



EXECUTIVE COMMITTEE NOTICE/AGENDA

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| THE PUBLIC MAY LISTEN IN BY CALLING: | 1-800-839-9416 |
| PARTICIPANT CODE: | 2982825 |

DATE: Tuesday, April 5, 2016

TIME: 9:30 a.m. – 12:30 p.m.

LOCATION: State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

TELECONFERENCE LOCATION(S):
SCDD Silicon Valley-Monterey Office
2580 North First Street, Suite 240
San Jose, CA 95131

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AGENDA

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|----|--|---------|
| 1. | CALL TO ORDER | N. Yang |
| 2. | ESTABLISH QUORUM | N. Yang |
| 3. | WELCOME/INTRODUCTIONS | N. Yang |
| 4. | PUBLIC COMMENTS <i>This item is for members of the public only to provide comments and/or present information to the Council on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.</i> | |

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| 5. | APPROVAL OF THE FEBRUARY 2016 MINUTES | N. Yang 3 |
| 6. | APPROVE GRANT CYCLE 39 REGIONAL GOAL AREAS | S. Smith 8 |
| 7. | 2017-21 STATE PLAN OBJECTIVE REVISIONS | S. Smith 12 |
| 8. | LPPC RECOMMENDATIONS | B. Giovati 15 |
| 9. | SCDD FY 2015-16 BUDGET PROJECTIONS | L. Cach 23 |
| 10. | SCDD FY 2016-17 PROPOSED SCDD BUDGET | L. Cach |
| 11. | AIDD FUNDING FORMULA | A. Carruthers 24 |
| 12. | ESTABLISH MAY COUNCIL AGENDA | All 26 |
| 13. | EXECUTIVE DIRECTOR EVALUATION PROCESS AND UPDATE | 27 Bocanegra/Lopez |
| 14. | CLOSED SESSION – PERSONNEL <i>Pursuant to Government Code 11126 (a)(1), the Council will have a closed session to consider the evaluation of performance of a public employee.</i> | Bocanegra/Lopez |
| 15. | RECONVENE OPEN SESSION <i>Pursuant to Government Code Section 11126.3 (f), there will be an announcement of any action(s) taken during closed session.</i> | Bocanegra/Lopez |
| 16. | ADJOURNMENT | N. Yang |

DRAFT

**Executive Committee Meeting Minutes
February 9, 2016**

Attending Members

April Lopez (FA)
David Forderer (SA)
Janelle Lewis (FA)
Charles Harmon-Nutt (SA)
Ning Yang (SA)
Sandra Smith (FA)

Members Absent

Kecia Weller (SA)

Others Attending

Aaron Carruthers
Natalie Bocanegra
Robin Maitino
Gabriel Rogin
Lynn Cach
David Grady
Wayne Glusker
Alisa Fisher-Nutt

1. Call to Order

Chairperson Ning Yang (SA) called the meeting to order at 12:35 p.m. and established a quorum.

2. Welcome and Introductions

Members and others introduced themselves.

3. Public Comments

There were no public comments.

4. Approval of October 29, 2015 Meeting Minutes

It was moved/seconded (Smith [FA]/Forderer [SA]) and carried to approve the October 29, 2015 meeting minutes as amended. (For: Forderer [SA], Yang [SA], Smith [FA], Lewis [FA]. Abstain: Harmon-Nutt [SA], Lopez [FA].)

Amendment

Add Wayne Glusker as being present.

5. Closed Session – Personnel

The Committee went into Closed Session.

6. Reconvene Open Session

No actions were taken.

7. LPPC Legislative Recommendations

Deputy Director Bob Giovati presented Senate Concurrent Resolution 98 to the Committee for their consideration. Deputy Director Giovati stated that this measure would recognize the year of 2016 as the 50th anniversary of California’s community-based developmental services system, and would reaffirm the commitment of the Legislature to support this system. Due to time constraints, it was his recommendation that the Executive Committee act on behalf of the Council and support this resolution. By supporting this resolution, the Council is further signifying their support for the DD system.

It was moved/seconded (Harmon-Nutt [SA]/Lopez [FA]) and carried to support Senate Concurrent Resolution 98 (Beall). (Unanimous: Forderer [SA], Yang [SA], Smith [FA], Lewis [FA], Harmon-Nutt [SA], Lopez [FA].)

8. Draft FY 2016-17 SCDD Budget

Budget Officer Lynn Cach provided an overview of the December monthly budget expenditures for fiscal year 2015-16. Ms. Cach explained that the totals reported in December reflected end of year payouts from inherited obligations.

Ms. Cach also presented the proposed FY 2016-17 SCDD budget to Committee members for review. Ms. Cach provided an explanation on why there were several line items with no funds allocated to them in the “Basic State Grant” column, stating that staff vacancies were covering the costs for those line items until such time that the Council is able to capture cost savings by implementing some or all of the structural deficit recommendations.

After reviewing, the Committee requested that staff add a legend at the bottom of the budget that would: 1) summarize the difference between the Governor’s spending authority and the Basic State Grant; 2) provide an explanation on why several line items the “Basic State Grant” column had no funds allocated to them; and 3) add the \$79,471 in the budget that AIDD provided in there 2016 Award Letter along with an explanation of this.

