



## **Board of Directors Meeting**

Monday, September 19, 2022

Virtual Meeting

Approved 10/24/2022

### **RCEB BOARD MEMBERS PRESENT:**

Kathy Hebert, President  
Lilian Ansari, Vice-President  
Gerald Tamayo, Treasurer  
Dr. Stephen Whitgob, Assistant Treasurer  
Brian Blaisch  
Nyron Battles, CAC Chair/Diversity & Equity Co-Chair  
April Key-Lee  
Sadia Mumtaz, Diversity & Equity Co-Chair  
Frank Paré, Supports & Services Co-Chair  
Sister Marygrace Puchac, PVAC Representative  
Carmen Quinones  
Lisa Soloway

### **ABSENT:**

Teresita DeJesus  
Reneé Perls, Secretary  
Dinah Shapiro  
Linda Stevens

### **STAFF PRESENT:**

Lisa Kleinbub, Executive Director  
Lynn Nguyen, Director of Finance & Administration  
Steve Robinson, Director of Community Services  
Ronke Sodipo, Director of Client Services  
Kiera Swan, Director of Human Resources & Support Services  
Ben Braun, Associate Director of Federal Programs  
Chris Hanson, Associate Director of Adult Services  
Lindsay Meninger, Associate Director of Client Services/SDP/Medicaid Waiver  
Elvia Osorio-Rodriguez, Associate Director of Children's Services/Bilingual  
Shannon Barnes, Controller  
Michi Toy, Executive Assistant

### **GUESTS:**

Valeria Brabata  
Maria Castaneda  
Ben Chen/ACDDC  
J. Douglas Hollie  
Vi Ibarra/CCDDC  
Kay Medina

Lache Conner  
Elizabeth Cuevas  
Hilda De Leon  
Felicia Ford  
Maria T Franco-Kearns  
Angela Gattis  
Norman Goolsby  
Morena Grimaldi  
Teresa Hernandez

Maxine Milam/DDS  
Sheraden Nicholau/SCDD, Bay Area  
Assata Olugbala  
Jeri Pietrelli  
Ann Pringle  
Maria Ramirez  
Debbie Rieza  
Charlotte Tay  
Maria Villalobos

**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 September 19th agenda as presented.”  
                      [Whitgob/Battles] Unanimous. The motion was adopted

M/S/C            “The Board moves to approve the June 27th minutes as presented.”  
                      [Battles/Whitgob] Unanimous. The motion was adopted

**PUBLIC COMMENT**

*Maria Ramirez* commented on our Board President’s response letter to Families United for Equity. She also remarked on the news report on conservatorship as it relates to our DD community. Ms. Kleinbub will address this story in her report this evening,

*Assata Olugbala* summarized her history on working with those with developmental disabilities and her dissatisfaction that the board is not addressing everyone’s issues brought up during this business meeting.

**COMMITTEE REPORTS**

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**Executive Committee:** Kathy Hebert

Ms. Hebert read her report regarding her attendance at a Families United for Equity at their July 14<sup>th</sup> meeting. Although Ms. Hebert was able to answer a few questions from the families at that meeting, many procedural questions needed specifics from RCEB staff. The responses were submitted to FUE during the week of August 15<sup>th</sup> with those answers.

### Acronym List

<b>BAHC</b>	Bay Area Housing Corporation	<b>ILS</b>	Individual Living Services
<b>CCH</b>	Community Crisis Home	<b>OPS</b>	Operations
<b>CPP</b>	Community Placement Plan	<b>PEP</b>	Purchase of Service Expenditure Projection
<b>CRDP</b>	Community Resource Development Plan	<b>POS</b>	Purchase of Service
<b>DDS</b>	Department of Development Services	<b>SLS</b>	Supported Living Services
<b>EBSH</b>	Enhanced Behavioral support Home		

Note: All contracts are submitted to the board of directors 10 days prior to the board meeting for their review and opportunity to ask questions and provide comments.

### CONTRACT APPROVALS

#### **La Familia Counseling Services [LFCS]**

This contract represents the case management contract between RCEB and LFCS.

Term: 10/1/2022 to 6/30/2023

Rate: \$113.51/client/mo

Monthly maximum: \$81,273

Annual estimate: \$975,278

M/S/C            “The board moves to approve the La Familia Counseling Services contract with RCEB as presented.” [Battles/Ansari] Unanimous. The motion was adopted.

