



# First of the Month

December 2010

CDSA CONFIDENTIAL

## In This Issue

Audit of Regional Centers

Dial in to the White House

Registration Open for Policy Meetings

## Quick Links

[Legislative Center](#)  
[CDSA Website](#)

## CDSA Calendar

December 7  
PR Committee  
Teleconference  
10:00-11:00 am

Orange County  
Caucus  
Project  
Independence  
11:30 am-1:30 pm

LA Caucus  
Teleconference  
2:00-3:30 pm

December 8  
Inland Empire  
Caucus  
VIP  
10:00 am-Noon

December 13  
CDSA Board  
Teleconference  
10:00-11:30 am

December 14

## The News

### Retroactive Cuts Lawsuit

**The Temporary Restraining Order (TRO)** - On November 23, Judge Connelly denied our requests for a temporary restraining order or preliminary injunction to stop application of the retroactive cut.

The Court ruled, for now, that:

- (1) The use of "from July 1, 2010..." was an expression of legislative intent that the reduction be retroactive.
- (2) The harm to providers was too speculative and general to support an injunction.

Judge Connelly noted that there was no declaration from any provider stating "I will close or stop providing X service on such-and-such a date as a direct result of retroactive application, and I have taken Y steps towards shutting down."

**Hearing on the Merits** - We proceed directly to our hearing on the merits on February 4, 2011, when we lay out our full arguments for the court. While the judge looked at a limited set of facts for the TRO hearing, we now can expand upon the issue of urgency legislation and address the issues of:

- Violating the prohibition of ex post facto laws.
- Interference with existing contracts.
- Impairing the obligations of contracts.
- Due process rights.

The time frame of the process involves our filing a full Brief on the case by January 3. The defendants will respond with Oppositions due January 21, 2011. We then respond with a Reply due February 1, 2011. There's still much work to be done.

We feel some frustration at the level of damage and the degree of specificity the judge required for the TRO, but there is another possible approach. Chad Carlock will talk to the lawyers for the Regional Centers about delaying any action on collecting the retroactive cuts until after the hearing on the merits.

### Audit of Regional Centers

CDSA Public Policy Chair Barbara Maizie participated in the November 4 hearing by the joint Human Services Committee on the audit of regional centers. She felt that the responses by DDS Director Terri Delgadillo and ARCA's Bob Baldo were dismissive. Bob Baldo didn't want to accept the findings and pointed to errors in methodology. ARCA paid to bring in consumers, parents, and vendors to testify on behalf of Regional Centers.

Upstate Caucus  
Green Barn  
Restaurant, Red  
Bluff  
11:30 am-1:00 pm

Barbara reported that she believes the legislators were waking up to the differences between the Regional Centers and service providers. There's potential for legislation to address some of the recommendations. See the [Public Policy Committee report](#) for more.

December 15  
Caucus Steering  
Committee  
Teleconference  
2:00-3:00 pm

### **The Election and Other Current Events**

Hard to believe that election day was less than a month ago. The election didn't change the political balance of the legislature, but the two propositions that lowered approval of a budget to a simple majority and raised the approval of new fees to two-thirds will change the landscape. This is an excellent time for CDSA members to connect with their legislators.

December 16  
CARI and Business  
Services Committee  
Teleconference  
10:00-11:00 am

Democrats swept the state offices. Jerry Brown has indicated that he will be slow to appoint new department heads, so Terri Delgadillo may be at DDS for some time yet. It's unclear how Brown's presence will affect the power of SEIU, but there is reason for concern.

Public Policy  
Committee  
Teleconference  
3:00-4:30 pm

There is great concern about the \$25.4 billion budget hole for next year, which includes a \$6 billion gap that has developed in this year's budget. Governor Schwarzenegger has called a legislative session on the \$6 billion, but they may not address it. There is speculation that the Democrats would rather wait until there's a Democratic governor in place.

December 17  
Dynamic Solutions  
Board  
Teleconference  
11:00-11:45 am

### **Dial in to the White House**

The White House Disability Group (yes, in Washington DC) is instituting a monthly call to update people on disability issues and introduce persons who work on disability issues in the federal government.

December 22  
Central Valley  
Caucus  
ABLE Industries  
10:00 am-Noon

The first call will be this Friday, December 3, at 11:00 AM Eastern (that's 8:00 AM for us).

December 27-31  
Christmas/New  
Year's Holiday -  
CDSA Office Closed

Dial in: (800) 230-1092  
Title: Disability Call (use instead of code)  
Date of Call: 12/03/10  
Start Time: 11:00 AM Eastern/8:00 AM Pacific

For live captioning, at time of call, [click here](#).

January 4  
PR Committee  
Teleconference  
10:00-11:00 am

## **Upcoming Events and Opportunities**

January 11  
Institute Board  
Teleconference  
3:00-4:00 pm

### **Policy Meetings**

CDSA's next gatherings will be the North/South Policy Meetings in January. Join fellow members, lobbyists, and CDSA's new Government Affairs Director, Amy Wall, for a discussion of the new budget, our public policy agenda, and our action plan for the coming year. Lobbyists will also give an overview of newly elected Legislative officials. This one day meeting includes lunch and CDSA recommendations for the upcoming year.