It was moved/seconded (Harmon-Nutt [SA]/Forderer [SA]) and carried to present the Proposed FY 2016-17 SCDD Budget to the full Council with the caveat that the budget reflect the additional \$79,000 and that the Committees comments/questions are addressed when presenting to the full Council. (Unanimous: Forderer [SA], Yang [SA], Smith [FA], Lewis [FA], Harmon-Nutt [SA], Lopez [FA].)

9. **Administrative Committee Structural Deficit Recommendations**

On November 19, 2015, the Structural Deficit Workgroup met with the task of identifying cost savings to address the Council's \$700,000 deficit in the Basic State Grant. The Workgroup reviewed the following information during discussions: 1) the Executive Director's e-mail to staff soliciting input from all SCDD staff for recommended cost savings ideas; 2) the on line survey questions; 3) a summary of SCDD staff's responses to that survey; 4) the objectives and values for which the Structural Deficit Workgroup worked by; and 5) budget details for headquarters and all 13 regional offices.

On January 26th Chief Deputy Director (A) Gabriel Rogin presented the ten (10) recommendations, that if adopted would achieve an estimated cost savings of \$733,500, to the Administrative Committee. Those recommendations were:

- (1) Eliminate the vacant CPS II position in the Orange County Office.
- (2) Eliminate the vacant CPS II position in the Bay Area Office.
- (3) Eliminate the MTARS Committee.
- (4) Limit LPPC to 6 face-to-face meetings per year.
- (5) Limit Employment-First Committee to statutorily-required members.
- (6) Limit Executive Committee to 5 face-to-face meetings per year.
- (7) Co-Locate SCDD Headquarters with the Sacramento Office.
- (8) Eliminate the Central Coast Office and expand the geographic area of the Silicon Valley/Monterey Bay Office.
- (9) Eliminate the Legislative Specialist position at SCDD Headquarters.
- (10) Eliminate the OT position at the North State Office.

At that time, the Administrative Committee acted to support recommendations 1 through 7 and 9 through 10 above to go on to the Executive Committee for consideration. They also requested that staff provide additional information on recommendation 8 which was to consolidate the Central Coast and Silicon Valley/Monterey Bay regions into one region, before presenting to the Executive Committee.

Additional Information Requested on Recommendation 8

- 1) How long has the Central Coast Office been vacant?
- 2) What are the needs of the population in the Central Coast region?
- 3) How often do people access the Central Coast Office in-person vs. by phone or email?
- 4) Which Area Boards were the Central Coast Office and Silicon Valley-Monterey Bay Office before they became SCDD regional offices?
- 5) How were the original Area Board regions determined?
- 6) If we decide to have a small satellite office in the Central Coast region, what would be the impact on the structural deficit recommendations?

The Executive Committee then vetted through each recommendation and discussed them at length in the following order.

- 1) Eliminate the vacant CPS II position in the Orange County Office
- 2) Eliminate the vacant CPS II position in the Bay Area Office
- 3) Eliminate the MTARS Committee
- 4) Limit LPPC to 6 face-to-face meetings per year
- 5) Limit Employment-First Committee to statutorily-required members
- 6) Limit Executive Committee to 5 face-to-face meetings per year
- 7) Co-Locate SCDD Headquarters with the Sacramento Office
- 8) Eliminate the Legislative Specialist position at SCDD Headquarters
- 9) Eliminate the OT position at the North State Office

The Committee then reviewed all the information provided to them on the recommendation to consolidate the Central Coast and Silicon Valley/Monterey Bay regions into one region.

After careful consideration, weighing the pros and cons for each recommendation, and looking at options 1 and 2 for consolidating the Central Coast office, the Executive Committee took the following actions.

It was moved/seconded (Harmon-Nutt [SA]/Lewis [FA]) and carried to move recommendations 1 through 9 to the full Council for consideration with the caveat that the limit on the LPPC and Executive Committee meetings be dependent on the need to meet. (For: Yang [SA], Smith [FA], Lewis [FA], Harmon-Nutt [SA], Lopez [FA]; Abstain: Forderer [SA]).

It was moved/seconded (Lopez [FA]/Harmon-Nutt [SA]) and carried to support recommendation 10, option 1, which is to consolidate the Central Coast and Silicon Valley/Monterey Bay regions into one region. (For: Lopez [FA], Yang [SA], Harmon-Nutt [SA]; Oppose: Forderer [SA]; Abstain: Lewis [FA], Smith [FA]).

10. **2017-2021 State Plan Goals and Objectives**

As directed by the Council at the January 20th meeting, Deputy Director (A) Vicki Smith presented revised the State Plan Goals to the Committee for consideration.

If approved, the revised goals would be as follows:

Goal 1: Employment

Californians with I/DD and their families reflecting the diversity of the state will have increased information to obtain competitive, integrated employment.

Goal 2: Housing

People with I/DD and their families reflecting the diversity of the state will have increased information to access affordable, accessible, safe, and fully integrated housing that provides choice and flexibility regarding where and with whom they live.

