



Board of Directors Meeting

Monday, May 22, 2023

Virtual Meeting

Approved 6/26/2023

RCEB BOARD MEMBERS PRESENT:

Frank Paré, President/Supports & Services Co-Chair
Sadia Mumtaz, Vice-President/Diversity & Equity Co-Chair
Dr. Stephen Whitgob, Assistant Treasurer
Lilian Ansari/Supports & Services Co-Chair
Nyron Battles, CAC Chair/Diversity & Equity Co-Chair
Brian Blaisch
Teresita DeJesus
Daniel Hogue, PVAC Representative
April Key-Lee
Dinah Shapiro
Lisa Soloway
Linda Stevens

ABSENT:

Reneé Perls, Secretary
Carmen Quinones

STAFF PRESENT:

Lisa Kleinbub, Executive Director
Lynn Nguyen, Director of Finance & Administration
Caylin Patterson, Director of Human Resources & Support Services
Steve Robinson, Director of Community Services
Ronke Sodipo, Director of Client Services
Ben Braun, Associate Director of Federal Programs
Elvia Osorio-Rodriguez, Associate Director of Client Services/Children
Michael Minton, Manager of Risk Management and Quality Assurance
Michi Toy, Executive Assistant

GUESTS:

Patricia Albeño
Denise Bradley
James Ford/DDS
Angela Gattis
Erika Gonzalez
Surlene Grant
Morena Grimaldi
Rev. Jonathan Moseley Sr.

Alex Mountford
Sheraden Nicholau/SCDDC
Ann Pringle
Maria Ramirez
Zackary Wheeler
Families United for Equity

CALL TO ORDER

Frank Paré called the regularly scheduled business meeting of the Regional Center of the East Bay to order at 7:03pm. A quorum was established.

CONSENT AGENDA / MINUTES

M/S/C “The Board moves to approve the May 22, 2023 Agenda with the exception of adding a Closed Session” [Soloway/Battles] Unanimous The motion was adopted

M/S/C “The Board moves to approve the April 24, 2023 Minutes as presented.” [Battles/Stevens] Unanimous The motion was adopted

PUBLIC COMMENT

Regional Center of the East Bay uses Robert’s Rules of Order to guide our meetings. Robert’s Rules of Order is the most used manual of parliamentary procedure in the United States. Robert’s Rules of Order is designed to provide structure and guidance while facilitating the orderly operation of a meeting.

According to Robert’s Rules of Order, our board members are not allowed to comment, debate or respond to the public during our public meetings. There are other meetings such as our Diversity & Equity or Supports & Services meetings that begin at 5:30pm before the board meetings.

There were no public comments were made at this point.

EXECUTIVE DIRECTOR’S REPORT - Lisa Kleinbub, Executive Director
Governor’s May Revise

Ms. Kleinbub informed the board and attendees that the Governor’s May Revise gives an update on the DDS budget as well as other changes that the state is deciding to make that will impact our I/DD community. Hearings were scheduled and some were already held in both the assembly and the senate. There will be a final closeout hearing on Tuesday, May 23rd in one of the committees but we do not expect a lot of changes. Most of the items were moved forward and will be discussed in Closed Sessions between the administration and the leaders of the assembly and the senate, and will see a budget sometime in June/July.

Proposed Changes:

Regional Center salaries- In the Operations budget for regional centers, adjustments are still being made to newly created positions to adjust salaries. This is a good sign as we want regional center salaries tied to state salaries.

The Independent Living Service [ILS] rates are proposed to be increased. The current rate was incorrectly calculated during the rate study. The wrong occupations from the U.S. Bureau of Labor

Statistics were used by Burns in the initial rate calculation. We believe that the assembly and senate will agree with this increase, and tie those rates to teachers and rehabilitation counselors. This is more accurate in what we want to see in ILS.

There will be a continuation of the suspension of parental fees until December. These fees apply to respite, daycare, and other services for families with children under 18 years old. These fees do not bring much revenue to the state and are not a positive way to bring families into our services.

