22.14
 One way/consumer: \$11.07
 Annual Disbursement: \$274,979.00

G&S Transporters

Consumers served: 40
 Rate per consumer/day: \$24.61
 One way/consumer: \$12.31
 Annual Disbursement: \$271,695.00

WT All Access

Consumers served: 200
 Rate per consumer/day: \$24.62
 One way/consumer: \$12.31
 Per hour/aide: \$18.00
 Annual Disbursement: \$1,670,064.00

Sequoyah Transportation, LLC

Consumers served: 42
 Rate per consumer/day: \$24.62
 One way/consumer: \$12.31
 Annual Disbursement: \$285,396.00

M/S/C “The board moves to approve the #875 contract renewals for a 5-year term with the five transportation services as specified above.”
 [Shapiro/Puchac] Vote: 15-yea, 1-abstain The motion was adopted

880-Contract – This contract agreement designates the transportation service as an additional component to the day program. The five year term is from July 1, 2019 to June 30, 2024.

LIFE/FCSN

Consumers served: 120

Rate per consumer/day: \$13.71

Annual Disbursement: \$454,076.00

M/S/C “The board moves to approve of RCEB entering into the 5-year #880 transportation contract with LIFE/FCSN as specified above.” [Shapiro/Page] Unanimous The motion was adopted

BUDGET AND FINANCE COMMITTEE

Budget and Finance Report for June 24, 2019 – Evangeline Iyemura

PURCHASE OF SERVICE (POS)

As submitted to the Board for approval, RCEB has received additional POS funding in the E-3 contract amendment for fiscal year 2018-19. The E-3 provided additional total POS funding of \$14M, including bridge funding of \$.7M, Home and Community-Based Services of \$2.2M, and CPP funding of \$2.5M.

Through May 2019, 90% of our fiscal year 2018-19 POS expenditures are in base. With the additional funding in E-3, for Non CPP Purchase of Services Expenditures, we are projecting a sufficiency ranging approximately from \$.1M (best case) to \$.9M (worst case). 15 out of the 21 Regional Centers, including RCEB, are reporting sufficiency in POS projections for Fiscal Year 2017-18.

For CPP Purchase of Services Expenditures, we continue to project a deficit of \$2.9M and will continue to work with the DDS to request additional CPP allocation.

We will continue to monitor the status of our POS projections as Case Managers are working hard to ensure that all purchase of services are submitted before the fiscal year ends.

OPERATIONS

For Operation expenditures, we continue to report a projected balanced operations budget for the current fiscal year with 85% of expenditures in base. This is comparable to the 84% of expenditures for FY 2017-18 at this time last year.

FISCAL YEAR 2019-20 ALLOCATION

As submitted to the Board for approval, RCEB has received the preliminary “A” Contract and allocation for Fiscal Year 2019-20 of \$37,950,417 OPS and \$325,465,229 POS funding for a total of \$363,415,646.

CASH FLOW STATUS

The Agency had adequate cash to fully fund our invoices for May Services that were paid out mid-June. We are ending the fiscal year with \$8.5M cash on hand.

DDS has not advised us on when they will release Regional Centers' cash advances for Fiscal Year 2019-20. There will be 3 cash advances; the first and second cash advances for Fiscal Year 2019-20 are expected to be released by the third week of July. The 3rd cash advance is scheduled to be released by August 1st. If for any reason there is a delay in getting our cash advance, the Board is reminded that there will not be sufficient cash to pay for June POS services on July 15th. We would have to draw down approximately \$8M from our \$25M line of credit with Union Bank. The interest rate on the loan will be prime rate (which is currently at 5.5%).

We will inform the Executive Committee mid-month via email at the time the paperwork is submitted if we have to draw on the line. The Executive Director and Chief Financial Officer have the authority granted by the Board to sign the paperwork to draw down the line of credit as needed.

