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First of the Month

October 2011

CDSA CONFIDENTIAL

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CDSA Calendar

October 4

PR Committee
Teleconference
10:00-11:00 am

October 10

Columbus Day
DDS Uniform Holiday

October 11

Inland Empire Caucus
OPARC
10:00 am-Noon

Upstate Caucus

North Valley Services
10:00 am-Noon

October 14

Dynamic Solutions
Board
Teleconference
2:00-3:00 pm

October 18

Capitol Caucus
InAlliance
10:00 am-Noon

Orange County

Caucus
Project
Independence
11:30 am-1:00 pm

October 19

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

Public Policy

Committee
Teleconference
3:00-4:00 pm

October 20

CARI & Business
Services Committee
Teleconference
10:00-11:00 am

October 24

CDSA Board
Teleconference
10:30 am-Noon

October 25

Capitol Caucus
Outreach
Taking Back the
Lanterman Act

The News

Info from DDS

DDS has distributed several memos advising Regional Centers and vendors on changes due to AB 104 and SB 74 we've collected them together for you here:

- September 16 letter to RC's with further clarifications on new requirements from SB 74 - [9 pgs.](#)
- All documents relating to the Department's Emergency Rulemaking on requiring the use of a financial management service (FMS) provider when in Participant-Directed Services [can be found here.](#)
- The August 22 letter & Appendices to RC's regarding the Annual Family Program Fee Implementation - [19 pgs.](#)
- The August 4 letter to RC's on the June 2011 TBL affecting RC's - [18 pgs.](#)
- The July 29 letter to vendors regarding the new audit requirement - [4 pgs.](#)
- The June 16 letter & copy of DDS proposals sent to Regional Centers about the March 2011 TBL affecting RC's - [44 pgs.](#)

In addition, Director Terri Delgadillo spoke for an hour at the September 21 State Council meeting on the trailer bills, audit requirements and other topics, which [Will Sanford summarized](#) for us here. Highlights include:

SB 74 Trailer Bill

Conflict of Interest Policies -- Emergency regulations are coming. **15% Administrative Cap** -- DDS now recognizes that indirect costs should be allocated to either program or administration. If vendors are over the cap, an adjustment will be made, but it is not real clear how.

Medicaid Integrity Rules -- There will be checks on vendors to make sure they aren't on the Medicaid fraud list.

AB 104 Trailer Bill

Trigger Cuts -- TBL says DDS will provide savings **up to** \$100 million, and DDS doesn't have authority to make changes to Purchase of Service without legislative action. DDS is tracking current-year savings and notes only 3% client growth.

SLS Independent Assessment -- DDS has set the rate at \$50/hour up to \$1,000 per person.

Other Items

Financial Management Services -- These are required by the federal government for all vouchered services. Emergency regulations have been issued. We have until October 11 to submit comments.

Dental Services -- DDS is making adjustments with the objective to provide full scope dental.

Adult Day Health Centers -- DDS is working with regional centers to get consumers who were in ADHCs the same services.

Legislation

No matter how much paper you have on your desk right now, Governor Jerry Brown likely has more - hundreds of bills that he must sign or veto by October 9 or they become law. The remaining bills on CDSA's agenda are:

AB 101 (Perez)- This bill organizes day care workers, and, as written, it applies to respite providers. We have sent an opposition letter to the Governor.

SB 946 (Steinberg) - This is the insurance mandate bill for behavioral health treatments for people with autism. Senator Steinberg has organized two rallies to urge the Governor's signature of the bill. CDSA members can do their part by [sending a support letter](#) to the Governor.

Audit Training by Your RC?

Members report that some regional centers are conducting audit trainings for vendors, put on by an accounting firm. Please send any information about these meetings - and material from them - to awall@cal-dsa.org.

Policymaker Awareness Campaign

Thank you to the 50 organizations that have now committed to funding the policymaker awareness campaign. We are developing ads and the web page now. Once finalized, we are planning to make the ads available to members for their websites, too.