#### **Budget & Finance Committee:** Gerald Tamayo

Regional Centers received the D-1 allocation amounts for FY22-23 just last week in September, which was much later than normally expected in August. Because of this delay, the staff just started to work on our Operations and Purchase of Services budgets for the fiscal year. The D-1 allocation provides the Agency with overall funding of \$787M a net increase of \$150M over prior year’s allocation at this time. The release of the D-1 amendment also helped with our cash flow as RCEB will be able to claim additional cash advance of \$51M.

RCEB has not received the actual D-1 contract amendment. Therefore, we will submit it to the Board for approval at the October board meeting.

#### 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 D-1 amendment, RCEB received \$719M in Regular POS funding, which is \$137M more than in last year’s C-1 allocation. Purchase of Services allocation for FY 22-23 and FY 21-22 included caseload growth and continuation funding for rates increase due to the SB minimum wage increase, ABX2 1 Community Based Services increase. FY22-23 POS also included funding for Service Provider Rate Reform, Compliance with HCBS and Quality Incentive Program.

For CPP POS funding, RCEB received \$693k compared to \$871k for FY 20-21, which is a slight decrease of \$178k.

Staff will report to the Budget and Finance committee at the November Board meeting when the PEP report is completed. The board will receive a detailed Purchase of Services summary at that time.

Regarding Fiscal Year 21-22, RCEB ended the fiscal year with a projected surplus of \$27.6M. All 21 Regional Centers, including RCEB, were reporting a surplus, resulting in an overall statewide surplus of \$799M in the Regional Center August PEP summary. The September PEP summary is not yet available at this time.

Operations:

The D-1 allocation summary provided nearly all of our Operations allocation for the year. The current year Operations allocation of \$65.5M, which is \$11M more than the prior year's C-1 funding, was based on the core staffing formula and budgeted caseload and other statistics.

Additionally, OPS allocation included rent and other Policy items, including Special Home Monitoring, and continuation of ABX2 1 increase, SB826 HCBS compliance, SDP/Participant Directed Services support, Emergency Coordinator, Enhanced Service Coordinator for low or no POS, Deaf Specialist, Provisional Eligibility, Rate Reform implementation, H&S waiver assistance for non-English clients, Language Access, and Self Determination implementation and participant support. New funding for FY22-23 included funding for Reduced Caseload Ratio for Children through Age 5, Early start-Part C to B and Eligibility, and Performance Incentives for RC Implementation Resources and Reduced Caseload Ratios.

Included in this D-1 allocation was funding for our Community Placement Plan (CPP), Community Resource Development Plan (CRDP), and DC ongoing workload. This was early compared to FY21-22, which was finally provided in the C-2.

We are currently in the process of completing our preliminary operations budget projections for the new fiscal year 22-23. The staff will provide the Board with a detailed Operations report at the next board meeting. However, some planning for and posting of case management positions anticipated this year began in August.

This month's financial statement shows our allocation to date and actual expenditures through August 31, 2022 and compares the D-1 allocation and last year's C-1 allocation. The statement also compares actual expenditures for the same time-period.

RCEB grew by 809 net new consumers during the past 12 months, compared to last year's growth of 934 net new consumers. The D-1 allocation for Operations includes funding to account for this caseload growth.

### Cash Flows

In early July, RCEB was able to ask DDS to provide additional cash assistance needed of \$7.5M payable from our April 22 claim, just enough to cover our projected cash shortage. Therefore, RCEB did not have to draw on our line of credit this year. In the end, DDS was early in sending out the FY 22-23 cash advances, which settled on July 15th, and was right on time when RCEB normally pays our POS vendors.

At this time, the receipts of the D prelim and D-1 cash advances have stabilized the Agency's cash flows.

### Independent Audit for Fiscal Year 21-22

Aiello, Goodrich & Teuscher (AGT), RCEB's new independent auditor, is currently conducting the financial audit for the fiscal year 21-22. They were physically here in the San Leandro office for one week in August and is wrapping up their audit work. AGT is scheduled to present the draft report to the Board at the October board meeting.

Comments were made by board members during this report and addressed by Ms. Kleinbub and Ms. Nguyen. Of particular interest was the timing for a RFP for a new financial service provider, since the cost of a line of credit is \$15K/year. Ms. Kleinbub stated that the plan to do so would be around October, with the RFP active for about one month, with the decision made by the end of this 2022 year for Q2.