Community Placement Plan funds are proposed to be reallocated. Some projects that were awarded were not developed. The intent is to reallocate those for multifamily housing projects.

Regional center and DDS spending are being looked at and there are proposals to reduce some of the funding that was given to us last summer in areas such as caseload reduction for clients 0-6 years old. Another reduction would be in the POS budgets across the state due to expenditures not increasing as expected. There are many factors for POS lower than expected expenditures. One factor is that providers have had a difficult time hiring staff due to low rates, as well as a shift in people who want to do this type of work.

There is also going to be a movement of funds out of regional centers that were originally allocated to services such as camping and social recreation. As you recall, this was something that we worked hard on acquiring vendors and providers for because those services were previously in congregate settings with others with I/DD. The services now have to meet the Home and Community Based Services [HCBS] rule. That has been a challenge but we have been making progress with finding resources, such as with our local YMCA, and hope they will be vendored soon to start supporting individuals.

The budget that is eventually passed will be implemented which often includes lots of policy decisions.

There will be some positives that we may see:

- The state has wanted to add Provisionally Eligible children through 5 years-old program to the Medicaid Waiver. These children will be eligible for Medicaid Waivers and the state would pay 50% of eligible services. The federal government won't expand that to provisional eligible children unless we also expand provisional eligibility to Early Start (0-2 y/o). We are hoping that the requirements for provisional eligibility are made simpler so that we will only have to determine Lanterman eligibility once and not go through it twice.
- Another positive is that there is a possibility for remote IPP/IFSP's to be extended through the end of 2023.
- There is also a proposal to add social recreation to Participant Directed Services. This would allow people to use a Fiscal Management Service [FMS] to get social recreation services.
- DDS has put out a Request for Information for their UFS/CERMS technology.

BOD Comments

In regards to the state reduction in funding, will that affect Self-Determination and will there be a move to reclaim some of the monies spent in HMO's in local counties for the provision of assessment and services in Medical driven plans? Ms. Kleinbub stated that the cuts will not affect Self-Determination because we have new rates for Financial Management Services [FMS] this month, so that may help bring more people into Self-Determination. In regards to the effect on medical plans, there is language in the budget that may expect regional centers to step on when a service is denied by a health plan.

Respite Policy Update

The Respite Policy was approved by the board in November 2022 after the board requested a revision of making 40 hours/month of respite a standard, based on the assessment of the individual's needs. In addition, based upon request by the family, fewer hours may be authorized, and if there is a need for greater than 40 hours, it will be considered an exception to the policy and will be reviewed as such from the planning team consisting of at least the family and the case manager. DDS will not approve of that increase yet, until they receive a stand-alone respite policy for out-of-home respite.

Upon feedback from DDS, they are requiring that we make a few changes to our policy.

- Add a separate out-of-home respite policy.
- New exception process which give a 15-day timeframe for our response.
- Early Start acknowledgement that there is a possibility for exceptions for respite (not a requirement for Early Start service).

M/S/C “The board moves to approve the out-of-home changes made to the Respite Policy as specified in the revision changes we received, with an understanding that once that is approved by DDS, then we will request the 40-hour/month standard increase.”
[Whitgob/Battles] 11-yea, 1-abstain The motion was adopted

BOD Comments

In relation to RCEB's case management policy, how many days are staff able to continue working-at-home? Ms. Kleinbub stated that per the agreement with our union our case managers can work-from-home three days/week. This will not affect the requirements for face-to-face visits with clients.

Another question related to why the vendors providing Applied Behavioral Analysis [ABA] are still doing so remotely since that may not be very beneficial to be done remotely. Ms. Kleinbub stated that since ABA still falls under Telehealth it is allowable but that needs to be clarified. The day programs are also able to continue offering remote services through December 2023. The issue with the continuation of remote services for these programs can hinge on if they have enough staff, and if there are some people who do not want to attend in-person every day. Hopefully, these policies will be re-evaluated and the best format for the individual will be possible.