Goal 3: Health and Safety

Californians w/ I/DD and their families reflecting the diversity of the state will have increased information to access health, public safety, and related services that meet their needs and health care choices.

Goal 4: Early Intervention & Education

Californians with I/DD and their families reflecting the diversity of the state will have increased information, in order to obtain inclusive educational services throughout the lifespan.

Goal 5: Formal & Informal Community Supports

Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to access community-based services available to the general population.

Goal 6: Self-Advocacy

Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to advocate for civil and service rights to achieve self-determination, integration and inclusion in all areas of community life.

It was moved/seconded (Harmon-Nutt [SA]/Lewis [FA]) and carried to approve the goals as presented above for the 45-day public comment period. (Unanimous: Smith (FA); Yang (SA); Gelber; and Harmon-Nutt.)

11. **Establish March Council Agenda**

Committee members reviewed the proposed March 8th Council agenda provided to them on pages 15-17 of the packet. Members agreed to the proposed items with the caveat that Council Chair April Lopez could revise as needed.

12. **2016 Executive Committee Meeting Dates**

Committee members reviewed the proposed Executive Committee dates on page 18 of the packet and established the following meeting dates for 2016:

Tuesday, April 19th

Tuesday, June 14th

Tuesday, August 16th

Tuesday, October 11th

13. **Conflict of Interest (COI) Code Amendment**

There was some discussion around COI Code Disclosure Category 1, Decision B. However, the Committee took no action.

14. **Adjournment**

Chairperson Yang (SA) adjourned the meeting at 4:07 p.m.

Grant Process Outline for Regional Offices

- State Plan Committee reviews process, timelines and criteria on **February 11, 2016**.
- Regional Offices, in coordination with their Regional Advisory Committees and/or local stakeholders, review 2016-21 State Plan goals and identify the two goal areas that they would like to address with their grants. Regional Offices email two goal areas to Deputy Director of Regional Office Operations by **March 9, 2016**.
- State Plan Committee meets on **March 21, 2016** to review recommendations from Regional Offices and finalize grant timelines and criteria.
- Executive Committee meets early **April 2016** to approve recommended areas of emphasis, timelines and criteria from State Plan Committee.
- Request for Proposal (RFP) Announcement on **April 15, 2016**
 - Disseminated in all formats: mail, post to website, email and enter into FISCal (state procurement website)
- Regional Advisory Committees promote to community that RFP has been posted and encourage organizations and stakeholders to apply.
- Submission: Request for Proposals due **May 31, 2016**
 - Submit proposal via mail or hand delivered (must be postmarked by closing date)
- Technical and Committee Review
 - Staff reviews proposals
 - Scoring of proposals, according to established criteria
 - Select grantees
 - Send recommendations to Deputy Director of Regional Office Operations by **June 30, 2016**
 - State Plan Committee reviews recommendations **July 5, 2016**
 - State Plan Committee send their recommendations to the Council for approval
- Public Notice at Council Meeting on **July 22, 2016**
 - Council meets on July 22, 2016, reviews the recommendations and approves or declines selected grants. Selected grantees will be posted on the State Council's website July 25, 2016.
 - A hard copy of selected grantees will be posted in the Regional Office
- Protest Period begins on **July 25, 2016**

Program Development Grant Cycle 39

- A 10 day protest period is allowed. No action will be taken during this time unless a protest is received.
- Notification Letters sent on **August 8, 2016**
 - Notification letter will be sent to all applicants
 - Awards and rejections
- Encumbrance Process:
 - Staff works with grantee to receive all required documents
 - Staff sends approved contract to Department of Social Services for encumbrance
 - Staff sends encumbered grant to Department of General Services for approval (if required)
 - Staff sends grantee reporting and invoicing templates
- Grant in Process:
 - Regional Office staff will keep in contact with grantee to ensure work is being completed on schedule throughout the duration of the contract and help resolve any issues if necessary
- Billing procedures
 - Grantee must send original invoice, year-to-date financial report and quarterly progress report to Regional Office (all originals must be signed in blue ink)
 - Regional Office must send original invoices, year-to-date financial report and quarterly progress reports to headquarter analyst for final processing
- End of contract exiting evaluation
 - Grantee must submit final report and billing
- Proposers are encouraged to address one or more of the following considerations:
 - Innovative
 - Reflects Emerging Practices
 - Addresses Unmet Needs
 - Replicable (e.g. in other geographic areas)

**CYCLE 39 – Regional Office Recommendations to the
State Plan Committee for March 21, 2016**

The Regional Offices met with their Regional Advisory Committee and/or Stakeholders in the Community and are recommending the following goal areas be selected for SCDD Cycle 39 grants.

| <u>Regional Office</u> | <u>First Goal Area</u> | <u>Second Goal Area</u> |
|--------------------------------|-------------------------------|---|
| North Coast | Employment | Housing |
| North State | Employment | Housing |
| Sacramento | Employment | Self-Advocacy |
| North Bay | Early Intervention | Health and Safety |
| Bay Area | Early Intervention | Informal and Formal Community Supports |
| North Valley Hills | Employment | Education |
| Monterey Bay/Silicon Valley | Employment | Housing |
| Sequoia | Self-Advocacy | Informal and Formal Community Supports |
| Central Coast | Employment | Housing |
| Los Angeles | Housing | Health and Safety |
| Orange County | Employment | Housing |
| San Bernardino | Employment | Early Intervention |
| San Diego and Imperial | Employment | Self-Advocacy |

North Coast Office
Employment
Housing

North State Office
Employment
Housing

Sacramento Office
Employment
Self-Advocacy

North Bay Office
Early Intervention
Health and Safety

Sequoia Office
Self-Advocacy
Informal and Formal Community Supports

Bay Area Office
Early Intervention
Informal and Formal
Community Supports

North Valley Hills Office
Employment
Education

Los Angeles Office
Housing
Health and Safety.