### **Supports & Services Committee:** Lilian Ansari

This committee met before the board meeting this evening. We began with the report from Ms. Kleinbub regarding the update on the standard 2022 Performance Contract measures including a couple new measures that should bring in more resources to the regional center. Also discussed was the disparities listed in the DDS Audit Report and what our S&S committee may be able to do to support the process. One of the major issues in the report is the difficulty that some families encounter in accessing respite services in a timely manner. There was discussion of a standard volume to be authorized as a given. The committee thought a policy revision would be a good next step. Staff will update the respite policy to submit for board approval prior to submission to DDS.

ARCA is also working on these and other issues to improve service access to families. Many of these issues have been ongoing for a long time. Some main issues are caseload reduction, updating provider rates and eliminating family fees.

The RCEB informational brochures are in the final phases. A few were printed for review and the other languages are incorporated. Ms. Kleinbub added that with our Language Access funding, we will be translating material into plain language vs. technical bureaucratic language. This is to increase the understanding of the material. This is very important as it will be available on the website as well as on fact sheet printouts and videos. These components will also be helpful for case management training.

Ms. Ansari wants to pursue the creation of a family advisory committee consisting of representatives from the community where the meeting flow would be more free-form to allow for discussion and opinions. That format is not possible in a formal Board of Directors meeting. We will discuss the details and logistics at the next meeting.

**Diversity & Equity Committee:** Nyron Battles & Sadia Mumtaz

Ms. Mumtaz summarized the points from their last meeting in June, and in particular the May 2022 Public Council report on disparities in the regional center system where Ms. Kleinbub provided an overview of this report and how these disparities are what has been in existence for many years. This evening Ms. Kleinbub also added that we have a very antiquated data system and have been working with DDS on getting those updated with a new client record management system. We will take a look at client/family surveys that are already being worked on by other regional centers, such as what San Diego Regional Center runs, as well as the development of a more data driven client satisfaction survey.

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

Ms. Puchac reported that the committee met on September 9<sup>th</sup> with a presentation by DDS on the Electronic Visit Verification [EVV] system. The EVV is a phone and computer-based solution that verifies the occurrences of in-home services visits and includes many details such as the type of service performed to who, when, where, and for how long. The Phase I focus is on those who provide home and community based personal care services, then the EVV system will move to other categories of services. Providers will also be receiving training. The data will be collected by Sandata technology and will be transmitted to Medicare/Medicaid and will be beneficial since it will track trends in addition to verifying services.

Another topic of discussion was the shortage of staff, especially transportation staff and drivers, therefore making it difficult to bring the clients to their programs. The programs also experience staff shortages, so we have to work together to get our clients back into programs.

**Consumer Advisory Committee [CAC]:** Kathy Hebert for Nyron Battles

CAC lacked a quorum, so there was no formal meeting this month but did have casual catch-up conversations. The CAC committee is looking into the possibility of conducting an outdoor meeting next month at the restaurant on premises, to build on our membership. The next meeting will be October 10th at 4pm.

**EXECUTIVE DIRECTOR'S REPORT** - Lisa Kleinbub, Executive Director

Ms. Kleinbub stated that our service system has gone through many changes, and these changes are what we have wanted for many years. Although there are a lot of positive changes in the works, there are also many challenges.

Some of the positive points:

- Rate changes moved up a year for the full implementation of the rate change.

- Service providers will receive a rate increase starting in January 2023 with hopes that it will help them recruit more staff.
- Regional centers are able to hire more case managers. We have not received the reform in terms of salaries that we have asked for but are having the ability to have more case managers at RCEB. Although recruitment is a challenge, it is a good challenge to have.
- Coordinated Family Supports- this will be a new pilot program starting in November for adults living with their families. This will allow access to the supports and services similar to those with SLS who reside out of the family home. Therefore, there will be someone who can coordinate and organize caregivers for the client, especially as family members age and are not able to care for the consumer as easily as they used to.
- Language Access & Cultural Competency Funds are available for regional centers to ensure that materials and policies are written in a way that is understandable to most people. We have a plan that will allow us to hire a manager for diversity access and equity, as well as to have more community workers to be able to reach those populations that are difficult to reach due to language or cultural differences.  
<https://www.rceb.org/about-us/public-information/language-access-and-cultural-competency/>
- Service Access and Equity Fund grant doubled to \$22M/year to regional centers and community based organizations with the purpose of reducing diversity & equity in our services.
- Georgetown Institute for Cultural Competency- DDS commissioned a study with them to look at what these funds have and have not done to prove access to services in diverse communities. We expect that the study will be completed in Spring 2023.

