

**Provider Vendor Advisory Committee  
Regional Center of the East Bay  
Meeting Minutes April 10<sup>th</sup> 2020**

**Members Present:** Geneva Ziaoure, Manos; Leslie Visbal; Craig Rose, Vistability; Mike Pereira, Ala Costa; Ramsay Mashy, California Autism Foundation (by phone); Donna Feingold, Adaptive Learning Center; Will Sanford, SC&CS

**Guests Present:** Lisa Kleinbub, RCEB, Steve Robinson, RCEB, Michael Minton, RCEB; Fruc Menchavez, RCEB; Karen Toto, Alegria; Amanda Eicher, NIAD; Jennifer Carper, Arcadia; Kevin Rath, Manos; Dan Hogue, Las Trampas; Sheraden Nicholau, SCDD; Vi Ibarra, CCCDDC

**Guests by phone:** Shane Williams Elite ILS; Mike Palomino, Maxim Health Care; Joe Hernandez, Premier Health Care Services

**Call to Order:**

Meeting called to order at 11:05 am. Introductions. A quorum was not achieved, so approval of the March 13th, 2020 minutes was postponed.

**RCEB/State - Lisa Kleinbub**

- Lisa mentioned that from a statewide perspective, the regional center continuing to get a number of directives from DDS, most currently, the extension of some of their previous directives. She stated that this would probably continue to occur.
- Lisa discussed a directive that focused on participant-directed services that go through fiscal management service agencies, which includes personal care attendants, ILS, and one other service
- Lisa mentioned that the regional center is working with DDS to identify places where people who test positive or live with someone who tests positive can be relocated. She added that while limited supplies of PPE were a challenge, very few service recipients have actually tested positive. Where it has occurred, Lisa mentioned that have worked with providers to develop plans to isolate, but that most identified cases have been with people living at home with families.
- Lisa hopes to have access to more PPE available for providers, but that they are holding on to stock for cases when a positive case occurs.
- Lisa mentioned that the Legislature intends to meet next week or very soon afterward to provide oversight on the Covid-19 response. She also mentioned that there would be a brief budget process, which will probably continue with what currently in the budget, with maybe some changes based on population. There is no anticipation of any current bills to come to fruition because the state has indicated that the only legislation that will be continued are things related to Covid-19, wildfires, and persons experiencing homelessness. Lisa stated that she does not know of any funding reductions at this point.
- Lisa announced that next week there is a workers' compensation insurance rating board meeting, and they will be addressing issues around Covid-19. They will specifically discuss the removal of Covid-19 related illnesses from the experience rating, and looking at employees working from home to make adjustments in their classification from DSP to clerical to lower premiums.
- Will Sanford added that another group being looked at are employees who are not working, but are getting paid to be excluded or not counted for as part of the workers' comp employee numbers.
- Lisa concluded by stating that as the shelter in place restrictions are lifted, she expected things to return slowly, as adjustments and safety precautions are implemented.

## **Presentation – Overview of Documentation of Services – Kevin Rath**

- Kevin gave a presentation on a method to calculate the utilization rate for documentation purposes.
  - Kevin shared a spreadsheet that had options to use a universal unified rate, and also an individual consumer rate.
  - Kevin gave a demonstration of billing on an hourly rate and a daily rate.
  - Kevin informed that the spreadsheet was available California Supported Living Network website.

## **Reports**

### **RCEB Update – Steve Robinson**

- Steve gave an update on residential services
  - The biggest concern is how residential services will be funded during day program hours.
    - SLS providers are sending in separate budgets to cover the day program hours.
    - For adult community care facilities, RCEB recently sent out a method to apply for the 091 service code, which is for an in-home day program, which allows for a higher rate than the 109 supplement. Simple instructions were provided with an email address where resource developers will review the email, and then send out the documents that need to be completed. If approved, funding will be retroactive to the day participant stopped attending their day program.
- Mike Minton added that for adult community care facilities, the design process was simplified to get more money to the providers.
  - Mike did mention that an issue has cropped up that with homes now doing in-home day program services, they are telling the community-based service providers, “We don’t need you right now.” Mike added that homes are not there yet to do remote programming with day services, so for everyone to be patient.
    - Amanda Eicher reported that homes are refusing to support remote day program services because they are fearful of losing the 091 funding.
    - Steve Robinson responded that messages would go out to homes to clarify that collaborating with day programs will not affect funding.
- Fruc Menchavez reminded everyone that the HCBS self surveys are due June 30.
- Leslie Visbal commented that when completing the self-survey, there was a maximum file size when uploading documents, but she had been in contact with IT and was told they are aware of the issue and are working on it.

### **RCEB Board – Representative**

- Geneva reported that the Board meeting in March had been canceled.
- Geneva mentioned that a report from the February meeting would be given at a later time.