San Bernardino Office
Employment
Early Intervention

Silicon Valley-Monterey Bay Office
Employment
Housing

Central Coast Office
Employment
Housing

Orange County Office
Employment
Housing

San Diego Imperial Office
Employment
Self-Advocacy



CYCLE 39 GRANT GOAL AREAS BY REGIONAL OFFICE

2017-21 State Plan (Proposed)

Goal 1: Self-Advocacy

Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to advocate for civil and service rights to achieve self-determination, integration and inclusion in all areas of community life.

1. The Council will increase knowledge about self-determination and person-centered planning by monitoring, supporting and actively engaging in the implementation of the Self-Determination Program.
2. The Council will promote self-advocates in leadership roles within cross-disability statewide networks.

Goal 2: Employment

Californians with I/DD and their families reflecting the diversity of the state will have increased information to obtain competitive, integrated employment.

1. The Council will increase and promote culturally competent strategies and resources that facilitate competitive, integrated employment (CIE) of people with I/DD.
2. The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase CIE for people with I/DD.

Goal 3: Housing

People with I/DD and their families reflecting the diversity of the state will have increased access to affordable, accessible, safe, and fully integrated housing that provides choice and flexibility regarding where and with whom they live.

1. The Council will work with housing entities to increase the development and/or provision of community housing for people with I/DD.
2. The Council will identify and decrease barriers to housing for people with I/DD.
3. The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase housing for people with I/DD.

Goal 4: Health and Safety

Californians w/ I/DD and their families reflecting the diversity of the state will have increased information to access health, public safety, and related services that meet their needs and health care choices.

- 1. The Council and its federal partners will increase knowledge and awareness for people with I/DD and their families about the availability of and access to health and public safety-related services and supports.**
- 2. The Council, its federal partners, and self-advocates will increase information and training to law enforcement, court personnel, health care providers, and/or other care professionals about disability-related health and safety issues.**
- 3. The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase accessibility to health care and public safety services for people with I/DD and their families.**

Goal 5: Early Intervention, Education, Transition & Post-Secondary Education

Californians with I/DD and their families reflecting the diversity of the state will have increased information, in order to obtain inclusive education services throughout the lifespan.

- 1. The Council and its federal partners will increase knowledge and awareness of developmental milestones and intervention services for families of young children and professionals.**
- 2. The Council, in consultation with its federal partners and other stakeholders, will increase awareness and knowledge for families and self-advocates about the availability of and access to inclusive educational services.**
- 3. The Council, in consultation with its federal partners and in collaboration with educators and stakeholders, will increase information and technical assistance to prepare and empower students, families and professionals in developing individualized transition plans.**
- 4. The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase access to quality education services throughout the lifespan for people with I/DD.**

Goal 6: Formal & Informal Community Supports

Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to access community-based services available to the general population.

- 1. The Council in collaboration with our federal DD partners will decrease the disparity in available information which describes services and supports that may be purchased through the California Regional Center system for Spanish-speaking people with I/DD and their families.**
- 2. The Council will increase the knowledge and skills of people with I/DD to move from institutional to community settings and to increase their ability to self-advocate.**
- 3. The Council will increase outreach, training, and technical assistance to improve the quality of and access to services, including (but not limited to) Regional Centers, education, transportation, public benefits, child care, and recreation for people with I/DD and their families.**
- 4. The Council, in consultation with its federal partners, will increase identification, advocacy and/or sponsorship of legislative, regulatory, policy, procedure and/or practice changes to increase access to quality community-based services for people with I/DD and their families.**

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: Should the Council formally support six specific policy points offered by Disability Rights California as ways of reducing service complexities in the DD system?

SUMMARY: On February 23, 2016, Disability Rights California offered testimony at a Joint Hearing of the Senate Human Services Committee, Senate Budget and Fiscal Review Subcommittee No.3 on Health and Human Services at the State Capitol.

“A Defining Moment: Considering the Closure of Developmental Centers and Its Impact on Residents, Families, and the Regional Center System. Testimony Regarding Maintaining a Safety Net: What Should Be the State's Ongoing Role in Providing Unique Services, Addressing Unmet Needs, and Ensuring the Well-Being of Those with Challenging Medical and Behavioral Needs. “

Included in the testimony were six specific points the Executive Committee is being asked to evaluate for formal SCDD support. The relevant background text of the DRC testimony (as submitted) and the resultant six points can be read below.