VENDOR FISCAL AUDITS

Per DDS requirement, RCEB needs to complete 17 vendor fiscal audits by the end of fiscal 2018-19. RCEB has completed 25 vendor fiscal audits. There are no fiscal audits that have substantial findings.

MEMBERSHIP DEVELOPMENT COMMITTEE: Kathy Hebert

Ms. Hebert stated that the Membership Development Committee has been busy these past few months with new board member interviews and we are finally operating at almost maximum with 19 members. We are one consumer short, so we will be recruiting to fill that position in the months to come.

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

The PVAC meeting was held on June 14th with a presentation by Bender Insurance Solutions on *The Illusion of Safety: Risk Management and Professional Liability Options for Employers*. Although we are very familiar with the topics that were brought up, it was good to have a perspective on the insurance side for the safety and protection for all. The abuse prevention PowerPoint that stressed awareness training, skill screening and background checks and focused on the several different types of "abuse" was very informative. It is important for agencies to ask their insurance companies for references on which company to use for the background checks. Another interesting topic that was covered was on monitoring and oversight.

The group also discussed the anticipated and hopeful 8% increase to service providers as a holdover to the rate reform once it is implemented. There was disappointment and confusion for those who fall within the 15 service codes who would not be receiving any increases.

CONSUMER ADVISORY COMMITTEE [CAC]:

There was no June CAC meeting.

DIVERSITY and EQUITY COMMITTEE: Morena Grimaldi

Ms. Grimaldi stated that the meeting this evening was well attended. Since the committee will not be meeting in the next couple of months since there will be no Board of Director's meeting, the committee decided to hold a Mission Statement workshop possibly next month and to also discuss the roles of the members in the committee.

Aug 3: Congreso Familiar Conference at Chabot College

EXECUTIVE DIRECTOR'S REPORT: Lisa Kleinbub, Executive Director
Self-Determination [SD]

Ms. Kleinbub updated everyone with the information that we currently have five people from the Self-Determination pilot program who are now enrolled in the waiver. This is important because as more people enroll in the waiver, DDS will be able to allocate funds for both staffing time at regional centers to work on Self-Determination as well as funds for our local advisory committees for activities such as trainings on Person Centered Planning. DDS will wait to allocate funds until there are about fifty percent of persons from the original pilot program enrolled in the waiver.

We continue giving orientation trainings to those selected for SD. We have a few more coming up within the next week and are narrowing down the number of people who still have to go through orientations. We also have participants who have opted out of the program, so we are waiting for DDS to provide details for another round of member selections.

Our SD Local Advisory Committee is looking for a replacement member, due to a member's move out of the area. Therefore, the committee is accepting applications for selection and the application is on our website: <https://www.rceb.org/self-determination>

Community Resource Development Plan [CRDP] Funding

We posted a survey to identify what types of services and supports consumers and their families want or need in their community. Based on this information as well as information shared in other public meetings, we submitted a request to DDS for start-up funding for new development. Similar to many other regional centers, we requested funding for multi-family housing, enhanced behavioral support homes, bilingual early intervention services and other services.

To see a list of what our regional center has requested, you can view them on our website: <https://www.rceb.org/post/crdp-priorities-results-2019-community-resource-development-plan-survey>

Governor's Budget

Ms. Kleinbub stated that the State Budget has not been enacted yet because the Governor has not signed off on it, but we are expecting a budget signing ceremony soon. One of the most important parts of this budget is that for many services, there will be an 8.2% payment increase. There are services that are not going to see that payment increase, such as ILS programs and ILS specialists, infant development services, specialized therapeutic services for infants and medically fragile consumers where specialized resources would be provided to them. Based on what was found in the rate study, some programs will get less than an 8.2% increase. An example would be in supported employment (individual) that will receive a 7.6% increase. DDS relied on the outcomes of the rate study that has not been finalized and looked at services in that rate study would have received an increase. They may also have looked at which services would have been Home and Community Based Services [HCEB] settings rule compliant. They were careful in not giving increases to services where based on the rate study they would have to later reduce. This rate increase is in the budget is in place from January 1, 2020 until December 31, 2021.

