



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

Monday, February 22, 2021

Virtual Meeting

Approved 3/22/2021

RCEB BOARD MEMBERS PRESENT:

Kathy Hebert, President
Lilian Ansari, Vice President
Evangeline Iyemura, Treasurer
Gwen Nash-Butler, Secretary
Brian Blaisch
Teresita DeJesus
Morena Grimaldi, Diversity & Equity Chair
Caroline Ortiz
Chloe Page
Frank Paré, Co-Chair, Supports & Services
Renée Perls
Sister Marygrace Puchac, PVAC
Carmen Quinones
Dinah Shapiro, CAC Chair
Linda Stevens
Gerald Tamayo
Stephen Whitgob

ABSENT:

Lisa Soloway

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Lucy Rivello, Director of Health & 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 Client Services
Elvia Osorio-Rodriguez, Associate Director of Children's Services
Alisha Erskine, Case Manager
Herb Hastings, Consumer Advocate
Michi Toy, Executive Assistant

GUESTS:

Nyron Battles
Ben Chen/ACDDC
Erika Gonzalez
Frances Ha
Vi Ibarra, CCCDDC
Wendell James
April Key-Lee
Aviva Kirsten

Dominique Mellion
Lesla Mellion
Sheraden Nicholau/SCDD
Jeri Pietrelli
Maria Ramirez
Melissa Robinson/DDS
Geneva Ziaoure

CALL TO ORDER

Board President, Kathy Hebert called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:05 p.m.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the February 22, 2021 agenda as presented.”
 [Iyemura/Grimaldi] Unanimous

M/S/C “The Board moves to approve the January 25, 2021 minutes as presented.”
 [Perls/Shapiro] Unanimous.

PUBLIC COMMENT

There were no public comments at this time.

COMMITTEE REPORTS

COMMITTEE REPORTS

Executive Committee: Kathy Hebert

Budget & Finance Committee: Evangeline Iyemura

Purchase of Service

Through January 2021, we have expended 53% of the total POS budget of \$514M. At this time we are projecting for NON-CPP POS Expenditures a surplus of \$4.3M which is a slight increase of \$68k from previous month’s projection. Currently 9 out of 21 Regional Centers including RCEB, are reporting a surplus in their POS projections. With the B-1 budget allocation, the state-wide system is reporting in an overall deficit of \$60M, due to an increase in projected expenditures of \$67M from previous month’s surplus of \$7M. Last year at this same time, the overall system was projecting a statewide surplus of \$1.7M.

Note that this PEP projection only had 6 months in base, and did not account for the impact of the change in the monthly rate structure per client for alternative services, which became effective on January 1st. We will continue to analyze monthly POS expenditures and trends as more data becomes available for alternative service delivery and additional spending for Covid 19.

Operations

As reported in the past 3 months, we are still pending the B-2 contract amendment from DDS. At this time the Department has not finalized the allocations for our Community Placement Plan/Community Resource Development Plan (or CPP/CRDP). The B-1 allocated only 50% of FY19-20 preliminary CPP funding. RCEB has submitted our CPP/CRDP request. We expected to receive the approval and allocation from DDS by the end of January.

For this OPS budget of \$49M, we added \$889k that is expected to be allocated in the B-2. Through January 2021 we have expended 54% of a total of operations budget of \$49.8M, which is comparable to the 54% for previous year at this time.

As this is a preliminary budget, we will continue to monitor and update the budget after receiving the CPP/CRDP operations allocation from DDS, hopefully very soon in the B-2.

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 20-21. We had preliminary discussions about committed line of credit which will beginning in June'21 through September'21. We will finalize these documents and report to the Board at the meeting in March.

DDS audit

The Department of Development Services' (DDS) Audit Section has completed the audit for fiscal years FY17-18 and 2018-19 in August 2020. We met with the Department in February to discuss the draft version of the report.

The Staff is reporting to our Board that we only had 2 findings in the draft. One finding was about overstated claims, which were due to processing errors and RCEB is still collecting overpayments of \$13k in total from 3 remaining vendors. The second finding was about late assessments in the Family Cost Participation Program (FCPP), which RCEB did not agree with DDS and will submit our response to DDS.

Membership Development Committee: Kathy Hebert

New Board Member

from last month: "In following with our Board ByLaws, Section 5.5 Election, *Directors shall be elected at the meeting of the Board of Directors of the Corporation following the meeting of the Board at*

which the Director was nominated. Last month, Ms. Hebert nominated Nyron Battles, a returning board member, who took a year off from the board since last January. An election will be conducted and the results will be announced at our February board meeting.”

