

North Los Angeles County Regional Center
Self Determination Local Volunteer Advisory Committee
Meeting Minutes
March 16, 2017

Present: Sandra Baker Victoria Berrey, Mercedes Del Cid, Richard Dier, Ellen Jannol, Michelle Heid, Bebo Saab – Committee Members
Ruth Janka, Evelyn Chamorro – NLACRC Staff
Julie Eby-McKenzie – State Council on Developmental Disabilities
Sonia Ojeda, Joyce Thomas, Ken, Jordan, Alexandra Baker, Sam Thukral, Violetta and Catalin Banez- Guests

Absent: Allison Cameron Gray, Nicole Carter, Debra Newman – Committee Members

1. Call to Order & Introductions

The meeting was called to order by Michelle Heid at 7:04p.m. Introductions from the Committee and guests were made. A quorum was present.

2. Public Input & Comments

There was no public input.

3. Training Topic: Home and Community Based Services (HCBS) File Rule.

The training topic began at 7:05pm.

Ruth will review the HCBS statutory language from the Social Security Act and the governing act from the Federal Register. A handout was included. Section 441.710 is commonly referred to as the Final Rule. These regulations go into effect in March 2019. The Final Rule discusses settings in which services must be delivered. The regulations require that people who are receiving Federally funded services are integrated into their community to the maximum extent possible.

Autonomy and life choices should be respected. As far as day programs go, they must be individualized and ensure that individuals are able to integrate fully into the community and have the same access as people without disabilities. Person Centered Planning and program planning are going to be essential in ensuring that Regional Centers are meeting these requirements.

Residential facilities – residents must have the right to have their own room, or a roommate of their choosing. Staff's use of a key to open a resident's locked door must be warranted. The right to furnish and decorate their own room is discussed, as well as access to food at any time. This is referred to as the Burrito Rule – the ability to get up at 2am and heat up a burrito! Visitors must be accommodated at any time. Ruth said that residential providers are attempting to modify their operations to comply. These rules need to be accommodated without infringing on the rights of others.

Vicki asked if a residential group home with all roommates who are DD meets the settings rule. Julie said that the residents need to choose to live in that setting. There are also other types of residences that they can choose such as an apartment.

Bebo said that these rules will apply to all States. Julie said that the HCBS rules have come about in conjunction with ADA, the Olmstead rule and others.

LARC Ranch in Santa Clarita is comprised of 6 houses and an onsite day program. Most of the residents do not leave the campus. It does not allow easy access into the community. This type of setting will likely not meet the HCBS rules. A residential home in your neighborhood, however, is fully integrated into the community.

A guest asked how many residential homes are in Santa Clarita? Ruth said there are a number of them, but not as many as in the San Fernando Valley or Antelope Valley. Some homes in Antelope Valley are very far away from other homes, such as in Lake Los Angeles, and may not meet the rules due to accessibility to the community.

Jordan asked how HCBS differs from the Lanterman Act for residences. Ruth said a lot is the same, but the Lanterman Act does not set specific criteria in order to qualify for funding.

Richard explained that the SD program must comply with HCBS Final Rule even if it is approved before March 2019. The Federal dollars that will come from these services will reimburse what Regional Centers spend, up to 50%.

The issue of funding services was discussed. The issue of Medicaid block grants will have the effect of cuts in Medi-Cal, because California spends far more in Medi-Cal than they receive in Federal dollars. Some settings will not meet the settings rule: hospitals, Intermediate Care Facilities, nursing homes. Consumers in those settings will be under a different Medi-Cal waiver such as the nursing waiver.

Day programs were discussed. Julie said day programs can no longer be silos where people never leave. This will be a challenge for programs that have individuals with significant needs where it is difficult to go out into the community. Richard feels that self determination will be really helpful to set up individualized programming because they will not have to use vendored agencies.

A guest asked if the Regional Center CSC will still be involved under Self Determination. Richard said yes, but there may also be a person called an Independent Facilitator who would be paid from the personal budget. One caveat by Julie is that each Regional Center will structure how their Self Determination program will operate. At ELARC, for example, they will be CSCs who only work with consumers under Self Determination.