There is language in the budget stating that if the State is still in good fiscal health, then the rate increase could continue for one year. If the State is not in good shape, it would end at that point. There are a number of other rates in the budget including IHSS that have similar sunset provisions. In our community many services are getting bridge funding from May 1st 2019 through April 30th 2020. On January 1st, the base-rate that people have will be increased by the percentage for the service. For example from this year's budget, if your base rate before the bridge funding is \$100, some services will receive \$108 as their rate increase. The bridge funding is then added to this. On May 1st that bridge funding will be withdrawn. There will be a lot of work for regional centers to change those rates in our payment system.

Basing these current increases on the rate study without consideration of the comments received has led to some services not getting increases. This includes services such as Independent Living Supports where the assumption was that the worker was an "aid" versus a teacher or an instructor. If there was consideration of these flaws in methodology, there may have been a difference in this year's budget increases.

High cost areas were seen as requiring different rates in the rate study given the high cost of living. This is not addressed in the 8.2% increases, and unless there is something that happens on May 1st 2020, we will lose the bridge funding as well. As this is supposed to help with the high cost of living in certain areas, the issue of geographic challenges will not be addressed at all after that time.

There is also trailer bill language to enact the budget detailing what is going to be added in terms of responsibilities for DDS, regional centers, and our providers. Some of the trailer bill language requires DDS to schedule meetings this summer to discuss system reform. This discussion is supposed to include all stake holders, including regional centers, state councils, family advocacy groups, Disability Rights California and legislative analysts to discuss how to have a stable and cost effective system that will meet people's needs going forward. Some of us think that we have done this several times before so it is disconcerting to have to do it again. There is concern in the

Department of Finance that while the growth in individuals served is 5%, the growth in purchase of services is 10%. This concern may stem from the wave of those with autism finishing school and needing more services.

DDS is also required to publish the comments that were made on the rate study by October 1st as well as their responses to those comments. We do expect to see what DDS is planning to do moving forward in the Governor's Budget in January 2020. There are also many regional center requirements to post information on our websites. Many of these postings already exist on our website, but new information to be posted includes the National Core Indicators [NCI] data, which are consumer surveys that take place every few years through the State councils. The data needs to be in machine readable form so that individuals may utilize the data. We will also be required to post Fair Hearings/specific areas/outcomes, as well as a summary of complaints that come in to the regional center and for them to be characterized and grouped. The Performance Contract process of public meetings will be changed as well as community related outcomes. There will be a requirement for all service staff to be fingerprinted. Most of the service providers already are fingerprinted, but this will include other categories where it is not currently required. There is some funding for regional center staffing for those activities (around \$4.4M Statewide). In the regional center budget is a 1:25 case load ratio for those case managers who have clients in crisis and with intense needs, but only for 12-18 months per individual. This will allow for some enriched services for those individuals. There are also positions across the State for regional centers to work with county, social services, mental health, and child protective services to develop MOU's for our shared children.

In the healthcare portion of the budget, there will be coverage through MediCal for undocumented individuals up to the age of 26 as well as the restoration of eyeglass coverage for adults on MediCal.

Media

There was a recent KTVU News story about abuse/neglect and services provided in the system to some clients in several regional centers. We are not able to discuss the details due to confidentiality laws but we do want to inform our Board of what our procedure is when we are made aware of suspected abuse/neglect of a client. We take these situations very, very seriously and report to the police and APS/CPS. Regional centers are not investigators and are advised by those local and State services to not get involved as that can impede their investigation. Ms. Kleinbub reiterated the concern brought up by our board member in regards to what can be done for those clients who are not able to communicate and/or those who are vulnerable and very dependent on their caregivers and are afraid to report the abuse. It is incumbent on all of us to ask questions and be alert to sudden changes in any individual's behavior or appearance. We do need to make use of technology to assist in this area both for our clients and the care staff as we help more and more individuals to live on their own and try to reduce the risk as much as possible. Ms. Kleinbub added that every single regional center expressed concern over this subject at the ARCA meeting this month. Q/A followed among the board members.