An inquiry was made in regards to if there are agencies that provide their staff with training on working with clients with behavioral issues. Ms. Kleinbub stated that we did have a Request for Proposal [RFP] for that type of respite service, but did not initially receive any responses. We have since sent out the request again and have interest from those who are Registered Behavioral Technicians [RBT's]. The different types of respite services may be something that we add in the Respite Policy for the future.

COMMITTEE REPORTS

Executive Committee Report/President's Report: Frank Paré

Executive Committee

The Executive Committee met on May 10th and one of the topics of discussion was the term length of contracts. This subject was brought up during our April board meeting. The main reason for the concern is oversight and perceived complacency if these providers know that they have at least five years vs. three years in the contract. This subject was discussed extensively at the Executive Committee meeting as well as at this evening's board meeting. The main issues being oversight, especially the unlicensed homes, and when to make a change to a 3-year term.

Ms. Kleinbub explained the oversight levels for each of the home categories. With licensed homes, we have specialized homes EBSH but do not generally contract with our typical licensed residential providers due to Title 17. They have oversight procedures via health care licensing, community care licensing, etc. as well as quality assurance reviews by our regional center. Supported Living Service [SLS] is an individually licensed service in the person's home. The case manager is required to visit every quarter for a review, but there is no licensing entity or required quality assurance regulations, although we do have a Q/A staff at our regional center. One thing that is not in law but we feel is important, is that we require finger printing of the workers. This is stated in the contract. The board had concerns about a back-log of quarterly visits by case managers to SLS homes due to COVID or staff availability, especially for those clients who have no family advocates.

Result→ There was no vote on changing the contract term at this point.

RCEB Strategic Plan

Mr. Paré spoke about the special May 18th Board Training Discussion on RCEB's Strategic Plan. There were two guest presenters who developed a few other regional center strategic plans. We will be making a decision on the strategic plan developers and the time-frame.

Acronym List

ARFPSHN	Adult Residential Facility for Persons with Specialized Health Care Needs		
BAHC	Bay Area Housing Corporation	FHA	Family Home Agency
CCH	Community Crisis Home	ILS	Individual Living Services
CPP	Community Placement Plan	OPS	Operations
CRDP	Community Resource Development Plan	PEP	Purchase of Service Expenditure Projection
DDS	Department of Development Services	POS	Purchase of Service
EBSH	Enhanced Behavioral Support Home	SLS	Supported Living Services

CONTRACT APPROVALS

[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.]

Supported Living Services [SLS]

Regional centers are required by Medicaid law to vendorize SLS applicants if they meet the minimum qualifications. All the contracts for SLS providers very similar at the basic level. The rates are moving towards all the SLS providers to be the same by 2024. The provision of a higher rate than the standard rate is only possible if a vendor files for a health & safety exception on behalf of an individual consumer due to a specialized need, such as needing a qualified staff person with training in that specific area. SLS contracts are different from those for start-ups or housing developments.

Dorothy Glaspie Foundation, Inc.

This SLS contract represents the agreement to operate a SLS agency that is meant to provide the necessary support to allow clients to live in their own home in the community.

The agency is able to serve both ambulatory and non-ambulatory clients. This agency is currently vendored by RCEB to provide Independent Living Services (ILS).

Term: 6/1/2023 – 5/31/2028

Capacity: 10 clients

Avg monthly volume/client: estimated \$10,000

Annual Total: up to \$1,200,000 at total capacity

M/S/C “The Board moves to approve the Dorothy Glaspie Foundation, Inc. contract with RCEB but for a 3 year term instead of 5 years, otherwise as submitted.”
[Battles/Soloway] 11-yea 1-absention The motion was adopted.

Greater Heights Adult Residential Facility, LLC.

This contract represents Community Placement Plan service provider startup funds one Enhanced Behavioral Support Home [EBSH] for (4) adult female clients from RCEB who have co-occurring mental health support needs and intensive behavioral support needs. These individuals are currently residing in Porterville Developmental Center, a Mental Health Rehabilitation Center (MHRC), in Institutes for Mental Disease (IMD), other in locked or highly restrictive settings, or are at risk of admission to one of these restrictive settings.