### **SCDD Regional Advisory Committee – Sheraden Nicholau**

- Sheraden announced that a letter had been submitted to Speaker Pelosi and Minority Leader McCarthy calling for some specific asks with the upcoming stimulus package.
  - Increased funding for HCBS
  - Specific language for access to PPE for direct support professionals.
  - Making sure that DSPs are consistently identified as essential workers.
  - Highlighting people with developmental disabilities and the staff that support them as primary populations for increasing the production of PPE and ventilators.
  - Wanting consistency in language for people with developmental disabilities and paid leave, recognizing some of the gaps around Family First.
  - Remove any obstacles with stimulus payments for Social Security recipients, making sure there can be some streamlining in terms of communication with Social Security and the Treasury Office and have the payments go out automatically.
- Sheraden gave some highlights on the most recent weekly Cal OES phone call.
  - There are about 36 counties that have people who can go across county lines for wellness checks.
  - CalFresh will be able to use EBT online starting April 29th
- Sheraden mentioned that the Regional Advisory Committee has been seeing a variety of technical requests from people served and their families, mainly expressing that they don't feel they have the information that they need to stay safe, and not knowing what services and programming they can ask for.
- Sheraden also mentioned that they had been getting phone calls from families about clients' rights issues. Families were upset that homes were telling them, you can either have your family member stay in their own home, or they can stay in your home, not both; they can't be going back and forth, which puts more people at greater risk. So SCDD staff were having to clarify for families that this was correct, that going back and forth between family homes and group homes was not following the guidelines and is a huge safety risk.
- Sheraden announced that a lot of plain language information had been placed on the front page of their website
  - Information on the response, preparation, and safety
  - Ideas for sheltering in place, and tips to support people in times of change
  - Data and info sheets in advocacy on IDEA, both Part B and Part C, which is the early start section.
  - Information on what to do if you've lost your job or had a cut in hours at work.
  - Information on scams and fraud alerts.
- Dan Hogue asked about cross-county testing, which Sheraden clarified that it was cross-county wellness checks. Sheraden mentioned that several sites are being set up; however, many people were being turned away because they were limiting tests based on symptoms.
- Donna Feingold mentioned that Solano County has one set up.
- Dan mentioned that it was difficult to get to the locations where the testing is taking place.
- Kevin Rath mentioned that he had DSP who was denied access for testing because they were not listed as meeting the essential criteria. However, Geneva added that she was able to speak with someone and get the staff scheduled for testing.
- Bill Pelter mentioned that Buffy Wicks might be a good contact for support in cases where DSPs were being rejected.

**DD Councils -**

- Alameda County – Representative
  - Sandi’s last day will be May 1<sup>st</sup> but plans to volunteer to support the council until the new Coordinator, Ben Chen, starts on June 1<sup>st</sup>.
  - The next meeting is scheduled for May 13<sup>th</sup>, from 9:30 AM-12:00 PM, and will most likely be a Zoom meeting. More information will follow.
  - The Annual Joint County Awards Dinner is canceled.
  - Kevin mentioned that he was instructed to go through the County Health Department to get PPE, but was unable to find any information at the website, so was hopeful that Sandi could look into it. Lisa Kleinbub mentioned that the RCEB distributed PPE the previous week; however, supplies are being limited to health care workers and for situations where there is a known case of Covid-19.
- Contra Costa County – Vi Ibarra
  - Vi mentioned stated that Contra Costa County has received a request from RCEB for PPE, and was able to fulfill one of those requests partially. A second request has been submitted but is placed in a queue with all the other requests, awaiting review. Vi did recommend that requests continue to be made. As far as requests, Vi recommended that those go through the city emergency operations.
  - Vi said that she would be making inquiries about testing in Contra Costa county, and requested emails expressing need be sent to her to help with her inquiries.
  - The meeting for March was canceled, but an informational meeting was held instead.
    - Council advisory meetings were suspended for April.
    - The meeting scheduled for April 22<sup>nd</sup> will be another informational meeting.
  - Vi has been thinking of ways to connect with individuals served and their families on a more regular basis, so considering a weekly call or an e-blasting system.

