

**DEVELOPMENTAL DISABILITIES COUNCIL OF CONTRA COSTA COUNTY
BOARD OF DIRECTORS MEETING
March 27, 2013**

Board and Liaison Members Present: Suzanne Anthony, Chair (presiding), Craig Rose, Ella Liggins, Karen Lingenfelter, Jim Burton, Erin Rogers, Heidi Spaulding, Josh Sullivan, Ken Talken, Carl Tolentino, Heather Hackett, Dan Denis, Vi Ibarra, Peggy Black, Krista Loomis, Elree Langford, Kimberly Williams, Pam Perls, Barbara Maizie, Joanne Nakamura, John Rodriguez, Staff.

Board Members Excused: Stephanie Chapralis, Nickole Bouslog, Ange Burnett, Josh Sullivan, Stephanie Meakin, Caroline Ortiz, and Will Sanford.

Guests: Carol Anne McCrary, Contra Costa ARC; Emlyn Struthers, representing Senator Mark DeSaulnier; Christy Stanker, representing Assembly member Joan Buchanan; Kelly Kramer, Toolworks; Carrie Faulkner, RCEB; Danon Jenkins, ALIVE/Futures Explored/CAC; Kiara Heglin, ALIVE/Futures Explored/CAC; Paul Boyce, ALIVE/Futures Explored/CAC, Lisa Kleinbub, RCEB.

Welcome and Introductions-Suzanne Anthony, Chair

The meeting was called to order at 10:05 a.m. and introductions were made around the room.

- The February 2013 meeting minutes were unanimously approved (M/Ella Liggins; S/Carl Tolentino), with no corrections.
- Heidi Spaulding and Karen Lingenfelter requested additions to the agenda.

Presentation: Impact of the Affordable Care Act (ACA)

Speaker: Lisa Kleinbub, R.N., Health and Behavioral Services Director, RCEB

Lisa explained that she has been following the Affordable Care Act (ACA) "adventure", as this is its 3rd anniversary. She provided handouts with more detail. The intention of ACA is that all people will have access to health care; it is built upon what is already in place (employers offering health insurance at no or low cost; and existing government programs, such as Medi-Cal and Medicare); and reduces the "abuses" by insurance companies (e.g., dropping patients or denying coverage).

Last June, certain provisions of ACA were upheld in the Supreme Court. They did not uphold a provision for requiring States to expand eligibility for Medicaid; however, many states are expanding coverage on their own.

Examples of provisions that are already in place:

- An insurance company cannot deny coverage to children with pre-existing conditions (no limit on cost);
- An insurance company can't impose lifetime dollar limits;
- Young adults, up to age 26, can be covered by parents (no school requirement), as long as they are not employed with a company that offers affordable health insurance;
- 80% of the premium goes for healthcare; 20% can go to administrative costs;
- Preventative care is at no cost to the patient;
- There are tax credits for employers who have less than 50 employees;
- Nutritional information must be provided by chain restaurants and on vending machines.

Additional provisions will come into place on January 1, 2014. A sampling of those provisions includes:

- Insurance companies cannot deny coverage to ANYONE with pre-existing health conditions (they can't charge a higher premium, either);
- Annual dollar limits for coverage cannot be imposed;
- U.S. Citizens and legal residents MUST have health coverage (there are penalties levied through the IRS if you are not covered);
- Employers with over 50 full time employees are required to offer "affordable" health coverage that covers the 10 essential benefits described below. Employers will be fined, if it is not offered.

Health Benefit Exchanges are being developed in States to cover individuals and small businesses. In California, the Health Benefit Exchange is referred to as "*Covered California*" and is expected to be in place by Oct. 2013.

The 10 essential benefits of the exchange include:

1. Hospitalization
2. Emergency Care
3. Ambulatory Care
4. Prescription Drugs
5. Rehabilitation/Habilitation/Devices
6. Mental Health, Substance Abuse and Behavioral Health Treatment
7. Preventative care/Chronic disease management
8. Laboratory
9. Maternal/Newborn Care
10. Pediatrics, including Dental and Vision.

More specific information can be found at:

www.CoveredCA.com

Covered California will have a call center in Concord. There are 3 tiers of premiums, based on household income.

For people covered by Medi-Cal and/or Medicare, there is expected to be improvements in the quality of services that include:

- Requirements for increased coordination of care and the establishment of an "office of coordination of care" for people with both Medi-Cal and Medicare coverage;
- Increased reimbursement to physicians over the next 2-3 years;
- Increased focus on non-institutional long-term care services;
- Medicare Part D will now cover 2 additional drug classes (benzodiazepines and barbiturates) used in the treatment of epilepsy, cancer and chronic mental health disorders.
- There would be no co-pays for people with dual coverage (Medi-Cal and Medicare).

Lisa explained that the Medi-Cal and Medicare systems will be undergoing changes in the next few years, hopefully, expanding services. She expects glitches that will be worked out over time.

In addition, employers with less than 50 employees can purchase plans from the exchange and receive tax credits for doing so. However, if they don't, there is no penalty.

A comment from the audience was made regarding the difficulties in finding good physicians that will serve our clientele through Medi-Cal/Medicare. Lisa mentioned that the ACA includes ways to

make complaints about “network capacity”. She referred to the State Department of Managed Health Care in California as having a lot of information about available doctors and a complaint process:

www.dmhc.ca.gov

Lisa also recommended the Federal Health Reform website as her preferred source of info:

www.healthcare.gov

Speaker: Barbara Maizie, Executive Director, Contra Costa ARC

Barbara mentioned that she has attended quite a few presentations recently on the ACA and that Lisa’s summary was the best one she has heard!