Term: 6/1/2023 – 3/31/2025

The amount represented by this contract is \$200,000 of Community Placement Plan funds.

M/S/C “The Board moves to approve the Greater Heights Adult Residential Facility, LLC. contract with RCEB as submitted.” [Battles/Blaisch] 11-yea, 1-abstain The motion was adopted.

Ms. Kleinbub addressed a concern regarding oversight at this facility. EBSH homes have very intensive supports and staffing, and are extremely monitored. DDS and RCEB visits the home monthly and a behaviorist is tied to the home. It is a specialized model so there is a base-rate paid to the provider and each consumer has a budget developed for a behavioral technician and special staffing. We had an RFP for this type of home and received a couple of responses only. Greater Heights had experience in running an EBSH home.

Brilliant Corners

This contract represents Community Placement Plan startup funds for the acquisition and renovation of one (1) Enhanced Behavior Support Home [EBSH] for adult male clients who have co-occurring mental health support needs and intensive behavioral support needs. Individuals will also have forensic support needs, which may include sex offenses. Individuals will be moving out of Porterville Developmental Center (PDC), exiting Institutions of Mental Disease (IMD), or individuals may already be living in the community. The home will be located in Alameda or Contra Costa County. The facility address will be determined. RCEB will collaborate with Brilliant Corners to locate a property.

Term: 6/1/2023 – 3/31/2025
Acquisition: \$350,000
Renovation: \$350,000
Total: \$700,000 represented by CPP funds

M/S/C “The Board moves to approve the Brilliant Corners contract with RCEB as submitted.” [Shapiro/Battles] 11-yea, 1-abstain The motion was adopted.

BOD Comments

Ms. Kleinbub added that although we put out an RFP for an EBSH to serve this type of home for the specialized residents, we only received this one applicant and we need to encumber them by the end of June in order to receive the funding. There was concern several months ago about an issue with Brilliant Corners, and the update on that situation was sent to the board. They have been a very responsive landlord when we have inquiries. The steps they will need to take given this contract is to identify a home, then take the steps to rehab the home (re-inforce the walls, toilets, fire prevention, etc.).

Ms. Kleinbub confirmed that these clients are forensic and likely are coming from locked settings. The state/federal probationary systems do not contribute funding for housing. There are times when these individuals are not found competent to stand trial and need to be moved from facilities such as Porterville Detention Center; therefore, we have to develop housing for them. Ms. Kleinbub reminded

all, that once these homes are paid off, they continue to be managed by the developer to be used for housing for those with I/DD, so we do not lose the home. Through CPP funding, it is a home that is not actually an “asset” it is owned in perpetuity by the state specifically for this population, which is different from a provider receiving the funds.

Another concern is what would happen if the developer’s estimate of the cost to develop is not high enough and if they will be requesting more funding. Ms. Kleinbub stated that DDS is the one who determines the cost and it is possible that the actual may be higher. From what they have seen, reinforcing a home for fire prevention is very expensive. This type of home is a niche business and the return is fairly low. Across the state, there has been challenges with housing organizations as many of them who served us during the Agnews Development Center closers will not apply again. Many of the local housing development type organizations are multi-family housing.