- Ads will run on the Capitol Morning Report and Rough and

Rancho Cordova City Hall
5:30-8:00 pm

October 26
Membership Committee
Teleconference
2:00-3:00 pm

October 27
San Diego Caucus
TMI
10:00 am-Noon

November 1
PR Committee
Teleconference
10:00-11:00 am

November 4
Central Coast Caucus
Anderson's, Beullton
9:00-11:00 am

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

Upstate Caucus
North Valley Services
10:00 am-Noon

Institute Board Meeting
Teleconference
3:00-4:00 pm

November 11
Veterans' Day
DDS Uniform Holiday
CDSA Office Closed

November 15
Capitol Caucus
InAlliance
10:00 am-Noon

Central Valley Caucus
Arc Fresno
1:30-3:30 pm

November 16
Public Policy Committee
Teleconference
3:00-4:30 pm

November 17
Bay Area Caucus
Contra Costa Arc
10:00 am-Noon

November 23
Membership Committee
Teleconference
2:00-3:00 pm

November 24
Thanksgiving Day
DDS Uniform Holiday
CDSA Office Closed

November 25
Day after Thanksgiving
DDS Uniform Holiday
CDSA Office Closed

December 5
CDSA Board
Teleconference
10:30 am-Noon

December 6
PR Committee
Teleconference
10:00 -11:00 am

Tumble websites.

- The ads link to a "landing" webpage that is being added to CDSA's website. The landing page highlights a consumer profile and features facts, a spot where we can collect email addresses and a link to other consumer stories.
- We will feature three consumer profiles that are now being edited.

We can use more stories, so e-mail any employment success stories, stories of consumers or families that have been negatively affected by budget cuts or consumers' major milestone stories to awall@cal-dsa.org.

The ARC Lawsuit

On September 28, the Arc of California and UCP San Diego filed a major federal lawsuit alleging that the Department of Health Care Services and the Department of Developmental Services have violated various federal and state laws by imposing funding cuts without federal approval.

The suit seeks an end to the 4.25% payment reduction, mandatory unpaid holidays, and half-day billing. [CDSA issued a press release supporting the lawsuit.](#)

DDS May Visit You!

It has recently been brought to our attention that DDS plans to review SEP and WAP programs through field visits in order to comply with various provisions of Title 17. This review would be in addition to any visits/reviews already conducted by regional centers or CARF. CDSA will continue to monitor this situation and keep you informed.

Possible Audit Language

Here's an audit suggestion from a member: have your auditor add language that notes the rate cuts and administrative expense levels for your organization. Below are examples from notes included in financial statements of a member agency.

Revenue Recognition

Due to the significant budget deficit, the State of California has reduced the payments made through Regional Centers by 4.25% starting on July 1, 2010 and 3.00% from February 1, 2009 through June 30, 2010. This resulted in a reduction in the Organization's revenue of \$XXXX and \$XXXX for the fiscal year ending June 30, 2011 and 2010 respectively. The 4.25% reduction will continue into the next fiscal year.

Expense Allocation

Directly identifiable expenses are charged to programs and supporting services. Expenses related to more than one function are charged to programs and supporting services on the basis of periodic time and expense studies. Management and general expenses include those expenses that are not directly identifiable with any other specific function, but provide for the overall support and direction of the Organization.

The Organization's administration expenses are X% and Y% of total expenses at June 30, 2011 and 2010, respectively.

Reach Out to Your Legislators

Legislators are in their districts! Take advantage of this opportunity and invite them for a tour or visit their office and let them know:

- **Service providers (like me) are terrified of the impending January trigger cuts and the 2012-13 budget.** The resourcefulness of service providers has been tapped out. We have no more flexibility to respond to additional budget cuts. Ask: Does your legislator, or their staff, believe that the trigger will be pulled?
- **Funding for community-based services has not kept pace with the cost of providing services.** For nearly two decades funding has been inadequate and inconsistent in direct service programs, large and small, across the State. Most of the day program rates have been frozen for more than a decade. When they were created they were based on actual historical costs that are far out of date.
- **In the last two years, developmental services have been cut nearly \$1 billion in State funds alone!** Add in the loss of Federal matching funds and the results are staggering - countless families throughout the state have had their services dramatically reduced, or even eliminated. My organization has had to absorb... detail the cuts that your organization has had to absorb over the last 2-5 years here.
- **The average annual cost of services for the approximately 1,700 consumers living in the developmental centers is about \$346,000 per bed. Annual community-based services cost about one third of that, per person.** We must do all that we can to quickly and effectively transition these individuals into more cost-effective, community-based care. State owned and