BACKGROUND/ISSUES/ANALYSIS:

Reduce Service Complexities -

Beginning in 2009, due to the economic crisis, the State made more than a billion dollars in cuts to the developmental disabilities system. We are grateful for the efforts to restore funding for providers and regional centers through the Managed Care Organization (MCO) tax proposals, and the efforts to improve outcomes in the employment area. However, an unintended consequence of the reductions is the increased complexity of the service system, which makes it difficult for consumers and families to access the services they need, and in the end, does not result in real savings to the State as the services are Medicaid funded, regardless of which state agency provides them.

In addition, the recent changes in federal law require the payment of overtime to workers providing personal care services. As a result,

some service providers, have eliminated all overtime expenditures, others have required parents and conservators to sign agreements obligating the parent and consumer to assume full responsibility for managing the IHSS services even when a consumer is placed in a home operated by the provider. At least one regional center has sent a letter to all clients and families instructing them not to ask workers or caregivers to work extra hours as the rates paid to service providers do not allow for overtime pay, even though the Legislature approved a 5.82 % rate increase expressly for this purpose. For consumers with the most significant needs, they often need continuity of support and support provided by a more highly trained worker. This often is not possible with IHSS due to high turnover.

Similar problems arise when individuals need to access medical or dental services provided through Medi-Cal. During the economic crisis, the law was changed to prohibit a regional center from purchasing medical or dental services for a consumer three years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial, and the regional center determines that an appeal by the consumer or family of the denial does not have merit. Regional centers may pay for medical or dental services pending a final administrative decision on the administrative appeal if the family provides verification that an appeal is being pursued. The result is that families are required to appeal any decisions denying their child access to critical occupational or physical therapy, speech and language services, or dental services before regional centers will agree to pay for the service. This happens even though the State will should not save any money since the services are Medicaid eligible regardless which agency provides the services. The unintended consequence is that low-income families that use Media-Cal do not have the time, resources or skills to appeal an adverse Media-Cal decision and thus forego the service-which results in savings to the State.

As a way of reducing some of this complexity, we encourage you to do the following:

1. Change §WIC 4689 (f) to allow consumers' IPP teams to determine if using IHSS is an appropriate generic service. In making this determination, the IPP Team would consider the following: the

nature or extent of the consumer's disability, the need for staff continuity and the need for supportive services staff with a higher level of skill, training or expertise. If the planning team determines that IHSS services are not appropriate, the consumer would not be required to utilize those services. (See attached WIC §4689(f) revision)

2. Make statutory changes clarifying that regional center funded home care services (Supported Living Services (SLS), in-Home Respite and Personal Assistance Centers) are not joint employers with IHSS or Waiver Personal Care Services.
3. Provide funding for pilot programs that provide access to temporary workers who can provide services when either the IHSS worker has exceeded the state-imposed overtime limits or the provider will not authorize overtime.
4. Ensure that the current state overtime provisions that allow a worker to work up to 66 or 70.5 hours apply to the regional center system including a funding allocation to specifically target this overtime. For example, when an SLS worker working for one SLS agency is paid through both IHSS and regional center funds, that worker should be eligible to work up to 66 or 70.5 hours per week regardless of the funding source. In addition, the statute should allow the same additional exceptions to these limits as is allowed in the IHSS program.
5. Amend WIC Section 4659 to no longer require families to pursue Media-Cal administrative hearings before regional centers can pay for medical and dental services available through the Media-Cal program. (See attached)
6. Provide additional Service Coordinators who can help families navigate generic services.

DISCUSSION: In their March 2016 meeting, the LPPC voted to put these six points before the Executive Committee, with the hope the Executive Committee would adopt a support position on behalf of the full Council.

RECOMMENDATION: None.

COUNCIL STRATEGIC PLAN OBJECTIVE: N/A.

ATTACHMENTS: Suggested DRC changes to WIC 4685 and 4689.

PREPARED: Bob Giovati.

Statutory Changes

Monitoring of Facilities and Living Arrangements Serving Individuals with Developmental Disabilities

Amend Welfare and Institutions Code
4659.2

(b) All regional center vendors that provide crisis or residential services or supported living services, long-term health care facilities, and acute psychiatric hospitals shall report the following to the agency designated pursuant to subdivision (i) of Section 4900 the following:

(1) Each death or serious injury of a person occurring during, or related to, the use of seclusion, physical restraint, or chemical restraint, or any combination thereof

(2) Any unexpected or suspicious death, regardless of whether the cause is immediately known.

(3) Any allegation of sexual assault, as defined in Section 15610.63, in which the alleged perpetrator is a staff member, service provider or facility employee or contractor.

(4) Any report made to the local law enforcement agency in the jurisdiction in which the facility is located that involves physical abuse, as defined in Section 15610.63, in which a staff member, service provider or facility employee or contractor is implicated.

(start delete) to the agency designated pursuant to subdivision (i) of Section 4900 (end delete)

(5) The reports required in Sections (1)-(4) shall be made no later than the close of the business day following the following the death or serious injury. The report shall include the encrypted identifier of the person involved, and the name, street address, and telephone number of the facility.