Budget & Finance Committee: Dr. Steven Whitgob

Acronym List

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Purchase of Service

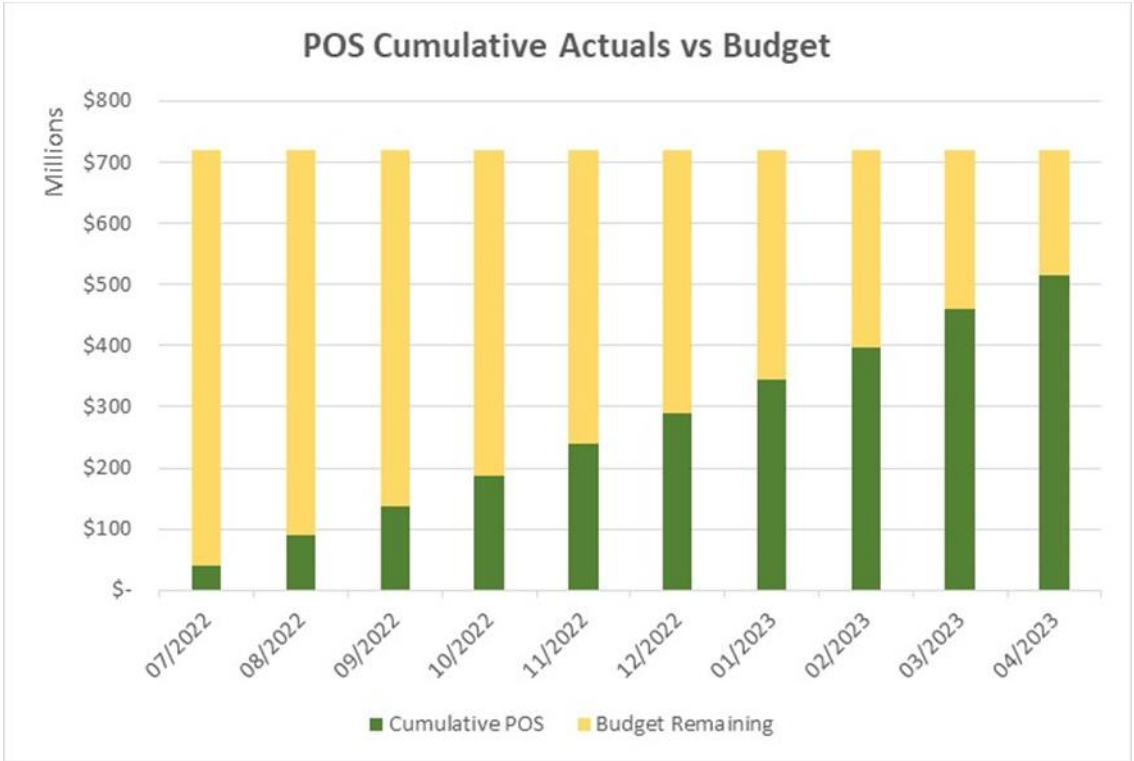
Through April 2023, 72% of our fiscal year 22-23 POS expenditures are in base for a total of \$515M. At this time, we are projecting a surplus of \$73M for NON-CPP POS Expenditures. This is a decrease of \$1.9M over the previous month’s projections.

Currently, all 21 Regional Centers are reporting a surplus in their POS projections. With the D-1 budget allocation, the Statewide system is reporting in an overall surplus of \$1.055B, which is an increase of \$59M. RCEB is reporting \$73M surplus, which represents 10% of the overall Statewide surplus.

RCEB just received the D-2 allocation amounts in the intent letter from DDS on Friday afternoon. The D-2 contract amendment will be sent to RCEB next week. Therefore, the staff will review and include the D-2 allocation in next month’s report.

For CPP POS Expenditures, the placement cost of \$752k is currently over the funding allocation of \$693k. We will further analyze D-2 allocation and request for additional funding if necessary.

