



EASTERN LOS ANGELES REGIONAL CENTER
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**ELARC Board of Directors Meeting
Minutes of January 14, 2014**

Approved February 11, 2014

Present:

Terry Munoz, President
Felicitas Navera, Secretary
Lida Chavez
Elias Fonseca
Anthony De La Rosa
Roman Castro, CAC
Armando Villegas, VAC
Theresa Chen, Treasurer
Robert Hazard, Vice Chairperson
Tony Borrego

Staff Present:

Gloria Wong, Executive Director
Felipe Hernandez, Chief of
Consumer Services
Jesse Valdez, Manager,
Residential/Federal Programs
Rosalie Estrada,
Executive Secretary

Absent:

Jiang Guo, Excused
Deborah Gallardo, Excused

Guests:

Refer to Sign-In Sheet

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I. Welcome & Roll Call

The ELARC Board of Directors meeting was called to order at 6:05 P.M. by Terry Munoz, President. A quorum was present to conduct necessary business.

II Introductions & Opening Round

Board members and the audience were asked to introduce themselves and share a positive experience.

III Community Input

Mr. Helgeson congratulated ELARC on the 100% score received on the review conducted by DDS as it relates to Target Case Management and the Nursing Home Reform.

Norman Fulco, parent, shared his concern regarding the closure of the Lanterman Developmental Center (LDC). He shared most parents supported the closure of the LDC because of the Agnew Developmental Center (ADC) closure experience. The ADC had legislation Section 4685.50 which outlined the type of services the individuals from the developmental center are entitled to. Additionally state staff who were employed at Agnew were placed in the community which is a great asset especially for those individuals who have behavior problems or are medically fragile. At the end of the closure of ADC there were 130 state staff working in the community. Mr. Fulco reported with the closure of LDC, now in its 4th year, there were only two state staff working in the

community.

Mr. Fulco stated his daughter is at risk because of limited staff and their inexperience. Mr. Fulco indicated it is very important his daughter and the others in the home have strong and stable staffing arrangements. He indicates up to the present time there have been two deaths of individuals who transitioned into the community. The first 140 individuals who left LDC were not placed in a specialized home (SRA) which is accredited by the Department of Developmental Services. These homes are licensed by Department of Social Services.

Mr. Fulco feels DDS and the Regional Centers do not understand the basic needs of the individuals who have been moved out of LDC and the system does not think they need the type of staffing they had while residing in the developmental centers. Mr. Fulco also stated he hopes this issue does not end up in legal action over the insufficient staffing for individuals placed in the community. He has been in communication with DDS and they seem to be very naive as to what the needs are for the individuals living in the community.

Mr. Fulco expressed he hopes ELARC and others are informing DDS what the needs are. He indicates at this time his daughter is doing well and hopes this continues, but stated it doesn't look good when you walk into a home and you see someone in the home you do not recognize. He indicated his daughter is missing out in some of the services because there are new staff and they do not know his daughter, and he does not want this to continue nor the situation to get any worse than it is now. The home administrator indicated they will try to come up with a plan to have permanent staff rather than part-time individuals who are very inexperienced and poorly trained which places his daughter at risk.

Gloria Wong indicated the issue should be raised at the time of IPP to ensure all the above needs are addressed by the vendor and that quality assurance standards are being adhered to. Appropriate ELARC staff will pursue this matter to ensure a resolution to outstanding issues. Mr. Fulco indicated his daughter's service coordinator is aware, but they found it necessary to cancel his daughter's six month review because of the staffing issues which seem to occur more often on the weekends.

Gloria requested Jesse Valdez, as the Manager of Residential Services, to follow-up with the concerns with Rhoda Tong, Supervisor and the assigned Service Coordinator.

IV Approval of Board of Directors Meeting Minutes

A. Minutes of November 12, 2013

Minor typographical errors were noted and corrected.

M/S/C (Lida Chavez/Tony Borrego) To approve the Board Meeting Minutes of November 12, 2013 as corrected. Unanimous.

V. Executive Directors Report

A. DDS Final Reports Targeted Case Management & Nursing

Jesse Valdez, Residential Services Manager and also oversees the federal programs (Targeted Case Management (TCM) and Nursing Home Reform).

