



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

Monday, September 28, 2020

Virtual Meeting

Approved 10/26/2020

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Stephen Whitgob, Budget & Finance Committee
Morena Grimaldi, Diversity & Equity Chair
Renée Perls, Secretary
Brian Blaisch
Gwen Nash-Butler
Sister Marygrace Puchac, PVAC
Caroline Ortiz
Chloe Page
Frank Paré
Lisa Soloway

ABSENT:

Teresita DeJesus
Yesenia Fantham
Carmen Quinones
Dinah Shapiro, CAC Chair
Linda Stevens
Gerald Tamayo, Budget & Finance

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health & Behavioral Services
Ronke Sodipo, Director of Client Services
Chris Hanson, Associate Director of Client Services
Evelyn Hoskins, Associate Director of Federal Programs
Brent Nelson, Manager of Information Systems
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Breanne Burris
Ben Chen/ACDDC
Vi Ibarra, CCCDDC

Sheraden Nicholau/SCDD
Melissa Robinson/DDS

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:15 p.m. A quorum of the board members were noted.

INTRODUCTION

Yom Kippur

Ms. Hebert began the meeting with wishes for those who observe Yom Kippur, a meaningful fast this evening, and that we unintentionally overlooked this event when we scheduled the meetings for 2020. We will be more mindful of the various meaningful observations in future scheduling.

Feda Almaliti

Ms. Hebert read a tribute to autism advocate Feda Almaliti and her 15 year-old son, Mohammed who both tragically passed in a house fire over the weekend. Ms. Almaliti’s most notable success was when she worked with Senator Darryl Steinberg and a group of core parents to pass SB946 which required insurance companies to cover treatments for autism. Ms. Hebert ended her tribute with a moment of silence for the Almalitis.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the September 22, 2020 agenda as presented.”
[Whitgob/ Iyemura] Unanimous

M/S/C “The Board moves to approve the June 22, 2020 minutes as presented.”
[Nash-Butler/Puchac] Unanimous.

PUBLIC COMMENT

No public comments were expressed at this time.

COMMITTEE REPORTS

COMMITTEE REPORTS

Executive Committee: Kathy Hebert

<u>Acronyms</u>	
CCH	Community Care Home
CPP	Community Placement Plan
CRDP	Community Resource Development Plan
DDS	Department of Developmental Services
EBSH	Enhanced Behavioral Support Home
HCBS	Home and Community Based Services

CONTRACT APPROVALS

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 a rate of reimbursement of \$92.99/client/month. The monthly contract amount is a maximum of \$66,119.00 with an annual estimated contract amount of \$793,430.00.

Term: 7/1/2020 - 6/30/2021

M/S/C “The board moves to ratify the Executive Committee’s approval of the renewal contract between RCEB and LFCS as presented” [Blaisch/Nash-Butler] Unanimous

Department of Developmental Services Contracts

#HD199015 A-6 Contract Allocation

This amendment was also approved by the Executive Committee at their July 8th meeting. It adds \$244,568 regular Operations (OPS) for COVID expenditures, \$574,964 for HCBS compliance and \$29M to regular POS and COVID expenditures which adds a total of \$29.8M to the A contract.

Term: 7/1/19 – 6/30/2026

M/S/C “The board moves to ratify the DDS A-6 Contract Allocation adding a total of \$29.8M to the A Contract.” [Perls/Puchac] Unanimous. The motion was adopted.

#HD199015 B-Series

This contract represents the Preliminary of the “B” Series contract between DDS and RCEB and was also approved by the Executive Committee on July 8th. It adds \$39,146,806 to the OPS Allocation, \$371,648,901 to the POS Allocation which adds a total of \$410,795,707 to the B contract.

Term: 7/1/2020 – 76/30/2023

M/S/C “The board moves to ratify the DDS B-Series Contract adding a total of \$410,795,707 to the B Contract.” [Nash-Butler/Grimaldi] Unanimous. The motion was adopted.