(c) On a monthly basis all regional center vendors that provide residential services or supported living services, long-term health care facilities, and acute psychiatric hospitals shall report the following to the agency designated pursuant to subdivision (i) of Section 4900 the following:

(1) The number of incidents of seclusion and the duration of time spent per incident in seclusion:

(2) The number of incidents of the use of behavioral restraints and

the duration of time spent per incident of restraint: and

(3) The number of times an involuntary emergency medication is used to control behavior.

(4) The reports required in sections (1)-(3) shall include the name, street address and telephone number of the facility

Amendments to Ensure Access to Personal Care Services for Individuals Living in Supported Living Arrangements.

Amend WIC 4689

(f) The planning team, established pursuant to subdivision 0) of Section 4512, for a consumer receiving supported living services shall confirm that all appropriate and available sources of natural and generic supports have been utilized to the fullest extent possible for that consumer. The consumer's individual program planning team shall review and determine if the supportive services provided by the IHSS program are appropriate to meet the consumer's needs. In making that determination the individual program planning team shall consider the nature or extent of the consumer's disability, the need for staff continuity and the need for supportive services staff with a higher level of skill, training or expertise. If the planning team determines that IHSS services are not appropriate, the consumer shall not be required to utilize those services notwithstanding the requirements of sections 4659 and 4689.05.

Amendments to Ensure Access to Appropriate Medical or Dental Care without the Necessity of Pursuing a Medi-Cal Appeal

Amend to WIC Section 4659(d)

(d) (1) Effective July 1; 2009, notwithstanding any other law or regulation, a regional center shall not purchase medical or dental services for a consumer three years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial (start delete) and the regional center determines that an appeal by the consumer or family of the denial does not have merit. If, on July 1, 2009, a regional center is purchasing the service as part of a consumer's IPP, this provision shall take effect on August 1, 2009 (end delete). Regional centers may pay for medical or dental services during the following periods:

(A) While coverage is being pursued, but before a denial is made.

(Start delete) (B) Pending a final administrative decision on the administrative appeal if the family has provided to the regional center a verification that an administrative appeal is being pursued. (end delete)

(C) Until the commencement of services by Medi-Cal, private insurance, or a health care service plan.

(2) When necessary, the consumer or family may receive assistance from the regional center, the Clients Rights Advocate funded by the department, or the state council in pursuing these (start delete) appeals (end delete) denials.

February Report
Expenditures through
February-16

FEDERAL GRANT (BSG)

Based on Federal Fiscal Year

| | Annual Grant Award | Monthly Expenditure | Year-To-Date Expenditure | Balance | Projected Y E Surplus/Deficit |
|---|---------------------------|----------------------------|---------------------------------|----------------|--------------------------------------|
| Personal Services & Benefits | \$ 5,374,900 | \$ 369,329 | \$ 2,112,535 | \$ 3,262,365 | \$ 127,007 |
| Operating Expenses | \$ 1,168,480 | \$ 97,059 | \$ 618,493 | \$ 549,987 | \$ -438,377 |
| Grants / Special Items | \$ - | \$ - | \$ - | \$ - | \$ -260,000 |
| Total | \$ 6,543,380 | \$ 466,388 | \$ 2,731,028 | \$ 3,812,352 | \$ -571,370 |

QUALITY ASSESSMENT (QA)

Based on State Fiscal Year

| | Annual Budget | Monthly Expenditure | Year-To-Date Expenditure | Balance |
|---|----------------------|----------------------------|---------------------------------|----------------|
| Personal Services & Benefits | \$ 1,743,876 | \$ 143,273 | \$ 1,100,085 | \$ 643,791 |
| Operating Expenses | \$ 892,234 | \$ 34,394 | \$ 418,703 | \$ 473,531 |
| Total | \$ 2,636,110 | \$ 177,667 | \$ 1,518,788 | \$ 1,117,322 |

CRA/VAS

Based on State Fiscal Year

| | Annual Budget | Monthly Expenditure | Year-To-Date Expenditure | Balance |
|---|----------------------|----------------------------|---------------------------------|----------------|
| Personal Services & Benefits | \$ 1,215,055 | \$ 95,632 | \$ 773,872 | \$ 441,183 |
| Operating Expenses | \$ 557,945 | \$ 14,715 | \$ 137,761 | \$ 420,184 |
| Total | \$ 1,773,000 | \$ 110,347 | \$ 911,633 | \$ 861,367 |



State Council on Developmental Disabilities



STATE OF CALIFORNIA

Edmund G. Brown Jr.
Governor

• website • www.scdd.ca.gov • email • council@scdd.ca.gov

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March 21, 2016

Andrew Morris
Office of the Commissioner
Administration on Disabilities
U.S. Department of Health and Human Services
330 C Street S.W.
Washington, D.C. 20201

Sent via email to AIDDformula@acl.hhs.gov

Dear Mr. Morris:

The California State Council on Developmental Disabilities (SCDD) respectfully submits the following comments regarding the Notice of Guidance with respect to the New Funding Formula for State Councils on Developmental Disabilities and Protection and Advocacy Systems. As you are aware, SCDD is the council established in California under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) Section 125. SCDD undertakes advocacy, capacity, building, and system change activities in a multi-layered complex delivery system serving approximately 39 million Californians and 618,000 people with an intellectual and/or developmental disability.