Inland Empire  
Caucus

**South** - January 26, 10 am-3 pm  
San Gabriel Valley Training Center, La Puente/Bassett

OPARC  
10:00 am-Noon

Upstate Caucus  
Green Barn, Red  
Bluff  
11:30 am-1:00 pm

January 17  
ML King Jr. Day  
State Holiday  
CDSA Office Closed

January 18  
Capitol Caucus  
InAlliance  
10:00 am-Noon

January 20  
Bay Area Caucus  
Contra Costa Arc  
10:00 am-Noon

Public Policy  
Committee  
Teleconference  
3:00-4:30 pm

January 24  
CDSA Board  
Teleconference  
10:00-11:30 am

January 26  
South Policy  
Meeting  
San Gabriel Valley  
Training Center  
Bassett  
10:00 am-3:00 pm

January 27  
North Policy  
Meeting  
CDSA Office  
Sacramento  
10:00 am-3:00 pm

**North** - January 27, 10 am-3 pm  
CDSA office, Sacramento

**Early bird registration is available through January 10, 2011.**

\$65 - member rate

\$45 - multiple registration discount rate\*

*\*Available for all registrations from the same member agency; only available during early bird registration.*

\$130 - non-member rate

**Register now!**

Southern Regional Policy Meeting - [Click here](#)

Northern Regional Policy Meeting - [Click here](#)

## CARI and Work Contracts

### New Opportunities

We are working on identifying more contract opportunities weekly. New contract opportunities are sent out on Tuesdays. If you're interested in receiving these notifications or would like bid packets or information about any of the current bid opportunities, please e-mail [Andrea Gallippi](#). More opportunities are coming soon.

## Members' Noteworthy News

### The Health Component

Two CDSA members recently reported on health and fitness programs moving forward. Using a grant from the St. Joseph's "Care for the Poor" Initiative, HCAR's day programs expanded support of healthy lifestyles, focusing on community resources and activities open to the general public. The funding provides access to exercise and supports food purchases. The Fitness Center of Goodwill of Orange County is specially designed for people with disabilities or chronic illnesses. Open for more than two years, it boasts more than 300 members who build strength, endurance, and confidence.

Around HCAR's various sites, participants get their exercise through a weekly "open swim" or participation in qigong, yoga, and tai chi classes. The healthy nutrition component is equally diverse. A registered dietician teaches a cooking class at one site. At another, participants grow their own produce in raised beds (that are wheelchair accessible) and supplement the harvest with foodstuffs from local, organic farms. In another area, participants visit the farmer's market weekly, where they enjoy talking to the people who grow the food and seeing what others are purchasing for their families. Some nutrition classes use recipes from the [Champions for Change website](#).

Goodwill's 12,000-square-foot, state-of-the art facility is the first of its kind in the Santa Ana area, complete with a fully accessible gym, specialized equipment, and both balance and yoga classes. "Not only do our members report that their health and fitness level have improved thanks to our stay-fit program, more than half continue to utilize the fitness center at least twice a week, even though one-third of our members had no prior gym exposure or experience," said Elizabeth Toumajian, Goodwill Fitness Center Manager. "Thanks to the generosity

of passionate donors, more members will be able to join to enjoy the benefits of this facility through our sponsorship program."

## Marin Ventures

Wow, what a year! In January Marin Ventures was asked to rescue the clients of another day program that was closing its doors. This necessitated leasing a second building on their campus that was in considerable disrepair. In fact, they had to rebuild the bathrooms from the ground up while still having to start services by June 1. They received contributions to their capital campaign and were able to completely re-model the building, pass all building department inspections, and open the doors two weeks early for the 22 disenfranchised clients. Unfortunately, they had to dip into cash reserves to complete the project. In addition, they hired 10 new staff and completed training and orientation just in time to welcome the new clients.

## Employment Classifieds

### CDSA Employment Advertisements

Do you need to fill a position or are you looking for a new position or career advancement?

List your open position in the CDSA Classifieds. Your open position will be posted on the Listserv, the monthly newsletter and our web site for 30 days. Service fees are \$99 for members and \$275 for non-members; contact [Melissa Smith](#) to place an ad.

## Board & Committee Meetings



### California Disability Services Association Board

The Board noted that both lobbying firms have signed contracts for 2010-11 and that Amy Wall started as Government Affairs Director on October 15.

The most exciting part of the November Board meeting was a report on the audit of 2009-10. CDSA got a clean bill of health, two journal entries, and a suggestion that the membership dues form include a statement that dues are not deductible for income tax purposes since some dues are used to pay for lobbying.



## California Disability Services Institute Board

The Institute Board reviewed progress on developing a seminar on autism, looked at the agenda for the January policy meetings, discussed the possibility of having clients and family members at the Legislative Affairs Conference in March, and considered having a Facebook page as a way to engage families.