#HD199015 B-1 Contract Allocation

This amendment was received too late to be approved by the Executive Committee at their September 9th meeting. It adds \$44,826,753 to the regular OPS and \$514,052,017 to regular POS expenditures which adds a total of \$558,878,770 to the B contract.

Term: 7/1/2019 – 6/30/2026

M/S/C “The board moves to approve the DDS B-1 Contract amendment adding a total of \$558,878,770 to the B Contract.” [Ansari/Iyemura] Unanimous. The motion was adopted.

Community Placement Plan [CPP]

University of New Hampshire [UNH] Institute on Disability

This contract was also approved by the Executive Committee at their July meeting and represents RCEB Community Placement plan start-up funds for UNH to offer consulting and training in the development and implementation of a START demonstration project.

This project will allow RCEB to develop and implement a lifespan START Clinical Team and In-Home therapeutic supports program model. This includes the establishment of specific service elements, protocols to access these services, measures of service effectiveness, and the establishment of linkages with stakeholders.

Term: 6/25/2020 - 6/30/2023

Total: \$836,000

M/S/C “The board moves to ratify RCEB’s CPP start-up funds for the University of New Hampshire [UNH] Institute on Disability.” [Perls/Whitgob] Unanimous. The motion was carried.

Questions were asked about this UNH contract and Ms. Kleinbub added that the Board had Approved a contract with Young Adult Institute [YAI] back in June to be the provider of the START model. Part of that model is that community members, RCEB staff and individuals working on the project will receive consultation and training from UNH, which holds this model and training. UNH will be supporting individuals with significant behavioral challenges.

Budget & Finance Committee: Evangeline Iyemura

Regional Centers received the B-1 contract amendment for FY 20-21 in August. This allowed the staff to begin working on our Operations and Purchase of Services budgets for the fiscal year. The B-1 amendment provides the Agency with funding of \$563M, a net increase of \$97M over prior year’s allocation at this time. The release of the amendment also helped with our cash flow as RCEB was able to claim a cash advance in the amount of \$38M.

Operations:

The B-1 contract amendment provided nearly all of our Operations allocation for the year. The current year Operations allocation of \$49M, which is \$5M more than prior year’s A-1 funding, was based on the core staffing formula and budgeted caseload and other statistics. Additionally, the Operations allocation provided continuation funding for the ABX2-1 increase for salary/benefits for regional center staff and SB826 funding for HCBS compliance for FY20-21 as in FY 19-20. It also included Policy items for Operations such as Specialized Caseload Ratios,

Psychological Evaluations, Self-Determination Program, and Oversight and Accountability. Previous year's allocation in the A-1 did not have Policy items and only 50% of Intake wages.

At this time, the Department has not finalized the allocations for our Community Placement Plan (or CPP). The B-1 allocated only 50% of FY19-20 CPP funding and the remainder will be allocated in the B-2.

We are currently in the process of completing our preliminary operations budget projections for the new fiscal year 20-21. The staff will provide the Board with a detailed Operations report at the next board meeting.

This month's financial statement shows our allocation to date and actual expenditures through August 31, 2020 and compares the B-1 allocation and last year's A-1 allocation. The statement also compares actual expenditures for the same time period. We will present our standard financial statements at the board meeting in November once the detailed Purchase of Services Expenditure Projection (known as the "PEP") is completed.

RCEB grew by 723 net new consumers during the past 12 months and the B-1 allocation for Operations includes funding to account for this caseload growth.

Purchase of Services

For Purchase of Services (POS), Regional Centers received the POS allocation based on an equitable proration of prior year expenditures that each Regional Center actually spent.

In the B-1 amendment, RCEB received \$514M in Regular POS funding, which is \$92M more than in last year's A-1 allocation. The Purchase of Services allocation for FY 20-21 included caseload growth, continuation funding for rates increase due to SB minimum wage increase, ABX2 1 Community Based Services increase, and Competitive Integrated Employment Incentive payments and Paid Internship Programs. POS Base allocation was based on POS claims through May 2020, which included additional funding for Covid-19 expenditures.

Similar to the CPP OPS, DDS only released 50% of the CPP POS allocation based on prior year's amount and will allocate the remainder in the B-2 allocation.