The intent of the ACA is for positive health care changes. There are some practical realities that result in significant issues for some employers, including service providers.

- She distributed a handout that included 2 flowcharts: one that shows the impact on individuals and another that shows the impact on employers (www.healthreform.kff.org).
- Service providers with more than 50 employees that do not offer affordable medical insurance coverage to staff members will be liable for fines of \$2,000 per full time staff member per year. (Fulltime = 30 hours per week).
- Service providers with more than 50 employees who do offer medical insurance will be liable for fines for those full time staff members for who the coverage is not affordable. (Affordable = costs less than 9.5% of the person’s household income). Fines for these employers will be \$3,000 per person per year.
- These fines could pose a significant challenge for service providers in the developmental disabilities field, given the prolonged rate freezes that have been in effect and the increased cost of medical insurance plans.

Lisa interjected that if an employer of over 50 employees offers a health plan that is considered affordable, and an employee doesn’t enroll, then the employee will be fined (fines increase over 3 years). *There may be a period in which an employee may choose to be fined, rather than enroll in insurance, as the fine may be cheaper.*

Barbara expressed her hope that there will be activity at the State level to help with these challenges. Jim mentioned that “unanticipated rate adjustments” to service providers were no longer available from the State and we need to advocate to get those reinstated, as well.

Report from Jim Burton, Executive Director of RCEB:

Jim reported that there are hearings coming up regarding the State Budget proposal. The Senate hearing is planned for April 11th. The Assembly hearing is planned for April 17th and will most likely focus on the Developmental Centers.

A new Executive Director has been hired for Sonoma Developmental Center, Karen Faria, and she will start on April 1st. Sonoma is on a Program Improvement Plan regarding staffing requirements, management responsibilities, training and reporting requirements. This plan is in the final stages of being approved.

Regarding finances, the State and RCEB are running out of cash, due to delays in federal reimbursements. The State is owed \$133.6 million; while RCEB is about \$20 million short (DDS thinks it will be funded). This increases the stress at RCEB, as the fiscal year comes to a close.

Jim reported that Intermediate Care Facilities (ICF), with 6-beds, sued the State to prevent rate cuts. Unfortunately, they lost the suit and are subject to up to 10% reductions in reimbursement. This is a very serious serious issue. RCEB will be scheduling a meeting with all of the ICF providers.

In addition, the IHSS lawsuit has been settled, with an 8% reduction in service hours to recipients on July 1, 2013, with reductions gradually restored in 2015. It is unclear exactly how this will impact RCEB consumers.

Jim also reported the passing of his good friend, strong advocate, respected leader, and former Executive Director of Golden Gate Regional Center, Jay Gaylord, on March 9th. A moment of silence was observed in his honor.

Committee Reports:

Legislative Committee: There are numerous bills in the works and John stated that he would put together a summary for easy reading. In the meantime, Josh Sullivan and Will Sanford are watching and supporting a housing bill sponsored by Senator DeSaulnier.

Transition Committee: The Transition Task Force meets the 3rd Thursday of each month in the RCEB conference room and hosts interesting speakers.

The West County Transition and Special Education Resource Fair will be held April 27th at the Vista Hills Education Center (2625 Barnard Street in Richmond). There will be free entertainment, many vendors and free door prizes-----fun for the whole family!

Nominating Committee: Nothing to report at this time. There are currently no Board member openings.

Joint Annual Dinner Meeting: Our annual dinner is planned for June 4th at the Embassy Suites Hotel in Walnut Creek, with the Alameda County DD Council. Dan Denis and Karen Lingenfelter volunteered to assist John in picking award winners. Everyone was sent a "Call for Nominations" form-----please submit your recommendations by April 30th.

Future Meetings:

- April 24th: RCEB Needs Assessment and Resource Development (at RCEB in Concord);
- May 22nd: Mental Health Services (at El Cerrito City Hall);
- June 4th: Joint Annual Dinner Meeting (at Embassy Suites in Walnut Creek).

Announcements:

- CARE Parent Network has posted on their website interesting population statistics on from ARCA for California.
- Heidi Spaulding distributed a flyer announcing a gathering in Sacramento on Thursday, April 11th, called "Failing Freedom!" She encouraged people to attend to protest the poor treatment of people residing in State Developmental Centers. She encouraged people to wear black and white clothing, bring banners, and meet at 10:00 a.m. at the West Capitol Steps (10th and L Streets).

- Karen Lingenfelter stated that the Life Skills Classes at Loma Vista are seeking vendorization from RCEB. She requested a letter of support from the DD Council, as they have lost funding, it is their only option to continue services, and they serve primarily RCEB clientele. The Board approved a motion to write a letter of support to RCEB (M/Heather Hackett; S/Heidi Spaulding).
- Peggy Black stated that the American Academy of Pediatrics has published a protocol for the diagnosis of Fetal Alcohol Spectrum Disorders at the following website:
www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/fetal-alcohol-spectrum-disorders-toolkit
- Emlyn Struthers announced that Senator DeSaulnier is hosting 2 events:
 - Summer Resource Fair: April 6th, 10 a.m. – 1 p.m. @ Woodside Elementary School in Concord;
 - Open House: April 20th, 10 a.m. – 1 p.m. @ the Alamo Chamber of Commerce, 120 Alamo Plaza, Suite B. Everyone is welcome!

The meeting was adjourned at 11:45 a.m.

**Our next meeting will be April 24, 2013 at:
RCEB Conference Room
2151 Salvio Street, 3rd Floor
Concord, CA
Topic: RCEB Needs Assessment and Resource Development**

Respectfully submitted electronically by,

Carol Anne McCrory
Contra Costa ARC