SCDD applauds the Administration on Disabilities (AOD) efforts to clarify the funding formula. The current formula was last adjusted decades ago, uses unreliable data, and is so complicated that it largely cannot be validated. SCDD appreciates AOD's efforts to update and simplify the formula while creating transparency.

SCDD supports the formula as drafted for the following reasons.

The draft formula follows the DD Act intentions

The formula is concise, transparent, and consistent with Congressional intent to provide funds based on greatest need. The draft formula follows Congressional intent for population, need for services, and financial need.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

Andrew Morris
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March 21, 2016

The draft allocation selects the appropriate amount for the minimum allocation for states and territories

It is important that small states and territories have a minimum allocation to execute the DD Act's mission throughout the country. The draft allocation strikes the right balance. California has 12.2% of the population and need, is a high poverty state, yet would likely receive 9.49% of the funding under the formula. An additional allocation to minimum needs states would dilute the DD Act priorities of population, needs for services, and financial need.

The draft formula uses the correct data sources

July census estimates, the National Health Interview Survey on Disability prevalence rate of 1.58% and poverty and unemployment counts are reliable and verifiable. These sounds data sources increase the validity of the formula.

SCDD appreciates the work of the formula workgroup for creating a sound draft formula. 63% of states and territories are largely unaffected by this formula, showing the draft strikes the right balance of correcting inequities without over adjusting more than what needs to be addressed.

Thank you for the opportunity to provide comment on this proposed funding formula. SCDD urges you to support the formula as drafted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dr. Lopez", with a long horizontal flourish extending to the right.

Dr. April Lopez
Chairperson

2016 COUNCIL PLANNING CALENDAR

JANUARY 2016 – HILTON HOTEL

Governor's Proposed Budget and Draft SCDD 16-17 Budget
Committee and Task Force Reports
Bylaw Review

Focus Topic: 2017-21 State Plan

JULY 2016 – DOUBLETREE HOTEL

Governor's State Budget Update
Mini Grant Proposal
2011-16 State Plan Closeout
2017-21 State Plan Approval
Committee and Task Force Reports

Focus Topic: DD Overview and Current Trends.

MARCH 2016 – CROWNE PLAZE HOTEL

Self-Determination Statewide Workgroup Update
Draft SCDD 16-17 Budget
Legislative Positions
Committee and Task Force Reports

Focus Topic: AIDD Commissioner Aaron Bishop

SEPTEMBER 2016 – DOUBLETREE HOTEL

Award Mini Grant Funding
Committee and Task Force Reports

Focus Topic: Parliamentary procedures

MAY 2016 – CROWNE PLAZE HOTEL

Governor's May Revise Update
Adopt SCDD 16-17 Budget
2017-21 State Plan Review
Legislative Position Updates

Focus Topic: Employment

NOVEMBER 2016 (LOCATION/DATE TBD)

Policy Planning for 2017
2017 Council Elections
2016 PPR
Committee and Task Force Reports

Focus Topic: Self-Determination

EXECUTIVE COMMITTEE AGENDA ITEM DETAIL SHEET

ISSUE: EXECUTIVE DIRECTOR EVALUATION

BACKGROUND: In accordance with the federal Developmental Disabilities Assistance and Bill of Rights Act (Federal DD Act), the California State Council on Developmental Disabilities (Council) is required to evaluate the performance of the Council's Executive Director on an annual basis.

To meet this requirement, the Council previously approved an evaluation tool to assess Executive Director performance. (See Minutes of March 16, 2011, Council Meeting.) At its October 2015 meeting, the Executive Committee approved the 2016 timeline utilizing the Executive Director evaluation tool and requested that staff develop one or more supplemental questions that would allow for information on the Executive Director's accomplishments to be shared with the Committee and Council.

ANALYSIS/DISCUSSION: The Executive Committee is being updated with the 2016 timeline and supplemental question(s).

COUNCIL STRATEGIC PLAN OBJECTIVE: N/A

PRIOR COUNCIL ACTIVITY: 2011 Council approval of current evaluation process. On April 14, 2015, Executive Committee action to: 1) direct that evaluation be initiated; 2) ratify utilization of Council's evaluation tool; 3) approve proposed timeline; and 4) assign the Council Personnel Officer to support Council Chair as Evaluation Coordinator. At its October 2015 meeting, the Executive Committee approved the 2016 timeline and requested supplemental question(s) so information on the Executive Director's accomplishments could be shared with the Committee and Council.

RECOMMENDATION(S): N/A

ATTACHMENTS(S): 2016 Evaluation Materials and Timeline

PREPARED: Legal Counsel Natalie Bocanegra, March 21, 2016



STATE COUNCIL ON DEVELOPMENTAL DISABILITIES 2016 EXECUTIVE DIRECTOR EVALUATION

I. PROCESS

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (federal DD act) requires that the Executive Director of the Council be evaluated on an annual basis.

