

**Provider Vendor Advisory Committee
Regional Center of the East Bay
Meeting Minutes November 12, 2021**

Members Present: Sister Marygrace, East Bay Services; Leslie Visbal, Visbal Strategic Consulting; Marcie Hodge, St. John Boy's Home; Craig Rose, VistAbility; Amanda Eicher, NIAD Art Center; Mike Pereira, Ala Costa Center; Carlos Cienfuegos, Sentry Living Solutions; Ramsay Mashy, California Autism Foundation; Will Sanford, CS&SC; Donna Feingold, Adaptive Learning Center; Jennifer Carper, Arcadia Home Care

Guests Present/by Phone:

Jenifer Castaneda, RCEB; Lisa Kleinbub, RCEB; Steve Robinson, RCEB; Michael Minton, RCEB; Sheraden Nicholau, SCDD; Gabby Romabiles, Alameda County DD Council; Vi Ibarra, Contra Costa County DD Council; Aimee Vitug-Hom, VistAbility; Amber Avalos, NIAD Art Center; Anna Willis, Emerging Horizons; Barbara Saylor, CSS-R; Carol McCrary, VistAbility; Cecilia Connolly, the Arc of the East Bay; Celeste Rodriguez, Sonia Inc.; Christine Ibia, Aveanna Healthcare; Crystal Warren, ILA Alameda; Darice Tillery, Harambee Community Services; Dominique Mellion, Broadmoor House; Eddie Williams, HCEB; Emily Correa, Enjoy Life More; Erin Hanley, East Bay Innovations; Eva Muñoz, Good Samaritan RCF; James Mercado, Open House Center; Jaynette Underhill-Levingston, Clausen House; Juan Velasquez Jr., Pathway to Choices; Judy Hunter, Las Trampas; Karen Lingenfelter, Mt. Diablo Adult Education; Kelly Nguyen, Asian Resource Network; Kipi Iscandari, A & K Residential Homes; Kory Frasure, Maxim Healthcare Services; Kulwinder Kaur, A Brighter View Day Program; Lauren Fuentes, CSS-A; Lisa Gonzales, Deaf Plus Adult Community; Lynn Galliano, DABS, Inc.; Megan Larsen, Communication Works; Merfe Bailey, A Step Above Adult Day Program; Murri Banis, VistAbility; Nancy Brum, Keystone Adult Learning Center; Natasha, Enriching Lives; Patricia Harris, One Step Closer; Ron Pier, Social Vocational Services; Shelley Crayton, Family Support Services; Sheri Artis, Social Vocational Services; Maureen DeCoste, Ability Now Bay Area; Dan Hogue, Las Trampas.

Call to Order:

Meeting called to order by Leslie Visbal at 9:34 a.m. with one change to the agenda – Gabby Romabiles reporting on behalf of ACDD in place of Ben Chen who is absent.

Approval of October 8, 2021 minutes. M/Craig Rose; S/Ramsay Mashy; passed unanimously.

Sister Marygrace opened with an appreciation for all there is to be grateful for in this season.

RCEB/State - Lisa Kleinbub

- Lisa announced that RCs must submit plans for restoration of social recreation services and other nonmedical therapies as services that can once again be provided to people served through RCs. For previous Social Rec providers, RCEB is interested in working with providers to re-start these services. RCEB looking at how these services are extended to underserved communities and how to plan together moving forward.
- Dan Hogue asked whether RCEB will put out an RFP for Social Rec?
- RCEB received from DDS a notice of Payment Error Rate Measurement review re: federal audit of CMS payments through HCBS July 21-June 22. Feds gathering necessary documentation that services billed were received. If claims are pulled from July – September, letters will likely go out to providers later this year from Lewes and Booze Allan Hamilton as PERM review notices.
- Dan Hogue asked who to contact at RCEB re: PERM notices? Lisa: Contact her directly.
- Reviews and audits from service providers with over \$500,000 of receipts from RCEB – RCEB has requested 2020 reviews/audits; more stern letters coming soon to follow up – Reviews required from \$500,000-\$2,000,000; audit required for over \$2,000,000. Please send these documents in!
- Donna Feingold asked where to send reviews and audits?
Lisa: VendorAuditedFinancialStmnt@rceb.org

- Carlos Cienfuegos asked whether the vaccine mandate will be enforced by RCEB? Lisa: Vaccination mandate is a public health, OSHA, and licensing requirement, rather than RC's. Everyone needs to comply with this order, providers are encouraged to work with labor lawyers on specificities.