These are all positive projects going on that will give us a better basis for serving those in our community.

### Core Staffing Reform

The subject of the dollars that regional centers receive for services for our clients was one of the topics at the ARCA meeting. Currently we receive \$34K/year for a case manager. We have been asking for an update to that formula to reflect current realities in our areas so that we can service our clients appropriately. We are also asking for the State to commit to be flexible and react to changes such as cost-of-living increases, so that we see those increased rates, not just for our case managers, but to our service providers too. We need to keep up with inflation in our community, which has not happened in over 30 years, and this has been part of why we have many challenges in our system.

### Service Provider Challenges

Our service providers want to get back to delivering the kind of services that people want, and this is especially evident in the day service arena. There are multiple challenges, such as finding bus drivers and finding direct service workers. We were informed that Alternative Services has been extended to the end of December. Tailored Day Services can be used to allow some flexibilities after that date. However, we need to make sure that individuals who want direct services can get these. We have challenges as we move from the ZOOM only programs to other day services. The monthly fee that

day services and other residential providers receive are scheduled to end at the end of December, and will be paid on daily attendance once again.

Many of the phone calls that we receive from families relate to how they want their family member to get back to full day direct services again, so we are working with our service providers on that transformation.

### Conservatorship

Ms. Kleinbub addressed the board in response to the Sacramento news report regarding the systemic issues of conservatorships and the developmentally disabled, and whether it is the right or wrong thing to do. Assemblymember Maienschein introduced the AB1663 bill that has passed both houses of the legislature. The Probate Conservatorship Reform and Supported Decision-Making Act will increase the review of all conservatorships, whether it be by family members or other entities. It will also introduce the concept of supported decision-making, which is an alternative to conservatorship. This would allow those to receive support, without having to have a conservatorship over many of the standard seven powers.

However, the news story has focused on the Department of Developmental Services [DDS] conservatorship of a little over 400 people. Some of these conservatorships are from 30 years ago. The story focuses on DDS acting as a conservator over individuals and whether there is a conflict of interest. When DDS is granted the conservatorship, the work related to that falls on the regional centers. Our regional center only has 14 clients conserved by DDS, of which 2 are from the past 10 years. Around 7 of them were conserved when they resided in developmental centers. Some of these individuals were at risk of being taken advantage of, so a conservatorship was deemed appropriate, but we rarely push for DDS conservatorships. DDS has introduced a number of new reforms for those individuals and the regional centers will be required to provide a comprehensive assessment and report on if this conservatorship is still required, or if there are alternatives.

There are questions regarding if an independent agency should be an alternative for being the conservator, but many county agencies will not take on an individual with an IDD/developmental disability, so it often falls on DDS. This issue is very complicated and it is an individualized process as to what powers should be granted, and whether or not those powers will be vacated.

### Respite

The California State Auditors published a new report on respite. This audit was requested by the legislature. This report focused on the use of respite at regional centers. It looked at the utilization including who was using respite and in what form. It compared those using agency respite, Employer of Record [EOR], and Fiscal Management Services [FMS]. Statewide when FMS was used, it was found that there was more access. We will be looking at this more in depth as FMS is not used much in our areas as the rates for FMS are slightly lower resulting in lower worker pay.

### Little Hoover Commission

This commission looks at overall State policy issues and a meeting is scheduled in October/November, to look at disparities in the regional center system and changes that may be required. There is very



limited ability for public comment but the panels are viewable and written comments may be submitted. <https://lhc.ca.gov/report/california%E2%80%99s-developmental-disabilities-system>  
This is a bipartisan state committee that looks in-depth into State issues. They have not looked at our DD system in around 35 years.

Ms. Kleinbub stated that she is sharing all this information to inform everyone that there is a lot going on in terms of looking at our service system from many angles. Many of the questions that arise in our community are the same that are being brought up across the state.

#### Annual Performance Contract for 2023

We have scheduled this public meeting on October 18<sup>th</sup> from 4:00-5:00 pm via Webinar. We will report on the Public Measures that DDS expects regional centers to utilize. We will also report on the new performance measures that we will be looking at this year in order to achieve new goals as well as to collect family satisfaction data over the next year and compare across regional centers.

<https://www.rceb.org/event/rcebs-draft-2023-performance-contract/>  
<https://www.rceb.org/about-us/public-information/public-meeting-notices/>

#### **PUBLIC COMMENT**

*Felicia Ford* expressed her dissatisfaction with the Webinar format since there is no community dialogue at board of director meetings.