Jesse Valdez reviewed the final report received from the Department of Developmental Services. Jesse distributed a summary of the final report and provided an overview of

the audit conducted February 25, 2003 through March 5, 2013.

The review was performed by DDS in conjunction with the Department of Health Services. The team performed a full review of select cases, randomly selected service providers in the community, both day programs and residential facilities were visited by the team.

Jesse reported there are nine standards which are part of the review. The consumers selected at random were individuals with higher cost. ELARC received 100% on 3 of the nine standards:

(1) Regional Center Self Assessment: the responses indicated ELARC has the systems and procedures in place for implementing the State and HCBS Waiver requirements which are addressed in the self-assessment criteria.

(2) Consumer Record Review. Twenty-seven consumer records were selected at random and were reviewed for 31 documentation requirements from federal and state statutes and regulations and Home and Community Based Services (HCBS) Waiver Requirements. The sample records were 98% in overall compliance for the review.

(3) Community Care Facility (CCF) Consumer Record Review: Five consumer records were reviewed at five separate CCF for 19 documentation requirements from Title 17 of the California Code of Regulations. The sample records were 100% in compliance for the 19 criteria.

(4) Day Program Consumer Record Review: Six records were reviewed at five day program for 17 documentation requirements from Title 17, California Code of Regulations. The sampling case records were 100% in overall compliance for the fourteen applicable criteria.

(5) Consumer Observations & Interviews: Twenty consumers, or in the case of minors, their parents were interviewed and/or observed at their CCFs, day program, or independent living settings. The monitoring team observed that all of the consumers were in good health and were treated with dignity and respect. The interviewed consumers/parents indicated they were satisfied with their services, health and choices.

(6) Service Coordinator Interviews: Four service coordinators (SCs) were interviewed using a standard interview instrument. The SCs responded to questions regarding their knowledge of the consumer, the IPP/annual review process, the monitoring of services, health issues and safety.

(7) Clinical Services Interview: The nurse coordinator was interviewed using a standard interview instrument. She responded to information questions regarding the monitoring of consumers with medical issues, medication and behavior plans, the coordination of medical and mental health care for consumers, the provision of clinical supports to service coordination, and the clinical team's participation in the Risk Management, Assessment and Planning Committee.

(8) Quality Assurance: A community services specialist was interviewed using a standard interview instrument. She responded to information questions regarding how ELARC is organized to conduct Title 17 monitoring reviews, verification of provider qualifications, resource development activities, special incident reporting, and QA activities where there is no regulatory requirement.

(9) Service Provider Interviews: Three Community Care Facilities (CCF) and two day program service providers were interviewed using a standard interview instrument. The

service providers responded to questions in the context of the same consumers regarding their knowledge of the consumer, the annual review process and the monitoring of health issues, medications, overall progress, safety and emergency preparedness. The service providers were knowledgeable about their roles and responsibilities.

(10) Direct Service Staff Interviews: Three CCF and two day program direct services staff were interviewed using a standard interview instrument. The staff were families with the consumers and knowledgeable about their roles and responsibilities.

(11) Vendor Standards Review: The monitoring team reviewed three CCFs and two day programs utilizing a standard checklist with 23 criteria that are consistent with the HCBS Waiver requirements. All interviewed vendors were in good repair with no immediate health and safety concerns observed.

(12) Special Incident Reporting: The monitoring team reviewed the records of 27 HCBS waiver consumers and ten supplemental sample consumers for special incidents during the review period. ELARC transmitted all but one special incident to DDS within the required timeframe. ELARC's follow-up activities on consumer incidents were timely and appropriate for the severity of the situation.

Targeted Case Management (TCM): Twenty-seven consumer records, containing 2,486 billed units, were reviewed for three criteria. The same records were 100% in compliance for criterion 1 (TCM service and unit documentation matches the information transmitted to DDS), 89% in compliance for criterion 2 (TCM service documentation is consistent with the definition of TCM service), and 100% in compliance for criterion 3 (TCM service documentation identified the individual who wrote the note and the date the note was completed).

Nursing Home Reform: Ten consumer records were reviewed and three criteria. The ten sample records were 100% in compliance for all three criteria.

Gloria reported the regional centers have become highly dependent on federal funding. The regional center system is funded at \$4.4 billion for the twenty-one regional centers, just under half of the amount is federal dollars and the main funding source is Medicaid Waiver.