Presentation: Self-Determination Program

Jenifer Castaneda, RCEB Self-Determination

- **Overview of Self Determination**
 - New structure for delivering services to RCEB consumers - participants coordinate services and rates.
 - Payment comes through FMS, and vendorization is not required.
 - Currently ~50 consumers being served.
- **Enrollment in Self-Determination**
 - Orientation – Offered monthly in English, Spanish, Mandarin, Vietnamese, other languages on request.
 - Person-Centered Plan – Optional but possibly most important part of the process
 - Independent Facilitator – Supports transition by identifying service providers, negotiating prices, budget advocacy, Self-Determination Planning support, ongoing support.
 - Person-Centered IPP – All services must meet goals in the IPP.
 - Individual Budget – Based on 12-mo expenditures for Regional Center services.
 - Spending Plan – Must include FMS, HCBS Compliance; rates are negotiable and cannot include rent, food, utilities, or generic resources
 - Financial Management System (FMS) – Pays services and supports, completes background/qualifications checks.
- **HCBS Coordination**
 - All services and supports purchased through Self-Determination have to (immediately) meet HCBS compliance. ***Only required to be compliant per participant, not overall.*
 - HCBS Self-Assessment will be completed, and if necessary, changes will be suggested. If changes can be made, SDP funding may be used – if not, SDP funding may not until changes are complete.
 - Not all services in Self-Determination must meet compliance; ID teams will help to identify HCBS-compliance requirements.
- **Financial Management Systems**
 - 3 Models: Sole Employer, Co-Employer, Bill Payer.
 - FMS must be DDS-approved – they are the only required vendor for SDP and have established rates \$50-165/mo (exclusive of taxes, wages, insurance).
 - FMS have their own registration processes, pay direct to providers, and may pay either 1x or 2x monthly.
 - Mike Pereira provided the list of FMS vendors:
https://secureservercdn.net/166.62.108.196/v6q.90e.myftpupload.com/wp-content/uploads/2021/07/List-of-FMS_VendorNumbers.pdf
- **Services in Self Determination**
 - Living Arrangement, Employment and Community Participation, Health and Safety:
<https://secureservercdn.net/166.62.108.196/v6q.90e.myftpupload.com/wp-content/uploads/2021/07/SDP-Service-Codes.pdf>
 - RCEB vendor may provide SDP services under same program model and rate, or a tailored program model and rate – either will be paid through the FMS with a signed agreement from both parties.
- **Opportunities for Vendors**
 - Design services with consumers in a way they want, need, and makes them happy
 - Allows agencies to consider and emphasize specialties, develop flexibility, creativity in service provision.
 - Opportunity to ask: What works? Are changes needed? Are we prepared to transition? Interested? SDP is voluntary for consumers and providers. Questions for RCEB: jcastaneda@rceb.org