The e-mail election was conducted during the weeks prior to this meeting, and Mr. Nyron Battles has been elected by a majority (16-yea) vote. Mr. Battles thanked everyone for welcoming him back to the board.

Board Member Terming-Out/New Treasurers/Board Resolution

Ms. Hebert announced last month that Treasurer Evangeline Imana-Iyemura will be terming out after this board meeting. During Ms. Iyemura’s tenure on the board, she also held the positions of Vice-President, then the Treasurer. Congratulations and gratitude were expressed and well-wishes for a happy and productive year.

At the last board meeting, Ms. Hebert nominated two board members; Gerald Tamayo and Steve Whitgob to take Evangeline’s place as Treasurer and Assistant Treasurer, respectively. A Board Resolution outlining each of their responsibilities were drawn up and voted on via Survey Monkey as well as those for each Treasurer. The tally of the votes resulted in a majority win for Mr. Tamayo, Mr. Whitgob, as well as an approval of the Resolution. All with take effect in March.

March Board Training

A survey of three subjects for board training was conducted via Survey Monkey earlier this month. The choices were RCEB Operations & Budget, Medicaid Waiver, and DDS Contracts. The first two options were tied, and the subject was decided upon at the Executive Committee meeting on February 10th to opt for the RCEB Operations & Budget for the March training.

ByLaw Review

Referencing last month’s meeting: *Section 8.6 on Other Committees includes details on the creation of temporary Ad Hoc committees for the purposes set forth as a need by the board. The initial information was sent to the board on January 20th for review. We will allow more than the required 10 days for the board to review and vote, so that we will have a consensus by our next board meeting.* An e-mail vote request was sent out early in February and the majority (14-yea) voted for the change in the Bylaws.

Board Pledge

From last month’s Executive Committee and board meetings, it was agreed that RCEB board members should have a pledge in order to recognize their responsibilities and carry out their duty and obligations and to the board. The idea came about from the ARCA Board Training session that they attended in December. The pledge was approved by the EC members and the results of the Survey Monkey indicated the same with a majority (13-yea) votes for adding a pledge.

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

The PVAC members met virtually on February 12th the first day of the lunar year of the Ox which represents strength, endurance and determination. These are qualities very appropriate for this

year. There were 75 attendants and updates were given by the committees. Service providers stated that not all staff have or are willing to receive the COVID vaccine. Some of their staff prefer to wait and see what happens while others are fully vaccinated. Another subject discussed were the budget hearings and advocacy for more Federal support. The PVAC committee is in need of a co-chair since Geneva Ziaoure will be terming out, and they are also looking to increase their representation in several areas such as in transportation, employment, and licensed living services and day programs in Alameda County.

Consumer Advisory Committee [CAC]: Dinah Shapiro & Nyron Battles

The CAC met on February 8th, where the majority of the discussion was on coping with COVID-19 and shared experiences. Also discussed was the upcoming CAC officer elections and the number of participants interested in the Chairperson position. They also elected a new member; Aviva Kirsten. Ms. Kleinbub informed the members of the specifics of the Governor's budget as it relates to COVID and the outlook of program re-opening.

Supports & Services Committee: Lilian Ansari & Frank Paré

The last regular Supports & Services meeting prior to this evening was in November. As with the Diversity & Equity committee, this committee also scheduled a special meeting in mid-January to discuss the packet of information that Ms. Sodipo & Ms. Kleinbub have compiled for the informational brochure. We looked at the draft of the bi-fold brochure titled Services for School Aged Children Living in the Family Home along with a fact sheet and other documents focusing on that age group. The committee agreed on a deadline of March 30th for the first draft for presenting to this committee as well as to the Board. After receiving input from those groups, it will be presented to a focus group of families to receive their feedback. June is the deadline date for digital/print format.

Diversity & Equity Committee: Morena Grimaldi

Ms. Grimaldi reminded everyone that their last meeting was before the board meeting in January and since their next meeting would not be until March 22nd, they scheduled a special meeting on March 3rd for the purpose of developing the goals and strategies that they agreed upon in January. The racial equity consultant or a representative from the Working Group on Antiracism, Diversity, Equity and Inclusion will be attending their meetings going forward.