Mr. Huynh, parent, stated he feels his service coordinator does not know what they need to do and are giving him the wrong instructions. He indicated he now has a service coordinator who speaks Vietnamese.

Gloria responded to Mr. Huynh stating his issues are more on a personal level and the board meeting is not the appropriate forum to discuss the issues as it relates to his children due to the privacy issues. Felipe Hernandez stated Mr. Huynh has filed a 4731 complaint, a process available if an individual feels their rights have been violated. Mr. Huynh has filed a 4731 complaint and it has been responded to by ELARC. The next step would be for Mr. Huynh to take the 4731 complaint to the Department of Developmental Services, and as of this date no follow-up has been done.

B. Draft Revised POS Policies

- a) In-Home Respite
- b) Habilitation Services

The policies were posted on November 14th for 30 day comment period ending on December 14th but was left posted due to the holidays. As of December 27, 2013 no comments received.

The policies are being brought before the Board of Directors after the public comment period. Policies are not formalized until there is formal approval from DDS.

Felipe Hernandez reviewed the changes to the policies. The policies were revised to reflect Trailer Bill Language (TBL). According to TBL, the regional centers are limited to thirty hours of respite per month or ninety hours a quarter, unless there is an exemption. The "Family Needs Assessment Guideline" was received from Redwood Coast Regional Center (RCRC). The Guidelines were presented at a Chief Counselor's meeting. Felipe indicated the document was an improvement over the one ELARC was using. Assessment guidelines being used by ELARC were somewhat vague and parents voiced some concerns as to the information they were being assessed on for family respite hours. Two service coordinators were selected to participate in a pilot project using the new assessment guidelines with their families. Feedback from the service coordinators and the families was the assessment tool was found to be more effective than the tool service coordinators were using. The Assessment Tool from RCRC was incorporated into the policy.

As referenced on page 3 of the respite policy and respite services shall be provided by use of a Fiscal Management System.

Gloria reported SB 468 requires that anyone in self-determination will also be required to use a Fiscal Management System.

M/S/C (Bob Hazard/Theresa Chen) To approve the revised In-Home Respite policy as presented. Unanimous.

Felipe reviewed the Habilitation Services policy. The policy outlines and defines for service coordinators habilitation services and goals. ELARC's goal is to increase integrated and gainful employment opportunities for individuals with developmental disabilities. Regional Centers are required to work together with family members and all other entities such as the Department of Education, Department of Rehabilitation to maximize people's ability to work and gainful employment.

M/S/C (Anthony De La Rosa/Theresa Chen) To approve the revised Habilitation Services policy as presented. Unanimous.

C. 2014 Performance Contract Approval from DDS

The 2014 Performance Contract submitted to DDS for approval in November 2013 was approved by DDS. A copy of the letter dated December 2, 2013 was shared with the Board.

D. Budget Status for Fiscal Year (FY) 2013-14

The Sufficiency of Allocation report is due to DDS on the 10th of every month. A copy of

the Purchase of Services (POS) Expenditure Projections Summary for expenditures through November 2013 was reviewed. Currently, ELARC is projecting a deficit ranging from a low of \$8,481,882 to a high of \$9,315,910. Additionally there is a reported deficit for the Community Placement Plan (CPP) of \$1,924,292. DDS will allocate the full CPP funds after all placements have been at the end of the fiscal year.

Currently, all twenty-one regional centers are all projecting a deficit for a total of \$342 million with one regional center reporting a deficit of \$30 million. At this time, regional centers are waiting for guidance from DDS.

Gloria reported Terry Delgadillo, the director of the Department of Developmental Services, retired at the end of December. DDS has announced Santi Rogers, a current director of San Andreas Regional Center, has been appointed as the new director of DDS. Mr. Rogers has a great deal of experience in the field of developmental disabilities. He was also the director of a developmental center. Regional Centers are pleased with the appointment.

POS Allocation: ELARC has received two allocations for the current fiscal year.

When the Governor released the budget for next fiscal year, he also will make some adjustments for the current fiscal year. They adjusted POS by \$2.6 million due to the underestimated caseload growth.

Cash-Flow Update:

Up to this point regional centers have been receiving payments on submitted claims at 100% reimbursement and on a timely basis.