December 13
Inland Empire Caucus
VIP
10:00 am-Noon

Upstate Caucus
North Valley Services
10:00 am-Noon

December 20
Capitol Caucus
InAlliance
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Orange County Caucus
Project Independence
11:30 am-1:00 pm

December 21
Caucus Steering
Committee
Teleconference
2:00-3:00 pm

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

December 22
San Diego Caucus
TMI
10:00 am-Noon

December 23
Christmas Eve
Observed
DDS Uniform Holiday

December 26
Christmas Day
Observed
DDS Uniform Holiday

December 27
Day after Christmas
observed
DDS Uniform Holiday

December 26-30
CDSA Office Closed

operated developmental centers (institutions) house just 0.7% of the total population of persons with developmental disabilities in California, but consume 14% of the DDS budget.

- **DDS appears to be out of touch with its own system and continues to make incorrect savings assumptions.** For example, their proposal to achieve a \$2 million reduction in program costs from a cap on respite service hours resulted in savings closer to \$70 million - at the expense of families who need respite services the most.
- **Talk about your personal experience.** My organization has been in operation for # years, employs # people and serves # people with developmental disabilities ranging from type of disability to type of disability. We have...talk about how you have had to adapt here - i.e. sacrificed raises for our staff for X years, cut back on employee benefits, laid off employees, closed programs, etc.

A Survey a Month!

Remember to complete your full day/half day survey or your SLS survey each month. We are collecting data on the unintended consequences of these requirements. If you have programs in either of these areas, please take a few moments to download the spreadsheets (below) and work with your billing staff to submit information.

[Full-day/half-day Billing Survey Form](#)

[CDSA/CSLN SLS Survey Form](#)

We will send a reminder to you once a month to facilitate reporting. If you would like us to directly work with your billing staff please email msmith@cal-dsa.org and indicate the name, email address and phone number of the person who should receive this reminder each month.

Annual Meeting Legislative Reception

Thanks to all who participated in the legislative reception at the Annual Meeting. Two legislators, five representatives from legislators' offices, a representative from the mayor, two city council members, and directors from three city agencies participated, meeting CDSA member agencies and the four employers that we recognized. In fact, employers were delighted; they each walked away with a CDSA plaque and five certificates from local elected officials. [View photos from the reception here.](#)

Upcoming Events and Opportunities

CDSA Policy Meetings

In the last week of January, CDSA will hold its north and south policy meetings, providing briefings on the new proposed budget. Details will be announced next month.

CARI and Work Contracts

Bid Worksheet

Do you want to be as competitive as possible when putting together contract bids? Members can be sure that all of their organization's possible expenses have been covered by costing out contract opportunities using a bid costing worksheet approved by the CARI Committee. [Click here](#) to test it out.

New Opportunities

We research 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

Top Honors at Poway Patriotic Parade

Claiming top honors among the floats at the Poway Patriotic Parade was Employment & Community Options. Read more [here](#) and [here](#).

Dream Comes True with Help from Napa Valley Support Services & Safeway

Supported by Napa Valley Support Services since 1993, Aaron Beeghley's Safeway coworkers and friends recently enabled Aaron to meet his idol - Kevin Bacon - when he was in town for a concert event. [Read more here.](#)

Employment Classifieds

Executive Director

Stepping Stones has a 36-year history serving adults and children with developmental disabilities in San Leandro and the East Bay. The Executive Director reports to the Board of Directors. S/he is responsible for overall strategic and operational direction, including 8 program managers, 70 staff, and a \$2.5M annual budget. Requires dynamic leadership to expand programs and funding resources. Key abilities include working with diverse groups of people including the Board, staff, managers, clients, funding resources, agencies such as the Regional Center and the community. A proven track record of bringing new funding initiatives to organizations and at least 5 years of senior management experience with non-profit organizations are desired.

Visit www.Steppingstonesgrowth.org for a complete description and "how to apply."

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 revised the strategic plan's 2014 membership goal to 150 members. It had previously been 200, and the Membership Committee felt that was not achievable. The Board reviewed staff recommendations to balance the budget and asked that staff make additional changes.

The Board instructed staff to investigate the issue of unrelated business income tax. Dynamic Solutions operates as subsidiary to receive unrelated income; if it isn't needed, it should be shut down. The Board approved resolutions for new signers and account consolidation at BBVA Compass bank.



California Disability Services Institute Board

The Institute Board did not meet in September.



Dynamic Solutions Incorporated Board

The Dynamic Solutions Board did not meet this month. It will meet in October.