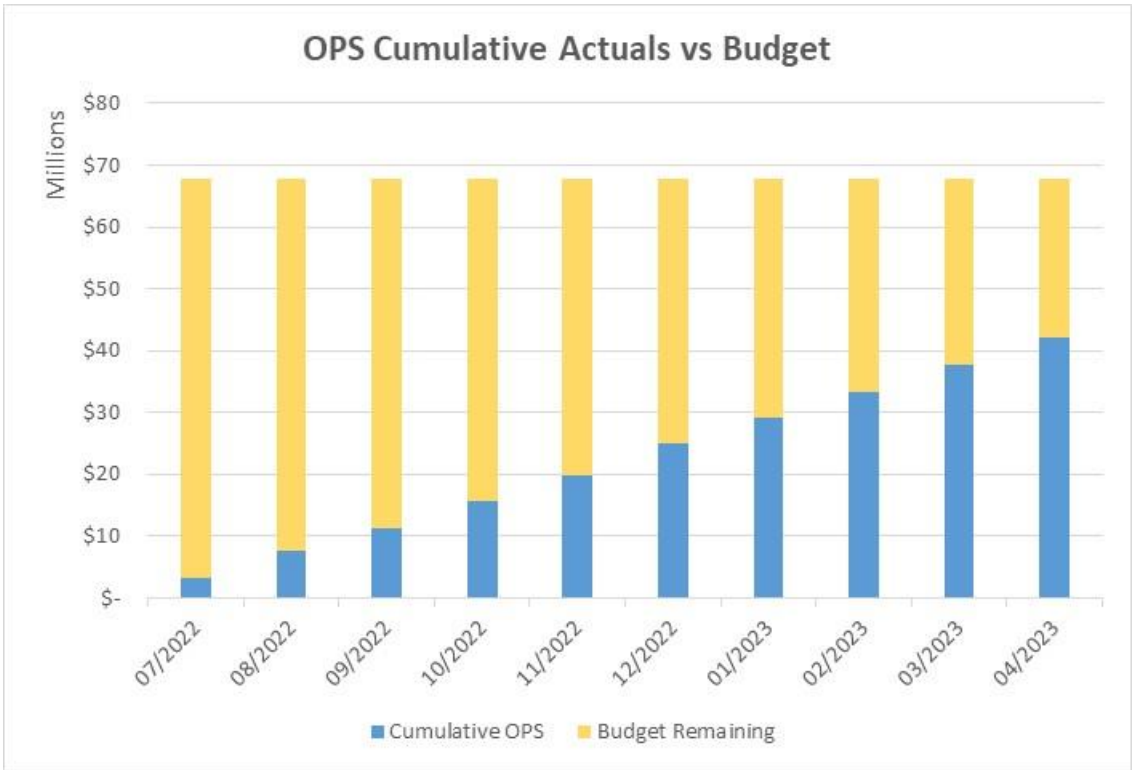
The graph POS cumulative Actuals versus Budget shows POS expenditures trending month-over-month compared to the overall budget.



Operations

Through April 2023, the Staff continues to report a projected balanced budget for the current fiscal year 22-23 with 62% of Operation expenditures in base for a total of \$42M. This is comparable to the 68% for last year’s OPS expenditures at this time.

The graph OPS cumulative Actuals versus Budget shows OPS expenditures trending month-over-month compared to the overall budget.



Cash Flow Status

The Agency had adequate cash to pay for April services in May. DDS plans to pay only 50% of April claims in the first week of June and offset the remaining balances in July and August. At this time, we project that RCEB will have adequate cash to pay for May services in June. This is similar to what we have done in the past.

DDS has announced that FY23-24 cash advances will be sent to the regional centers on July 17, 2023. The Staff will continue to monitor the Agency’s cash flows at the end of the fiscal year and will work with DDS to collect other State claim receivables earlier as much as possible. Otherwise, we may need to draw on the line of credit as needed before paying for June services on July 15th prior to receiving the cash advances.

Line of Credit

Effective June 1, 2023, US Bank agrees to renew our Line of Credit of \$40M for 3 months from June 2023 through August 2023. As expected, this line of credit with US Bank will have no commitment fees. Last year with Union Bank, there was a fee of .20% (2/10th of a percent or \$15,000 for a \$30M LOC). The interest rate per annum is equal to the Reference Rate, or prime rate, which is currently at 8.25%.

In addition to the committed line of credit, US Bank also agrees to issue an uncommitted Line of Credit of \$40M from September 2023 to May 2024 at zero fees. However, under the uncommitted line of credit, the lender is not obligated to make any loans and will make loans on its sole discretion.