A guest asked how the budget will work. Julie gave an overview.

The role of the family members in oversight was discussed.

Mercedes asked if there is any guidance on how many hours or days must be community based to meet the requirement. Julie responded that it is not that prescriptive, but a general question such as “would this work for me, or is this a meaningful life?” is a good question.

Richard discussed the challenge of meeting these requirements with existing funding. A couple of years ago, we thought there would be more funding with Federal funds, but now we do not expect additional funding. Success will determine on utilizing natural supports and existing community organizations.

Consent Items

A. Approval of Agenda

M/S/C (B. Saab/E. Jannol) To approve the Agenda as written.

Baker	Yes	Gray	Absent
Berrey	Yes	Heid	Yes
Carter	Absent	Jannol	Yes
Del Cid	Yes	Newman	Absent
Dier	Yes	Saab	Yes

B. Approval of Meeting Minutes from January 19, 2017 Meeting:

M/S/C (S. Baker/M. Heid) To approve the minutes as written.

Baker	Yes	Gray	Absent
Berrey	Yes	Heid	Yes
Carter	Absent	Jannol	Abstain
Del Cid	Abstain	Newman	Absent
Dier	Yes	Saab	Abstain

4. Committee Reports

- A. Chair's Report –Richard asked Julie for an update on the status of the waiver. Julie was told by staff at ELARC that DDS is working on 2 final points on the phone with CMS; they are some difficult issues. They hope to resubmit the application to CMS this month. One of the issues is the use of the individualized budget to pay the FMS fees and she believes CMS has agreed to allow this. The fees range from \$50 to \$125 per month depending on services. Julie said that in a resubmission, a 30 day period of public input is not required, so it is possible that it could be approved by the end of June 2017.
- B. Board Actions –In Debra's absence, Michelle said there have not been any relevant Board actions. The Board is getting regular updates on Self Determination.

5. NLACRC/DDS/Update

- a. Current Interest List – Evelyn reported that she did two outreach sessions in March and has two scheduled in April. There are 106 interested participants, mostly in the San Fernando Valley. Ruth said that NLACRC is still sending out a SDP flyer (English/Spanish) with every IPP.
- b. Community Outreach – Evelyn would like to schedule more outreach workshops, especially in the Santa Clarita and Antelope Valleys, but is waiting until there is "new news" to report. We talked about educating vendors on the changes coming soon such as HCBS Final Rule, Self Determination and WIOA. Richard suggested reaching out to the NLACRC Board as well. Vicki would like to see the Self Determination meetings on the NLACRC Facebook page. Sandra asked if the criteria for selection in Self Determination program will change based on the Purchase of Service disparities demographics. Bebo said that ethnicity is already a criteria, and that DDS will make sure that RCs have done the outreach. Vicki wondered if we have an opportunity to update our materials now and get ready for a new round of outreach, with

special attention to our underserved populations. Evelyn will send out our current PowerPoint presentation to the Committee for review.

- c. DDS Update – Ruth said that DDS has said they will be making web-based training for Regional Centers available soon.

6. Old Business

- A. None

7. New Business

- A. Meeting Schedule for 2017 – We revisited the scheduling issue. Because Debra is the NLACRC delegate to ARCA and their schedule is March/May/July/September/November, she cannot attend our meetings. We discussed keep meeting every other month, but change from odd to even months. This will also allow us to meet earlier in case the waiver is resubmitted.

Motion to change meeting months to even months (Feb/April/June/August/October) schedule, rotating Chatsworth/Santa Clarita/Lancaster):

M/S/C (B. Saab/S. Baker) To approve the revised meeting schedule as proposed.

Baker	Yes	Gray	Absent
Berrey	Yes	Heid	Yes
Carter	Absent	Jannol	Yes
Del Cid	Yes	Newman	Absent
Dier	Yes	Saab	Yes

- B. Future agenda planning – we will review our presentation and outreach materials.

8. Public Comment

One guest said while Michigan’s Self Determination pilot program had some issues, he is confident that California’s program will be great.

9. Adjournment

Meeting was adjourned by Richard at 9:00pm. Submitted by Victoria Berrey, Secretary.