- Darice Tillery asked: Are there plans to help prevent providers losing staff who leave to work at higher rates through SDP? Jennifer: Hopefully, rate reform will help retain staff in both models. Also, budgets are fixed, so there are some limits on rates for services.
- Will Sanford mentioned that SDP consumers may ask for tailored services *within* established service codes, and if these tailored services are HCBS-compliant, this serves. Also, vendors have flexibility to determine rates with consumers.
- Mike Pereira: Concerns related to FMS engagement – registration, billing, contracts, different for each FMS. Presents risks all around in a context of federal funding, as well as challenges for financial reporting. Does DDS intend to build a universal path for reporting, contracts, and cash flow monitoring? Placing burden on service providers weakens the system, and makes SDP less accessible to providers with less buffer for risk.
Lisa: Roll-out through pilot was very slow; just picking up now, and we are just starting to see how these issues are taking shape. For example, cash flow for high-needs services and high individual consumer budgets is still hard for each FMS to manage efficiently.
Mike: We don't want paperwork to limit options for consumers; however, providers can't absorb the risks in this system on their own, and individual consumers may suffer from the impacts in various ways.
- Kipi Iscandari asked whether group home residents and consumers living independently or with family can both receive services through SDP?
Jennifer: SDP is for anyone who completes enrollments with few exceptions.
- Emily Correia asked whether SDP consumers are counted in the overall ratio? Jennifer: SDP does not require a particular ratio. Will: Many SDP consumers are joining with a support staff, so this doesn't impact ratios. Michael Minton: Could be problematic to have consumers join groups with a ratio in place.
- Donna Feingold recommended that the traditional private pay contract might be helpful for developing contracts.
- Mike, Dan, Sheraden, and Denise highlighted the difficulties of hiring in the current labor market – both for SDP services and for vendored providers. And the hopes that there will be some standardization in how FMS provide services.

Reports

RCEB Update – Steve Robinson

- Update on Rate Reform according to the March 2019 DDS proposal re: Rate Model. On April 1, 2022, 25% of total increases will be released according to applicable rate model. E.g., if overall increase is \$10, providers receive \$2.50 increase 4/1/22 for billing cycle closing 3/31. July 2025 will be last increase – base rate of 90% of rate model, with final 10% based on quality incentive program. This portion has not been determined; a stakeholder working group is currently meeting and includes 3 local service providers from the East Bay.
- DDS informed RCEB that 055 will need to be re-vendored under the appropriate service code. Rate increases will need to be tied to a new service code. This includes many RCEB providers.
- Changes that will not be required in phase 1 implementation: 1 – daily billing > hourly billing units
- No rates will be reduced. If there is a higher rate in place, all rates are held harmless until June 2026.
- Timeline: DDS, Burns & Assoc will include minimum wage up to \$15/hr, so rates will need to be recalculated accordingly. Rates will be delivered to RCs by 2/15, at which point rate specialists will be hired. Prior rates are available here: https://www.dds.ca.gov/wp-content/uploads/2020/01/Regional_Center_of_the_East_Bay_Updated.pdf
- Dan Hogue asked whether ASD rates will be adjusted? Will, Donna: DDS has not addressed ASD rates.
- EVV – for personal care providers, please attend webinars and sign up for EVV!
- Community meeting coming up for consumers served in January.

RCEB Update – Mike Minton

- Today is the HCBS Grant Proposal due date – EOD!

RCEB Board – Sister Marygrace

- Sister Marygrace reported that RCEB Board met virtually on September 27.
- Contract approval for Core Care Solutions providing services for approx. 15 people in Alameda and Contra Costa Counties. Mission is to promote empathy and improve lives for developmentally disabled persons by promoting self-care, self-respect, and improving the quality of life.
- Approved Employment First Policy Proposal – copy will be distributed to PVAC members.
- Kimberly Johnson of Markham Auditors provided a draft report – will be voted on in January.
- Supports and Services Committee preparing a bi-fold brochure for consumers, families, case managers.
- Board Officers will be voted on in November Board Meeting.
- Evelyn Hoskins attended; will be retiring after 34 years with RCEB, received Lisa's thanks and appreciation for service in supervisory positions throughout RCEB. Creates space for additional staff to join Board.
- In Public Comments, reminder was raised re: letter sent to Lisa recounting experiences of Black providers in the system and request for updates on progress.