The process for evaluating the Executive Director is:

1. The Chairperson of the Council oversees and manages the Executive Director Evaluation. He/she distributes the Performance Evaluation Form to Council members and Council staff.
2. Each Council member must complete the Performance Evaluation Form. Once completed, the form must be returned to the Chairperson.
3. Staff members will be sent Narrative Questions only. These must be returned to the Chairperson.
4. The Executive Director will complete the Performance Evaluation Form for herself/himself and discuss her/his self evaluation with the Chairperson.
5. Each Performance Evaluation Form is logged onto a worksheet and summarized by the Chairperson with the assistance of the Evaluation Coordinator.
6. A final summary report is produced by the Chairperson with the assistance of the Evaluation Coordinator. Legal Counsel will review materials to confirm compliance with the approved evaluation process.

7. The Chairperson with the assistance of the Evaluation Coordinator will present the final summary report along with evaluation materials, statistical data and all other information to the Executive Committee during a closed session.
8. The Executive Director Evaluation will be on the next possible Council Meeting agenda as a closed session item. Executive Committee will present the evaluation and their recommendation to the full Council during the closed session.
9. In open session, the Executive Director and Council then meet to discuss salary/bonus, etc., if applicable.
10. This information is then processed through the Council Personnel Department.

II. INSTRUCTIONS

Please use the rating levels: “**N/I**” (Needs Improvement) “**A**” (Meets Standards/Acceptable), or “**O**” (Exceeds Standards/Outstanding). If you do not know about a particular area, mark **Do Not Know**.

| Rating Factor | Needs Improvement (N/I) | Meets Standards Acceptable (A) | Exceeds Standards Outstanding (O) |
|----------------------|--|--|---|
| Work quantity | Executive Director does not produce enough work. | Executive Director produces the proper amount of work. | Executive Director produces a lot of work. |
| Work Quality | Executive Director does not have work skills. | Executive Director has the work skills and works accurately. | Executive Director’s work is always accurate and orderly and works with superior skill. |

III. EXECUTIVE DIRECTOR EVALUATION

| ASSISTANCE TO COUNCIL MEMBERS | Don't Know | Needs Improvement | Acceptable | Outstanding |
|---|-------------------|--------------------------|-------------------|--------------------|
| Assists the Council in scheduling, planning and preparing for Council and committee meetings. | | | | |
| Assists the Council in the development of agency policy, organizational goals, objectives and budgets. | | | | |
| Assists the Council in the development of policy decisions regarding issues that affect the rights and interests of persons with disabilities. | | | | |
| Assists the Council in making sure that the Council follows all federal and state laws and regulations, including providing and interpreting information. | | | | |
| Assists the Council in the development of the goals and objectives of the Council's 5 year state and strategic plan. | | | | |
| Provides regular reports to the Council on the state and strategic plan and emerging issues and provides recommendations. | | | | |

| PERSONNEL | Don't Know | Needs Improvement | Acceptable | Outstanding |
|--|-------------------|--------------------------|-------------------|--------------------|
| Assures that staff are supervised and coordinated effectively in order to carry out all of the Council's goals and objectives. | | | | |
| BUDGET | | | | |
| Develops, implements and manages the Council approved budget. | | | | |
| Ensures that budget is legal and uses acceptable accounting and fiscal management practices. | | | | |
| Assures that the Council receives budget information. | | | | |
| Makes contracts on behalf of the Council consistent with approved goals, objectives, plans and budget actions. | | | | |

| PUBLIC AND AGENCY LIAISON | Don't Know | Needs Improvement | Acceptable | Outstanding |
|---|-------------------|--------------------------|-------------------|--------------------|
| Maintains effective relationships between the Council, the federal Administration on Developmental Disabilities and State funding agencies. | | | | |
| Maintains effective relationships and works with other advocacy organizations with similar goals and objectives. | | | | |
| Maintains effective relationship and liaison with the National Association of Councils on Developmental Disabilities (NACDD). | | | | |
| ADAPTABILITY RATING | | | | |
| Able to assume a variety of roles and responsibilities related to the position and perform with required knowledge/skills. | | | | |
| Able to respond well to changing job requirements and work conditions, including unanticipated/exceptional administrative and/or programmatic events. | | | | |

| EXPRESSION | Don't Know | Needs Improvement | Acceptable | Outstanding |
|--|-------------------|--------------------------|-------------------|--------------------|
| Able to clearly/concisely convey information (e.g., interpreting regulations, presenting reports, articulating needs/priorities, giving instructions) orally and in writing. | | | | |
| Able to organize coherent presentations and effectively highlight/summarize key points and issues. | | | | |
| INTERPERSONAL RELATIONS | | | | |
| Demonstrates sensitivity and good judgment. | | | | |
| Is helpful and friendly. | | | | |
| Resolves conflicts in an objective manner. | | | | |

IV. NARRATIVE QUESTIONS

1. What impressed you the most about the Executive Director's performance this year?

EXECUTIVE DIRECTOR EVALUATION 2016 TIMELINE

- June 15, 2016 Evaluation form will be sent out to evaluators with a return date of July 15, 2015, for submission to the Chair or Evaluation Coordinator, as appropriate.
- August 2016 The Chairperson with the assistance of the Evaluation Coordinator will present the evaluation materials, statistical data and all information to the Executive Committee during a closed session.
- September 2016 Executive Committee will present the evaluation and their recommendation to the full Council during a closed session.