Regional Centers have been advised by DDS that there may be a cash flow problem in the near future.

Budget Performance Report/Operations:

The majority of the money for operations has already been allocated. There is a balance of \$310,000 in operations. There are line items which are protected and regional centers are not allowed to shift funds to other operation items. Money allocated to Clinical operations can not be moved. There is a balance of \$51,000.

Fiscal Year 2014-15

The Governor released his budget on January 10, 2014. A copy of the Governor's Budget Highlights for the new fiscal year was shared with the Board.

The Association of Regional Center Agencies (ARCA) is currently working on a full analysis of the new budget. On the operations side of the budget a position statement will be made which indicates the budget is insufficient and adjustments need to be made. Additionally adjustments need to be made for POS. ARCA will be developing an analysis of the budget and it will be shared with the Board for the February board meeting.

E. POS Disparity Report

1. Meeting Notice

A copy of the 2012/13 Fiscal Year Purchase of Service (POS) Data by: Age, Ethnicity, Diagnosis, Residence and Language was shared with the Board. The document was required to be posted on the agency website by December 31, 2013. A public meeting is to be held 30 days after the posting of the report. It was noted that the POS Report

was revised with minor changes and reposted on January 7, 2014. The public meeting is scheduled for February 20, 2014 with an A.M. session at the Alhambra Office and a P.M. Session in the Whittier area.

F. Lease Negotiations

Legal counsel review and recommendations to be discussed in Executive Session.

G. Self-Determination (SB 468 Update)

Prior to implementing the Self-Determination project, DDS must secure federal funding. SB 468 became effective as of January 1, 2014. Gloria reported she is part of the Stakeholder Committee who had their first meeting in December and the next meeting is scheduled on January 22, 2014 as hosted by DDS. The committee is reviewing the various federal programs and trying to determine which is the best option for Self-Determination. DDS has until December 31st of 2014 to apply for the federal application.

VI Consumer Services Report

Felipe Hernandez distributed a flyer for an event scheduled for consumers ranging in ages of 13 to 26 years of age. The session is scheduled on Friday from 4:30 P.M. to 6:30 P.M. at the Alhambra office. The event is geared toward encouraging socialization. The event is sponsored by the Southern California Resource Services for Independent Living which has recently moved into the campus.

VII Committee Reports

A. Vendor Advisory Committee

Armando Villegas, VAC Representative reported the VAC met on November 23rd and the next VAC meeting is scheduled for January 23rd. Meetings are held on the 4th Thursday of the month.

Armando indicated he forwarded an email to Frances Jacobs extending an invitation for Gloria to present at a future meeting.

B. Consumer Advisory Committee

Roman Castro, CAC Representative reported the CAC is planning their meetings for the year. The CAC will be focusing on personal finance, relationships, and self advocacy. He also indicated Jesse Valdez, Manager, will be presenting on Medicaid Waiver at the CAC meeting scheduled for February 18th.

C. Family Advisory Committee

Felicitas Navera, FAC Board Representative reported the FAC meetings are off to a good start for the new year. The schedule for the new year was distributed at their last meeting. More and more parents are attending the meetings. A copy of the flyer for the 2014 Board and Advisory Meetings was distributed. The next meeting will focus on a housing presentation by ELARC staff.

D. Finance/Personnel Committee

1. Final Independent Audit Report

Terry Munoz reported the Finance Committee met with the accounting representative from the firm Lautze & Lautze to review the Final Independent Audit Reports. The draft reports were discussed with the Board in detail at the November 2013 board meeting. The Board received a final copy of the reports.

VIII Miscellaneous Announcements

There were no miscellaneous announcements.

IX Adjournment

There being no further business to discuss the general board meeting was adjourned.

M/S/C (Felicitas Navera/Theresa Chen) To adjourn the general board meeting of the board at 7:50 P.M. Unanimous.

X Executive Session

An Executive Session was called to order at 7:55 P.M. in order to discuss lease negotiations.

M/S/C (Theresa Chen/Lida Chavez) To adjourn the Executive Session. Unanimous.

There being no further business to discuss the Executive Session was adjourned at 8:10 P.M.

Respectfully submitted by:

Felicitas Navera, Secretary, Eastern L.A. Regional Center Board of Directors

Recorded by: Rosalie M. Estrada, Executive Secretary