CARI and Business Services Committee

The Committee continues its work on a fee structure for C-27 license holders that provide support to the CARI program. The Committee also continues work on exploring more corporate opportunities. The Committee has finalized the CARI Programs Policies and Procedures.

Caucus Steering Committee

The Committee did not meet this month.

Membership Committee

The Membership Committee discussed the goal in the strategic plan of 200 members by 2014 and concluded it wasn't a realistic goal. The Committee believes that, with development of another membership category and continued recruitment efforts, CDSA can reach 150

members. The group agreed to submit this to the Board for approval.

A sub-group from this committee is in the process of updating the CDSA marketing material given to prospective members. The updated packet will be available to all member agencies for recruiting in your area. Watch for the announcement on availability and the process for acquiring copies.

The Business Advisory Team is currently looking at potential membership of organizations providing business services. Then, the team will return to its consideration of the dues structure.

To determine interest in a "Craig's List" for members, the group agreed on a survey during the Annual Meeting. They also planned an evening committee meeting in San Diego.

Public Policy Committee

The ARC Lawsuit - The Arc of California and UCP San Diego filed a major federal lawsuit alleging that the Department of Health Care Services and the Department of Developmental Services have violated various federal and state laws by imposing funding cuts without federal approval. The Committee approved issuing a press release supporting the lawsuit.

The committee reviewed CDSA's outstanding legislative concerns (see the "Legislation" Section above), before moving on to discussions in the following areas:

Trailer Bill Clean Up - Members have identified areas of concern and received further "clarification" from DDS on the audits (letter dated September 16, 2011). The letter confirms:

- The audit or review is due for the fiscal year that ends after March 24, 2011. So, if an agency is on a July 1 - June 30 fiscal year, it must cover the year 7/1/10 to 6/30/11. If an agency is on a calendar year, it will cover 2011. The clarification is that the audit is required and must be submitted 30 days after acceptance, no real time frame otherwise.
- On the 15% admin cap, indirect costs get allocated between program and admin on some basis. DDS talks about program costs that are not directly hands-on as being program costs. This requirement also went into effect on March 24. If vendors are over the cap, an adjustment should be made, but it is not real clear on how.

It does not look like we are not going to get anything further from DDS on the TBL front - so we need to pursue a legislative fix. CDSA's lobbyists are meeting with legislators to assess their willingness to author legislation or champion our TBL/Budget issues.

2012-13 Budget/Trigger Cuts - The Roundtable discussion on the trigger cuts at the annual meeting identified a lot of the usual suspects. We have some good strategies for longer-term savings (delay/eliminate DC capital spending, consolidate QA/licensing functions, speed up DC closures, etc.), but not enough in immediate savings (eliminate DC salary increases to save \$8-10 million). The subcommittee will be meeting to identify/quantify additional immediate savings that can be applied to the trigger cut.

System Design - Group discussion renamed "System Reform" to "System Redesign" and outlined key elements for inclusion in CDSA's proposals as well as the need to identify additional partners. These themes will need to be a foundation to all that we work on in the coming year, including the budget & legislation. We will route summaries of the roundtable discussions to committee members.

Employment Issues - Discussion at the annual meeting addressed many areas of CDSA's employment issues including improving employee relations, subminimum wage and Employment First. There was additional interest in joining the Employment First subcommittee. This group of volunteers will be pulling together a list of existing barriers and working to identify data/other states' experiences that will further our position.

Email [Amy Wall](#) if you'd like any of the documents referenced in the Public Policy summary emailed to you.

Public Relations Committee

Awareness Campaign on Trigger Cuts - The Committee reviewed the proposal for a three-month PR campaign on trigger cuts and identified the key element as the ads and related website aimed at policymakers. CDSA can assemble the resources and have an impact by focusing on this. After discussing the design of the project with Marcey Brightwell of Grayling, the Committee voted to approve the idea and start fundraising with the caveats that the story collection process should not be burdensome to providers and that CDSA will pursue the least costly option provided by Grayling Communications.

Economic Impact Report - A draft one-page economic impact report based on the Contra Costa Arc version will go out to the Committee for discussion at its next meeting.

Relocation Committee

The Committee did not meet this month.

Who's Who & How to Contact

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For more information regarding CDSA's monthly newsletter, please contact [Melissa Smith](#).



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