## Dynamic Solutions Incorporated Board

No meeting in November.

## Audit Committee

No meeting in November.



## CARI and Business Services Committee

The most important news from CARI is the availability of three set-aside contracts. The Committee did not meet in November.

## Caucus Steering Committee

The Steering Committee did not meet in November. At the **Bay Area Caucus**, there was much discussion regarding the Whistleblower Policy by Regional Center of the East Bay. It is of great concern that the policy focuses on confidentiality and not on providing protection to whistleblowers from retaliation. Also, this policy may be in conflict with agencies' internal grievance procedures and other established complaint mechanisms. The caucus is gathering data on member agency health insurance costs. The **Inland Empire Caucus** is planning its legislative breakfast for February 4. As part of this process, the caucus is collecting data in a number of areas, including insurance. The caucus also voiced its concern about the retirement of habilitation specialists.

## Membership Committee

CDSA now has 99 members. The newest member is Families United-Respite in Eureka, which is also the tenth respite affiliate member. Projected dues income from the members is three percent more than budgeted. Approximately 30% of the members have completed the data survey that serves as the basis for the reports developed for the legislative conference.

The Committee discussed the creation of a special committee to review

the dues structure and agreed on a seven-month timeline. It will be important to get a diverse membership for the dues committee, in terms of geography, agency size, and services. The Committee reviewed results from a survey of less involved members and concluded that most are firmly aligned with CDSA but have reasons for little or no involvement in CDSA activities.

The Committee discussed the filtering process staff is going through with the list of providers received from DDS. After sorting and winnowing, the data will produce a list of qualified member prospects for each caucus. It will take time. The Committee discussed the challenge of restricting valuable CDSA information to members while welcoming non-members to attend caucus meetings.

## Public Policy Committee

The Committee discussed the implications of the election, responding to the audit of Regional Centers with legislation, DDS and RC application of whistleblower policies to service providers, DLSE requirements for \$1/hour in San Diego, continued licensing slow down, client/family participation in CDSA's legislative affairs conference, IHSS hours being counted as respite, and service codes in IPPs being changed through phone calls to consumers. The Committee concluded that three of the eight recommendations offered by the Bureau of State Audits have potential for action.

In summary these areas are:

1. **Ensuring Consumer Choice** - Possible CDSA action: Legislate to require each IPP to contain a list of vendors presented to the consumer and his/her ID team for consideration to meet specific goals identified in the IPP.
2. **Whistleblower Protections** - Possible CDSA action: Legislate to extend whistleblower protection to service organizations, consumers and families.
3. **Oversight of Whistleblower Complaints** - Possible CDSA action: Legislate to move oversight of whistleblower investigations outside of DDS to an unbiased entity, or task an existing entity within the Department to assume responsibility for impartially investigating claims.

**DDS Funding Allocation** - According to a Regional Center, DDS plans to fund Regional Centers with the lowest per capita expenditures for Early Start and Lanterman Act services at 100% and the highest per capita centers at 90% of prior year expenditures in those two areas. DDS will fund the remaining centers based upon where they fall between the highest and lowest per capita centers. Committee members commented that this allocation does not indicate a change in the process through the rest of the year. At the end of the fiscal year, DDS will still need to work with Regional Centers to fund their POS expenditures. If this process is used to control costs, it is illegal and will need to be addressed as an IPP issue.

**DLSE Stance with San Diego Providers** - DLSE has told some San Diego providers that they won't get their state license under Labor Code 1191.5 if they pay anyone less than \$1.00 per hour. This issue has been resolved in other parts of the state by having a Labor Commissioner observe the workplace or conduct a time study. There will be a meeting

with DLSE in San Diego to address this.

Committee members raised several new issues to watch:

- The Habilitation Specialists have helped with issues like wage levels in the past. The fact that several of them are retiring is a concern. Apparently, DDS plans to assign the responsibilities of the Hab Specialists to Regional Centers. Neither DDS nor Regional Centers understand employment as the Hab Specialists do.
- An agency has been asked for proof that it is "in good standing" with DDS. There are two possible answers to this. One is that the agency is on the statewide vendor file, which means DDS recognizes it as operating in accordance with all regulations. Another response could be that the agency has certification from CARF, which is the certification required by DDS.
- The least costly provider paradigm is being used in ways that severely distort the IPP process and hurt vendors.
- Changes to the IPP are being made by Regional Center staff by calling clients and telling them that a change needs to be made. With verbal assent by the client, service codes in the IPP are being changed, especially in cases where the consumer does not have family or personal advocates.
- HSS protective supervision is being counted as respite care by Regional Centers, so respite hours are being cut. When family members are staying home and working as the protective supervision, the elimination of respite hours strands them.

## Public Relations Committee

The Committee continues its work on the case statement and identifying data points that should be kept current. The Committee discussed doing something like BARC's analysis of how much CDSA agencies give to their communities.

## Who's Who & How to Contact

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### LA County Caucus

TBA

### Orange County Caucus

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