SCDD Regional Advisory Committee – Sheraden Nicholau

- Sheraden Nicholau thanked everyone for a rich conversation, especially re: FMS consistency and service.
- SCDD Highlights:
 - SCDD Monthly Self-Advocacy Chats via Zoom – https://bit.ly/ca_selfadvocacychats2021; contact email riana.hardin@scdd.ca.gov or call 916-263-8196.
 - Legislative/Public Policy Meeting – November 17th
 - Self-Advocates Advisory Committee – November 29th
 - SCDD Meeting – November 30th
 - Statewide Self-Advocacy Network quarterly meeting – Dec 8th-9th
 - Comprehensive Integrated Employment Resource Review – Dec 1st
To register: https://us02web.zoom.us/webinar/register/WN_fhNfjnCpRqyBa58rJ43N5g
- Community Partners:
 - HCBS Settings Policy Alignment Webinar from CalTASH - https://csun.zoom.us/webinar/register/WN_f1XbjrUiSXmFbmuaUwPnBw
 - California Youth Leadership Forum for Students with Disabilities July 17 – 22, 2022
Deadline for submissions Dec. 17th - <https://www.dor.ca.gov/Home/YlfDelegateInformation>

DD Councils –

- Alameda County – Gabby Romabiles
 - Contact Ben Chen (Benjamin.Chen2@acgov.org) or Gabby Romabiles (Gabby.Romabiles@acgov.org) to borrow a N95 Fit Testing Kits.
 - AlCo DD Council Board Meeting Dec 8th - Self-Advocacy Presentation by CIL
 - Recording for AlCo DD Council Disability Justice presentation: <https://youtu.be/ksPns4X7vmo>
 - Committee on Aging – standing meeting time is 2nd Tuesdays 1pm – 2pm.
For information/to join: Marianne Iversen at Marianne@dscba.org or (925)362-8660 x 103.
 - COVID-19 Updates – Children 5-11 eligible for vaccines; Alameda County is distributing Pfizer and J&J vaccine boosters; Moderna in December. Find vaccine locations at: <https://myturn.ca.gov/>
 - AlCo Press Release: Alameda County to Ease Masking Requirements for Fully Vaccinated People in Limited Indoor Settings - <https://covid-19.acgov.org/covid19-assets/docs/press/press-release-2021.10.28.pdf>

- Contra Costa County – Vi Ibarra
 - Vi announced that Open House Center in Concord is still offering sensory-friendly COVID-19 and Flu Vaccine clinic. For appointments: https://docs.google.com/forms/d/e/1FAIpQLSdbmj94UGF_0Fft0qG4KDSSOkmu2IINGvoouOyEoVANFiMC6A/viewform
 - Transition task force for Contra Costa County will be offering a high-level introduction to Person Centered Thinking for young people transitioning to adult programs on December 1.
 - Monthly meeting will be November 17, with presentation from Board Member and Librarian on Library Services – Pandemic Progress Report.

East Bay Legislative Coalition – Will Sanford

- Federal news: Infrastructure bill signed by House, President. \$1.5 Trillion will start to be spent within next 6 months. Build Back Better still stuck in negotiations. Debt limit bill will return to negotiations after Thanksgiving break – CA transit money, construction funding in question as a part of the debt limit.
- EBLC planning for Jan. 28 Legislative Breakfast and report card update – how are we making progress as projected moneys may not have hit the system yet?
- State: Increasing RCEB staffing; spending as a part of AB136; EBLC is watching and waiting.

Day Service Providers – Mike Pereira

- Mike reported that Day Providers have been discussing vaccine mandates and waivers.
- Beginning to discuss staffing issues at more length – appreciating RCEB’s response and understanding.
- Staffing issues are beyond only rate structure; innovative ways of supporting each other are being discussed – sharing applicant pools, warm handoffs, and referrals.
- Invitation to join Day Provider troubleshoot each Wednesday at 2PM.

Membership – Marcie Hodges

- Marcie Hodges asked attendees to include name and agency in the chat; PVAC seeks transportation providers and an employment provider from Contra Costa County to become members; and Leslie invited members to step forward as co-chair for meetings.

Announcements

- Donna Feingold announced that ALC is offering a 2-Day Person-Centered Training on 11/29 and 12/6 from 9-4 in Concord. Contact Becky to register at bwieringa@alc-ca.org.

Meeting Adjourned at 11:23 AM

Respectfully submitted for review by Amanda Eicher, Secretary