Staff will report back to the Budget and Finance committee at the November Board meeting when the PEP report has been completed. A detailed Purchase of Services summary will be provided to the Board at that time.

With regards to Fiscal Year 2019-20, RCEB ended the fiscal year with a surplus of \$8M. 13 out of the 21 Regional Centers, including RCEB, are reporting a surplus. Overall, the statewide system shows a surplus of \$68M.

Cashflows, Bank Fees and Interest Income

At this time, the receipts of the B prelim and B-1 cash advances have stabilized the Agency's cash flow. Effective August 1st, Union Bank lowered the Earnings Credit Rate from 50 bps to 25 bps, and reduced the interest checking from 10 bps to 3 bps based on the changing environment of the pandemic. As a result, we expect an increase in bank fees and a decrease in interest income. This will cause a strain in the Agency's operations budget.

DDS Audit for Fiscal Years 2017-18 and 2018-19

DDS conducted their audit of the two fiscal years 17-18 and 18-19 remotely for the first time, which was a bit challenging. After 4 weeks, they completed their field work at the end of August. We had our exit interview which revealed no issue in most of the audit areas. There are a few minor findings which we are still working with them to resolve. We hope to get a draft of the audit report soon and will present to the results to the Board at a future meeting.

Independent Audit for Fiscal Year 2019-20

After the completion of the DDS audit, we also had the financial audit for the fiscal year 19-20 with our independent auditor. They are scheduled to finish their field work next week. Marcum is scheduled to present the draft report to the Board at the October board meeting.

The Jim Burton Helping Hand Fund

At the June Board meeting, the Board inquired about how the fund is being spent. The Staff would like to report on the fund activities, as well as the investment of the fund.

Activities from January to June 2020 show a total of \$21,597 were spent: \$13,059 in grants and \$8,538 in loans for rent/lodging, utilities, food, clothing and other miscellaneous. The schedule below shows totals by category for both grants and loans.

Fund Activity (1/1/20 - 6/30/2020)			
	Loans	Grants	Total
Rent / Lodging	\$ 6,618	\$ 8,010	\$ 14,628
Utilities	100	1,319	1,419
Food	-	500	500
Clothing	-	300	300
Miscellaneous	1,820	2,930	4,750
Total	\$ 8,538	\$ 13,059	\$ 21,597

In September, the Staff also invested \$500k of the total balance of \$588k in 9-months US Treasury bills, earning interest at .10%. Interest earnings will be maintained in the fund account for future awards.

Questions were asked by the Board on all the various points and addressed by Ms. Kleinbub and Ms. Nguyen.

Membership Development Committee: Kathy Hebert

Terms of Service

Ms. Hebert stated that we have two board members whose first term of service on the board expires this month, and one board member whose second term will be completed. Ms. Hebert had received confirmations from them that they would like to continue with their service on our board. Since we are not able to conduct our usual physical ballot voting at our board meeting, we submitting the ballot in advance via email to receive the Board votes.

Ms. Hebert announced the following have been unanimously approved to continue their 2nd term: Lilian Ansari and Gerald Tamayo, and her last term: Morena Grimaldi.

Slate of Officers for 2021

Ms. Hebert stated that the Membership Development Committee will be taking nominations from the floor for Board officers at our October meeting, and will vote for the new officers at our Annual Meeting, which is in November.

CURRENT 2020 SLATE OF OFFICERS

Kathy Hebert	President
Lilian Ansari	Vice-President
Evangeline Iyemura	Treasurer
Renee Perls..	Secretary

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

The PVAC members met virtually on September 11th. They had a listening session on *Racial Discrimination Concerns of Black Consumers and Service Providers* by Wendell James, Executive Director of Adult Education Technology. The purpose of this session was to provide a safe venue and encouragement to the black service providers to speak about their experiences with discrimination in our service system. Inequities in grant funding, rate inequities and referrals to their programs were the key issues that were discussed. RCEB will be looking at how decisions and choices have been made in regard to referrals and the role that unconscious bias plays into the decisions. Ms. Kleinbub stated that RCEB is committed to ending racism and we have recently established a working group in partnership with our SEIU Union. The purpose of the Antiracism Working Group is to identify practices and experiences within our regional center that are perceived to perpetuate systemic inequities and recommend policies and practices that are consistent with The Lanterman Act, RCEB’s mission, the existing Union contract and applicable laws to support advancing diversity, equity and eliminate those rooted in systemic racism.