EXECUTIVE DIRECTOR'S REPORT - Lisa Kleinbub, Executive Director
Anti-Racism, Inclusion and Equity

The regional center and our community partners have been involved in discussions of racism and equity especially more recently. Our Diversity & Equity committee was established in 2013 in response to Purchase of Service [POS] disparities and to address many issues that individuals and families were experiencing. There is a requirement in law to look at POS utilization and expenditure with respect to consumer's age, ethnicity, primary language, residence type, and

disability. Since the murder of George Floyd, there has been a renewed focus on systemic racism. We have heard from staff about equity within the regional center.

Internally: We have established our anti-racism group [Working Group on Antiracism, Diversity, Equity and Inclusion] and have a representative from that group attending our board meeting tonight. The makeup of this group is SEIU union members, confidential staff and management staff to look at internal concerns. Some of what is being looked at is our EEOC reports and how our staff reflect our community. We have identified a consultant from LeaderSpring to work on facilitating our internal process with the goal of looking at where we want to go and what questions we need to start asking. The LeaderSpring consultant will be working with us to develop an agency culture that is anti-racist, inclusive and equity driven.

Externally: As we reported in previous board meetings, our PVAC group had a special meeting in September where the focus was on Concerns of Black Consumers and Service Providers. We looked at concerns over whether everyone was treated equitably in regards to referrals, vendorization, RFP awards and other areas. These issues is on how we will have an equitable community. We have not finalized an agreement with a consultant outside of our DD community who will be working on that project, but it will be completed.

Anti-racism, inclusion and equity is very important to RCEB. We recognize there are disparities in our POS expenditures. Our country has systemic racism in many areas in our society and we recognize that fact. We are looking forward to doing work in this area and making appropriate equitable changes as we move forward. The Alameda County Developmental Disabilities Council [ACDDC] has also established a diversity & equity group named *Racial Equity Steering committee* of the Alameda DD Council. We will be mutually sharing and working together on issues and will each have a representative attend the other's committee meetings on equity. The board commented that it is important that they understand how the work is being done and to be kept abreast of the progress and updated regularly, as it is important to make sure the work is done properly.

Purchase of Service Data

As a system, regional centers follow many rules in the Lanterman Act and Title 17, so we may want to look at where we need to go forward and incorporate additional inclusive and equitable practices in the system. In December, we post our POS Disparity data on our website. This data is all numbers and the meaning may be hard to understand. We are required to hold public meetings in different areas and with different groups in our community throughout March so that we can receive feedback on what is important to people in terms of reducing purchase of service disparities and looking at what those disparities are and what they mean. Those meetings have lead us to work on different projects throughout the year. An example of this was when we identified that we had many who spoke Mien, Vietnamese, and Cambodian languages with no purchase of services at all. We requested and received start-up funding from DDS to develop day services to target those communities. The public notice of our POS meetings are on our website: <https://www.rceb.org/about-us/public-information/public-meeting-notice/purchase-of-service-expenditures/>.

Finance/Budget

The Governor did not propose any reductions to regional centers nor any basic increases. The one thing proposed in the budget, which ARCA is supporting, is that the sunset date on the rate increases of 8.25% for our service providers that started last January be extended to December 2022. The budget extends sunset dates throughout social service programs for an additional year or more in the future but not permanently. That is not necessarily a positive thing due to programs needing certainty of what they will be paid in the future. They need to plan, as we move out of COVID to think about if they can afford taking on new consumers. ARCA supported having that sunset date eliminated completely.

Another proposal is for regional centers to have a devoted emergency preparation position to be funded for each regional center. This would be very helpful to have someone responsible for those emergency planning and our Everbridge notification system, so that we will be able to prepare for emergencies.

Both the state senate and assembly have and will be having budget hearings. Last week's assembly hearing notably focused on the COVID-19 response, and the service provider experiences regarding COVID. The discussion was on how service providers were able to keep services in place, as well as how it was affecting regional center clients and COVID numbers. There was a lot of discussion on vaccination and in working together to make sure our community was prioritized. Regional center caseload ratios were also discussed. Assemblymember Jim Frazier proposed that the caseload ratios in the MediCal Waiver plan be fully funded. The figure would be at least 850 case managers statewide. This issue was brought to Assemblymember Frazier by the union representing regional center staff, SEIU as well as ARCA. RCEB does not have the manpower to handle and service the consumers the way that we would like to. We were pleased to see that the proposal was of interest to the legislature, and will be discussed tomorrow at the senate hearings. There are several other bill proposals out there, some related to self-determination as that will be a full-fledged option for all mid-year. We are looking at those bills closely while making sure that they make sense as we are moving to full implementation this summer.