*Maria Ramirez* spoke about the needed policy changes mentioned in the reporting, and the inequities in our service system that have been going on for many years.

*Valeria Brabata* stated that the family survey is a great idea, but it would be beneficial to have more in-depth quality assurance indicators added to the satisfaction survey.

*Assata Olugbala* spoke about Oakland using a race equity indicator on their agenda's and how we need to address racial inequities and discrimination as well.

*Maria T. Franco Kearns* spoke about the difficulty in language access and the appreciation of the La Familia Counseling Services contract with RCEB, as well as in working together on the goals for next year.

*Ann Pringle* spoke about her feelings on family member loss, and how racial issues in the system need to be resolved.

#### *Ben Chen, Alameda County Developmental Disabilities Council [ACDDC]*

Mr. Chen reported that their last board meeting was on Sept 14th. There was a presentation from Cheryl Theis, of Disability Rights Education and Defense Fund on Transitions in Special Education, issues and advocacy tips. Our next board meeting will be on Oct 12<sup>th</sup> with panel discussions on transportation as well as voter information.

Covid-19: Overall cases in Alameda have declined and some requirements passed down from the State have lowered. New vaccines are available which target the Omicron subvariants BA.4/5 at many locations.

Monkeypox: Alameda County cases are at 201 and we are working on case investigation and contract tracing. <https://mpx.acgov.org/>

ACDDC regularly highlights self-advocate employment journey stories and are always looking for new stories. Please send in your nominations. <https://forms.gle/YHTLNg9V2pHh96KeA>

*Vi Ibarra, Contra Costa County Developmental Disabilities Council [CCDDC]*

Ms. Ibarra's report will focus on transition age young adults.

ACDDC and CCDDC join efforts in Vision for the Future, the conference for post-secondary educational opportunities and lifelong learning will be on October 22.

Flyer in English: <https://drive.google.com/file/d/1SxML9oJJtf8Q4fTdgckbBs2u9Ji185Rf/view>

Flyer in Spanish: <https://drive.google.com/file/d/1bbGMp419x1skP5rPCyJag63MUpWfvvHJ/view>

Care Parent Network speaker 4 series on transition-to-adult topics in October in English:

<https://drive.google.com/file/d/1opAOh-yuWvq-ZdTHxIA2uEa5ZMExrUdz/view>

Care Parent Network speaker 4 series on transition-to-adult topics in October in Spanish:

[https://drive.google.com/file/d/1my0veVedIKeBjxFxW4f8SoUz8R\\_KcN9/view](https://drive.google.com/file/d/1my0veVedIKeBjxFxW4f8SoUz8R_KcN9/view)

**Sept 28:** This is the next CCDDC board meeting with a presentation *Center on Me*, which is a tool that will enable self-input on the Person Centered Planning, with a focus on those who are non-verbal or verbal-challenged.

**Oct 19:** CCDDC Transition Task Force's virtual Resource fair will have their first meeting since COVID

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

The National Core Indicators this year are focusing in areas such as employment and service planning, community inclusion, choice, and health and safety. We have hired around 200 contractors and are in the process of training them and will go live in October along with our staff to interview 400 regional center adult consumers.

We continue to collaborate with the California Office of Emergency Services and the California Dept of Public Health to provide free PPE's or COVID antigen testing for organizations/groups.

**Sept 20:** This is the next council meeting from 10:30am to 3-4pm.

**Sept 28:** This is the next Bay Area Regional Advisory Committee meeting focusing on voter rights/election updates.

**Oct 20:** Employment First Committee meetin

**ARCA REPORT:** Lisa Kleinbub

Ms. Kleinbub reported that Ms. Ansari joined her at last month's ARCA meeting, which covered many of the issues that were brought up at this board meeting. ARCA will be holding a Webinar on *Home and Community Based Services [HCBS] Final Rule and what that means*. This will be on 9/22 from 2-3pm and posted on our website. We encourage both families and service providers to attend.

<https://www.rceb.org/event/webinar-understanding-the-hcbs-final-rule-comprendiendo-la-norma-final-del-hcbs/>

**MEETING ADJOURNED**

The board meeting adjourned at 9:27 p.m.

Virtual Meetings on October 24, 2022

The next Diversity & Equity Meeting will be at 5:30 PM

The next Board Meeting will be at 7:00 PM