Consumer Advisory Committee [CAC]: Renée Perls for Dinah Shapiro

Ms. Perls stated that she is part of the planning team that will be participating in developing a leadership training committee with the goal of developing and empowering new self-advocates. Also discussed was Alternative Services provided by non-residential services.

Diversity & Equity Committee: Morena Grimaldi

Ms. Grimaldi stated that they had a special brainstorming workshop meeting on September 21st guided by Jairo Guiza, RCEB's Diversity & Equity Specialist. The participants broke out into three groups related to developing smart goals that are specific/measurable/achievable, realistic, and time-bound to focus on for this coming year. The three groups brainstormed on Antiracism & Education, Communications & Digital Accessibility, and Equity in POS Expenditures.

The next meeting will be before the Board meeting on October 26th where they will discuss each groups' findings and decide on the committee's focus in the different categories.

Supports & Services Committee: Lilian Ansari

This committee met virtually before the board meeting and went over a couple of documents provided by Ms. Kleinbub relating to RCEB services; one being a DDS list on regional center services and their descriptions, and the other on understanding RCEB services. There was a consensus in the meeting to have just one document, such as a booklet which can be used by families and in meetings with case managers. The next virtual meeting will be on November 23rd.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director

COVID-19 Update

The number of positive cases among our DD population has stabilized. Currently, we have 98 cases and three individuals have passed away in our community. The number of cases per week have slowed down and the distribution of those cases vary among those who are living with their families vs. other residential settings. In California, we have 1,031 residing in nursing facilities and 271 of those have been diagnosed with COVID. We will be working with service providers on getting everyone on target with the flu vaccine, which will be very important as we enter the winter months.

Alternative Service Delivery

Through August, DDS had issued guidance specific to our ability to pay providers for absences from any non-residential type of program. This meant that for day-service providers, we were able to fund them at the average number of people who attended in the past year. We were able to do that for many services; respite, Independent Living Services [ILS], Supported Living Services [SLS], and day services due to the Medicare Waiver. The Federal government allows billing for those absences for a period of time. The period of time was 90 days all-encompassing through the middle of July because most of the services were day services and not weekend services.

Starting at that point, all the dollars being spent on services were State dollars with no Federal match. This starts to get very expensive for the State due to our large reliance on federal Medicaid Waiver funds for service delivery. DDS has now changed the method on how services are being paid. Starting September 1st, they will no longer be paying for absences. This has been replaced with Alternative Service Delivery for Nonresidential Services. These services are those that the provider can offer as alternatives to their traditional program that address the needs of the individual and family and those that they believe are meaningful. Some programs may provide

3 hours/day of ZOOM to participants and deliver supplies, they can bill for Alternative Service Delivery. They will be paid a rate similar to the absence rate until November 1st when the programs will have a rate set by the State for their program. There will be an accountability measure which will involve how much service a provider will have to provide in order to bill for that monthly rate.

These Alternative Services are an individual preference. Some may feel that they may not benefit from that type of service offered, and others who feel that they want some activities where they can participate with their friends. Providers will be following the County and licensing guidelines while encouraging outdoor, socially distance activities and they are also contacting their consumers to advise them of what alternative services they are offering to see if they are interested. We have seen some great programs created by providers. In October, the providers will have to develop individual service plans for those services, and identify how many hours and days/week services will be provided. The State is still working on the waiver application to make sure that these services will all be federally funded, and is determining what the parameters will be for these services. There are services that can be billed traditionally, such as Independent Living Services [ILS] where most services can be provided via ZOOM, phone calls or other socially distant service. Some Early Start services such as certain therapies can be provided via ZOOM can be billed traditionally. There are still a lot of unknowns about this and it has been the main topic of several meetings with the State. We are hoping to receive some guidance in the form of written materials in different languages for our consumers and families.