In terms of other things coming up in Sacramento, we have had many directives over the last year from DDS. Our contract with the department requires that we follow the directives. There is a directive from January 29th requiring that all regional centers contact and document each individual that we serve within the next month to check on their health and well-being and to check on their testing and vaccination status. Therefore, our case managers this month have been dedicating all their time to doing just that. In addition to that, we are contacting everyone over 65 years old to check on their plan to get vaccinated since they are eligible. All consumers in a licensed residential setting have either already been vaccinated or soon to be, but those who are not will need information/assistance.

COVID-19 Update

On January 13th, DDS issued a letter that family caregivers of those with intellectual and/or developmental disabilities are considered healthcare workers and should be prioritized in Group

1A to receive the vaccination. However, many county health departments did not honor the DDS letter and there was also confusion over who was qualified to receive this letter. As a result, the California Department of Public Health [CDPH] followed up and issued guidance, but it does not cover all family members of people with developmental disabilities:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/VaccineAllocationGuidelines.aspx>

“family member caregivers with direct risk of COVID-19 exposure who care for regional center consumers at high risk of COVID-19 complications and related fatalities including the following conditions: cerebral palsy, down syndrome, epilepsy, and individuals who have specialized health care needs, including dependence upon ventilators, oxygen, and other technology are eligible. This does not include other family members within the same household who do not provide direct care to the regional center consumer. Eligible family members must obtain documentation from their regional centers, verifying the qualifying condition of the family member cared for and caregiver status.”

The different interpretations from county to county have been very confusing for many people. There was a lot of advocacy from ARCA, the State Council and other agencies to push that all individuals with IDD/DD should be prioritized to get the vaccine. Prior to this advocacy, there were no prioritizations for anyone with fragile health conditions or IDD as they were in Group 1C. In mid-February, CDPH’s prioritization was established where those with IDD that fit the criteria as outlined above on the CDPH website, will be able to receive the vaccine after March 15th based on available supply. That is the main issue as to who will be receiving the vaccine. In the CDPH website, it designates “The individual is likely to develop severe life-threatening illness or death from COVID-19 infection; where acquiring COVID-19 will limit the individual’s ability to receive ongoing care or services vital to their well-being and survival; providing adequate and timely COVID care will be particularly challenging as the result of the individual’s disability.” So, there is hope moving forward to seeing that everyone served is qualified under those priorities. We will continue partnering with both our counties, and the Oakland Coliseum site will greatly help. Along with SCDD, Bay Area office we have started to identify sites throughout the counties that may be able to be mobile sites to deliver vaccines. This would be working with the federal government and Cal Office of Emergency Services.

The Johnson & Johnson 1-shot vaccine will be beneficial to many, especially to those who have trouble with shots. We will be devoting our time to making sure those who want to be vaccinated can be vaccinated. There is hesitancy among our population and several communities that want to wait to get their vaccine and wonder if this is the right thing for them. Currently, there is no mandate for service providers to get the vaccine, but that may come in the near future. We will be carefully navigating that, as we need to respect people’s decisions and current health conditions.

Medicaid Waiver Audit

The Medicaid Waiver allows California to set 50% of the cost of many services reimbursed by the federal government. Every two years, we have a Medicaid Waiver audit where we share randomly selected files with DDS’ audit team. They check to make sure we do everything

correctly; yearly/quarterly reviews, IPP's, if the people meet the criteria for the waiver, reviewing our Special Incident Reports (SIR's), and service provider monitoring. It is important that our service providers are meeting the requirements under the waiver. The audit began on the day of our last board meeting on January 25th and we had 2-1/2 weeks of the auditors reviewing files and auditing. They also met with our Quality Assurance staff, case managers, and service providers virtually. Ms. Kleinbub thanked the staff who participated in this audit, especially Ronke Sodipo and her team and the Q/A staff of Michael Minton, who set up all the meetings with the providers, as well as the individuals served and their families. Ms. Kleinbub also added thanks to the service providers who worked on this, especially our residential service providers. Due to Alternative Services, the auditors could not visit day programs as they usually do.

Our exit meeting went very well- especially since we have had reviews where our quarterlies did not meet the criteria, but this time we did and will not require a revisit from the auditors. We also received outstanding reports from the service providers who were part of the audit.

PUBLIC COMMENT

Dinah Shapiro expressed her concern about when she would be able to get the COVID-19 vaccine as she is very anxious to receive it.

Erika Gonzalez introduced herself as being an Enrollment Coordinator for 24-Hour Home Care Agency and will be attending the board meeting regularly.

Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]

Regarding COVID-19 documents:

1. Vaccine notification forms to fill out
https://forms.office.com/Pages/ResponsePage.aspx?id=LP_9Mm74o0ukfWpEp_RaZlQMTGauARpLj6XkpVpiJ3FUMUwwTk8yTFNHWD3UUFGSzE4NIQ4RINMWi4u
2. Information for providers: <https://covid-19.acgov.org/provider-guidance>
3. Attestation Letter that will certify a family member as a caregiver and be eligible for the vaccine: <https://covid-19.acgov.org/covid19-assets/docs/vaccines/attestation-letter-family-caregivers.pdf>
4. Step-by-step instructions for family members to follow:
<https://covid-19.acgov.org/covid19-assets/docs/vaccines/vaccination-instructions-family-caregivers-2021.02.16.pdf>

Medical/non-medical volunteers are needed for a vaccine distribution site. See the drop-down menu under Distributing the Vaccine:

<https://covid-19.acgov.org/vaccines-faq>

Feb 27: Tri-Valley Transition Fair with pre-recorded sessions and live Q&A as well as a vendor fair.

March 13 & 18: Alameda County Virtual Transition Fair will have presenters and educational workshops as well as a vendor fair on the 18th:

<https://www.rceb.org/event/2021-alameda-county-virtual-transition-fair-for-students-with-developmental-disabilities-and-their-families-teachers-case-managers-and-staff-to-learn-about-the-transition-process-and-adult-service/>

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

Ms. Ibarra stated that the county will be distributing oxygen pulse oximeters to the 156 adult residential facilities to monitor symptoms of those residents who test positive for COVID.

There is also a point of distribution located in the county to vaccinate the population that fall under the previously specified criteria, as we work on the logistics of vaccinating that group.

When the March 15th vaccination start-date arrives, we will have personnel who can give certain individuals extra care during their appointment. Ms. Kleinbub thanked CCCDDC for working with Open House Center to set-up that clinic as it is a great model for us moving forward.

Feb 24: This is the next ACDDC Board meeting with a presentation from one of our Deputy Health Officers will be elaborating on the specifics of the March 15th date in terms of vaccines.

April 24: Save-the-date for the virtual Autism STAR Parent Conference

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

There are three major partnerships distributing COVID vaccines; the healthcare companies who receive batches of limited vaccines, county public health departments in partnership with community based organizations who receive a stream of doses through the county health departments, then the federal partnerships which is the newest direction.

The federal partnerships are based in two areas of California; Oakland [Coliseum] and Los Angeles. They can provide services for those who live within a 50 mile radius [both in and out of Alameda County] and administer around 6,000 vaccinations per day and around 500 per day from their two mobile sites. SCDD, Bay Area provided them with tours and guidelines as they worked with FEMA and other organizations on the opening of the Coliseum site last week which was a success in many categories such as the accessibility for those who have mobility/sensory needs, language (including ASL), access and functional needs coordinator on site, all to increase accessibility for all. A block of around 200 appointments have been put aside each day specifically for those with DD and other disabilities and for communities of color. The ability to make appointments will be via a special registration code when they register on the my turn website <https://myturn.ca.gov/>

Regarding the federal [Cal Oes and FEMA] partnership local mobile sites, the state council has over 50 proposals with locations between Alameda and Los Angeles counties specifically to serve those with disabilities.

Feb 24: This is the next RAC meeting

March 9: This is the next legislative and public policy meeting

March 10/11: This is the next statewide Self-Advocacy meeting

March 23: This is the next CCCDDC meeting

ARCA REPORT: Lisa Kleinbub

Ms. Kleinbub stated that ARCA is engaging in a lot of work both in advocacy for vaccination for our consumers with the state. ARCA is also reviewing legislation that has been proposed and bill positions are being developed. Many of the bills that were proposed were broad, so we will wait for more details on them.

Ms. Hebert informed the board that the ARCA Academy will be held on Saturday, March 13th from 1-2:30. The topic will be on Diversity Part 1. Our Board member Chloe Page will also be a Panelist. In May, the topic will be on Diversity Part 2. Both training sessions will be for regional center board members and will need advance registration.

Grassroots Day will be held virtually this year and we know that Daniel Savino/ARCA will organize an amazing event of advocacy.

Executive Session – Legal Matter

MEETING ADJOURNED

The board meeting adjourned at 8:55 p.m.

The next Board Meeting will be held virtually at 7:00 PM on March 22, 2021