PUBLIC COMMENT

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

Ms. Soliday's message began with thanking all those who contributed to the success of the 30th Joint Annual Awards Dinner, as it was a special evening.

June 28: This is the next HireAble (formerly East Bay Employment Task Force) at the Public Health Department office in San Leandro next door to RCEB in the Redwood Conference Room from 10 am - 12 pm.

July 3: This is the next East Bay Legislative Coalition meeting at the Public Health Office in Oakland from 10 am - 12 pm. All are welcome.

July 10: This is the next Alameda County Developmental Disabilities Council meeting from 9:30 am - 12 pm at the Public Health office in Oakland. This is the annual planning meeting, and we encourage all to attend to contribute to this process and work of the Council.

Oct 26: An Educational Opportunities for Students with Disabilities Conference titled *Vision for the Future* is scheduled from 8:30 am - 1:30 pm at Chabot College in Hayward. Registration forms should be available by the end of August.

Kathy Hebert for Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCCDDC]

Ms. Ibarra's message also thanked everyone who attended the Joint Awards Dinner on June 6th with a great turn out and lots of fun. Ms. Ibarra wanted to recognize Alva Gardner the keynote speaker and to Will Sanford for emceeding the event. Employers and individuals from each county were recognized for their outstanding efforts and achievements in improving the lives of people in our communities. Over the summer, Ms. Ibarra will be working with the new executive team for planning for the upcoming year.

Sept 25: This will be the next regular board meeting will be at 10 am.

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

Ms. Nicholau elaborated on the May presentation regarding Safety Training and Risk Reduction as it relates to abuse prevention and developing a healthier response system when abuse is suspected, which includes reaching out to the local law enforcement, first responders, the courts, etc. with education on how to work with individuals with developmental disabilities. Ms. Nicholau thanked RCEB for their participation in the Alameda County Forensics roundtable and is working on a field guide to specifically address forensic needs.

July 26: This is the next Regional Advisory Committee Meeting at The Artist's Den in Concord

July 15: This is the next Self-Advocates Advisory Committee meeting in Sacramento

July 16: This is the next Council meeting

Ms. Nicholau also added that the local Self-Determination Advisory Committee is looking for another member and the flyer is posted on RCEB's website: <https://www.rceb.org/self-determination>. We are encouraging applicants to apply, especially self-advocates.

Between now and the end of September is a great time to communicate with your legislators. August is a good time to invite them to your events or visit/call them at any time.

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub announced that at last week's ARCA meeting, Kathy Hebert, RCEB's Board President was elected as President of ARCA's Board of Directors, so she will be very busy. Ms. Hebert added that Lisa Kleinbub was elected to be ARCA's Chairperson of the Finance Committee.

There were a number of regional center retirements. Laura Larsen, Executive Director of Far Northern Regional Center is retiring. She is not leaving the system completely, as she is joining the State Council of Developmental Disabilities in her area. Other retirees are George Stevens, Executive Director of North Los Angeles Regional Center and Pete Tiedemann the CFO of Alta Regional Center. ARCA extensively works on legislative advocacy with help from Rick Rollens, who is a political consultant and used to be a secretary of the California State Senate. Mr. Rollens has been instrumental in modifying trailer bill language. One of the main bills that ARCA is currently sponsoring is Senator Stone's SB412 involving the elimination of family cost participation from families of children paying a share of childcare and respite as well as Annual Family Program Fees. This passed through the Senate quickly and is now going through assembly appropriations.

MEETING ADJOURNED

The board meeting adjourned at 8:34 p.m.

There is no public Board meeting in July or August
The next Board Meeting will be at 7:00 PM on September 23, 2019 in **San Leandro**