#### **East Bay Legislative Coalition - Will Sanford**

- Will stated that the Legislature is not expected to come back until early May.
- A notification was received from the Budget Chair that they are going back to a plain vanilla budget and that many of the proposals put forward in the Governor’s budget in January will probably not be in the May revise. Because the date to file tax returns has been pushed back, this will delay revenue coming into the state, so this is another thing they’ll need to consider.
- The guess is that they’ll hit the June 15<sup>th</sup> budget requirement, but they’ll have a revisit potentially in August.
- On the Federal level, the biggest one is the Covid Bill #3, which included paycheck protection, additional unemployment payments, and the tax credit refund.
- In the workers' comp arena, it would be huge to get those roles changed, as you’re paying people to maintain your workforce, but they’re not currently actually working. Also, for business sharing staff, anything related to Covid-19 would not affect premiums, and that it would go back to December.
- Bill Pelter mentioned an article on education funding, so he asked if Will had heard anything specific about funding for special education.
  - Will responded that schools are looking at how remote learning can be implemented. The big challenge facing schools is maintaining staff.
  - Lisa Kleinbub added that RCEB is looking at the many children who would typically be transitioning out of Early Start and that it hasn’t happened yet. Additionally, there is some language that the IPP should be done for those children; however, there is no language around how the assessments are to be done, so there’s a lot of confusion. Therefore, many

regional center directors are in contact with the state because we're going to end up in August with many children who are not getting school services but need them.

### **Programs – Geneva Ziaoure**

- Donna Feingold gave an update on SLS/ILS, mentioning that a group of providers had been meeting with Lisa Kleinbub to talk about supporting people who live in their place, and what to do if someone gets sick, but not enough to be hospitalized. Also, what to do about roommates, and what to do if the staff does not want to work in those conditions. Additionally, concerns over the lack of PPE continue to come up. Donna mentioned that a meeting was scheduled for later in the day to discuss places where people could be located, and also sources of additional staffing.
  - Karen Toto asked if providers could create a registry or a way to collaborate with residential or SLS providers to help with staffing issues during this crisis.
  - Donna Feingold said that across the state, there is talk MOUs between day programs and residential providers, but workers comp is a big concern, so if liability could be taken care of, that would be helpful. In general, Donna said that people don't feel safe working with someone who has tested positive, precisely because we don't have hazard pay or appreciation pay, or any extra pay from the state right now.
  - Dan Hogue said that he was concerned about a registry for day program staff is who takes on the risk. Additionally, Dan said that he didn't feel there was incentivization for any of the day program staff to come over and work in residential homes, because they are receiving their pay for doing minimal or no work. Dan concluded that for a registry to be successful, there would need to be some sort of incentive for people to do this.
  - Donna said that she agreed that the pay issue didn't seem fair for the staff that is continuing to support people with their daily living needs. She said that as an organization, they were trying to compensate with extra vacation time, and would be talking with her board about giving people extra pay or bonuses. She concluded that she knows DDS's position is that there will be no extra pay for people who are doing direct care.
  - Mike Pereira said in response to Karen Toto's question that the advice has been for people in the day service group to coordinate with home providers with services that similar, so there is more continuity of care. He suggested contacting the day program where your resident attends, so there is that familiarity.
  - Will Sanford added that there is some degree where regional center directors have a little more authority on dealing with some of the health and safety. So if the way to get more people in extra support pay, there are options.
  - Dan Hogue mentioned one of his board members who has a relationship with John Muir Health. He said that in a recent conversation, we're told that it is up to the PCP to determine whether or not the appropriate amount of care exists in the residential setting, and if not, then they can make the recommendation for hospitalization. Dan said that messaging was important so that if they don't meet the specific criteria for hospitalization, because of the lack of staff capability, they might be eligible.
  - Geneva read a message from that chat asking if there are provisions for staff to go to the hospital with residents should they be admitted, either SLS or residential staff. Lisa Kleinbub responded that in the FAQs for both Alameda and Contra Costa Counties, there is a statement that says for most individuals over 18, no one else can be with them. However, it is specifically mentioned individuals with developmental disabilities as being a group that might be able to have someone else accompany them.

### **Membership - Leslie Visbal**

- There are two proposed members, Jennifer Carper from Arcadia and Amanda Eicher from NIAD.
- Because quorum was not achieved, the elections will take place next month.
- Amanda Eicher shared information about her program.
- Jennifer Carper shared information about her program.

#### **Day Program Provider Group – Mike Pereira**

- Mike shared some information about a job matching platform launched by the state of California called Onwardca.gov.
  - It helps people who are laid off or furloughed to match their skills to a job
  - Employers similarly can list skills sets to move people toward them.
- Mike mentioned that every from 11:00 AM – 12:30 PM, the day program providers group meets in a Zoom conference to discuss concerns and share ideas and information.
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#### **Announcements**

- Dan Hogue announced that the Las Trampas facility in Martinez had been licensed.
- Sheraden Nicholau announced that there will be a Regional Advisory Committee meeting is on 4/29, with networking at 6:30 PM, and the meeting from 7 PM-9 PM. Covid-19 preparation and response will be one of the primary focuses and will hear from committees across the bay area who are in a variety of roles. Contact Sheraden to get on the list.
- Dan Hogue thanked the ASL interpreter.

Meeting Adjourned at 12:55 PM

Respectfully submitted for review by Craig Rose, Secretary