We have been focusing on this subject over the past couple of months. It involves staff including fiscal and community services and case management reaching out to individuals and reviewing ISP's.

Self-Determination - SD

We are still in the pilot program phase in Self-Determination. At RCEB, we have 154 individuals who are part of the group who will be moving into Self-Determination by the end of the pilot program at the end of June 2021. By October 1st we should have 30 individuals who have moved into a fully functioning Self-Determination program and 82% of the people who were selected have completed their orientations. People are moving through and starting to create their plans, although there is reluctance on the part of some individuals since it is a new program and especially during COVID times, it is more challenging to do something new when everything else is up in the air. We anticipate by summer of 2021, anyone who chooses Self-Determination will be able to select SD as a model for their service delivery. There are still a few kinks that need to be worked out, such as developing budgets and assessing for unmet needs. These are challenging and are being worked through. We received funds for hiring an SDP Specialist at RCEB that has made a big difference in assisting people through the process.

RCEB's Performance Contract

The yearly Performance Contract consists of requirements by DDS that we have to achieve reflect the contract with each regional center. These requirements are objectives such as meeting timelines for Intake and completing IPP's, as well as measures related to employment and

Diversity & Equity. On October 7th, we will be presenting our Performance Contract Outcomes from 2019 in a Webinar meeting. This will provide an opportunity to see our performance from last year as well as to weigh-in on Local Objectives and what we should focus on for the 2021 year. Ronke will be sharing our draft ideas at the October board meeting. Ideas from the community will be sought. There will be one public community meeting in November and the Board will vote on the finalized objectives at the November Board meeting.

PUBLIC COMMENT

Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]

Mr. Chen announced that there was a COVID-19 and Disability Survey that they sent out and the results will be shared with Alameda County Public Health in order to better serve our DD community. ACDDC is also involved in a preparation for a Listening Session that they will be holding with a couple of other community partners. They will be looking to coordinate and consolidate a list of consumer and family support groups and to see what gaps are existing, so that they can provide better support.

October 14: This is the next ACDDC Board of Director meeting.

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

Ms. Ibarra stated that both the Contra Costa and Alameda County Councils are working jointly on a couple of events.

October: Vision for the Future Conference is designed for parents, caregivers, staff and students with disabilities, ages 14+ to explore the post-secondary educational opportunities. This is a series of presentations every Thursday in October presented in both English and Spanish.

October 24: The Autism STAR Annual Conference is a mini version of what usually takes place in person. This parent centered conference is for families of autistic children aged 0-21 y/o. The conference will be focused on school related IEP topics and is from 9am – 1pm with several key note speakers.

October 28: This will be the next CCCDDC Board of Director meeting

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

August: The Regional Advisory Committee [RAC] held a Racial Justice listening session where 80 Bay Area people participated and gave their experiences as well as next steps discussions on relationship improvement with law enforcement. The RAC group crafted policy recommendations based on this feedback which was sent to the State Council's Legislative and Public Policy Committee. The committee added this to their 2021 priorities on activities to get involved in.

Regarding PPE's, SCDD has helped in securing over 101M PPE pieces specifically for the DD community and have stock in service locations in 9 Bay Area cities.

The National Core Indicator project is in its "In-Person" round cycle which will involve 8,400 interviews across the state to get their feedback on the quality and experience they have with the disability service they have received.

September 30: This is the next Bay Area Regional Advisory Committee meeting, focused on voting.

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that ARCA is focusing their work on advocacy around the Alternative Service Delivery by making sure that there are clear guidelines and expectations. They are also focused on looking to next year's new legislation and at what bills we may need to work with others on that will affect our system. ARCA has been busy during this time especially in coordinating with DDS and other stakeholder groups and making sure that we are at the table when decisions are being made regarding regional center services.

Executive Session – Legal Issue

MEETING ADJOURNED

The board meeting adjourned at 8:45p.m.

The next Board Meeting will be at 7:00 PM on October 26, 2020 via Virtual Call
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