The staff presented to the Board the LOC agreement for approval in last month's meeting; however, the decision was postponed for further review. On May 10th, the Executive Committee of the Board has reviewed both the committed and uncommitted line of credit again.

Mr. Paré reiterated that after the last board meeting, we reached out to RCEB's legal counsel to review the contract before any signature was entertained. Of particular concern was the bank's statement via email that they would not be charging RCEB a fee to use the LOC, but that was not stated in the contract itself, however, our counsel advised that since a fee was not included in the contract, they could not charge a fee.

M/S/C "The Board moves to approve the U.S. Bank's Line of Credit with the understanding that Frank Paré is signing this agreement on the advice of Counsel, otherwise it is as submitted." [Battles/Soloway] motion was adopted.

Ms. Kleinbub added that the Union Bank and U.S. Bank transition needs to happen before we will look for other bank resources. This time of the year is not stable in terms of DDS funds but will take a look at this in August.

Diversity & Equity [D&E] Committee: Sadia Mumtaz

The D&E met today before the board meeting and they focused on solidifying the three sub-committees:

1. Policy, Advocacy & Grievance
2. Accessibility & Communications
3. Purchase of Service [POS] Expenditures

RCEB staff have been identified to be on each of those committees and are asking the board members and the guests to attend a sub-committee we will plan for early June, as well. The sub-committees will discuss project ideas/proposals and we need the engagement of the public in order to do this.

We also discussed RCEB policies as they relate to group homes and POS usage vs. actual authorization and how to go about turning around inequities.

Consumer Advisory Committee [CAC]: Nyron Battles

There was an in-person meeting on Monday, May 8th but Mr. Battles was not in attendance. The next meeting will be in July.

Provider/Vendor Advisory Committee [PVAC]: Dan Hogue

Mr. Hogue stated that the May 12th meeting was very short but lots of information was disseminated, especially points about the budget. Some members of the PVAC Equity Group had a successful meeting with Ms. Kleinbub in April to express some concerns relating to Request for Proposals [RFP's] and in making the procedure more transparent for the vendors. A letter from the Equity Group was shared with the board this evening with their ideas, which the agency has already started adopting. The next general PVAC meeting is on June 9th at 9am, and the next Equity meeting is this Friday at 1pm.

PUBLIC COMMENT

Denise Bradley encourages the board and others to go to the Oakland Museum to see the exhibit that NIAD Art Center, Creative Growth and Creativity Explored created. It was amazing and shows Regional Center at its best!

Sheraden Nicholau, State Council on Developmental Disabilities [SCDD], Bay Area Office
bayarea@scdd.ca.gov 510.286.0439

The California State Council on Developmental Disabilities secured federal technical assistance grants through the U.S. Department of Labor NEON grant (National Expansion of Employment Opportunities Network). The content includes work incentives and benefits planning, change management, customized employment, individualized services, business bottom-line enhancing employer education and outreach, and self-employment. We will be kicking it off with community practice sessions with different topics starting in June through summer.

The State Council on Developmental Disabilities' website features a Self-Determination calendar, where our community can find statewide Self-Determination Program trainings.
<https://scdd.ca.gov/sdp-orientation/>

May 23: State Council meeting
<https://scdd.ca.gov/event/2023-scdd-council-meeting/2023-05-23/>

May 31: Statewide Self-Advocacy Network online chat
<https://scdd.ca.gov/event/california-statewide-self-advocacy-chat/2023-05-31/>

June 7-8: Statewide Self-advocacy Network Meeting
<https://scdd.ca.gov/event/2023-statewide-self-advocacy-network-ssan-meeting/2023-06-07/>

June 28: Bay Area Regional Advisory Committee Meeting
<https://scdd.ca.gov/bayarea/>

ARCA – Frank Paré
No report this evening.

MEETING ADJOURNED

The board meeting adjourned at 8:40 p.m. [Hogue/Soloway]

Closed Session Followed

Virtual Meetings on June 26, 2023

The next Supports & Service Meeting will be at 5:30 PM

The next Board Meeting will be at 7:00 PM