

**KERN REGIONAL CENTER
Monthly Board of Directors Meeting**



5:30 p.m. – 7:30 p.m. Board Meeting
Malibu Room
3300 N. Sillect Ave.
Bakersfield, CA 93308

Kern Regional Center
3200 N. Sillect Avenue
Bakersfield, CA 93308

**AGENDA
September 3, 2013**

I. CALL TO ORDER:

- A. Self Introduction:**
- B. Approval of Agenda:**
- C. Approval of Minutes of August 6, 2013 as Attachment I**
- D. Public Comment: Limited to 5 minutes**

II. ACTION AND DISCUSSION ITEMS - BOARD ACTIVITIES:

- A. ARCA Report -**
- B. Review of Contracts - Finance Committee**
 - Edgemont Crisis Home
 - Positive Purpose LLC
 - Valley Residential Services

Checklists and contracts attached.
- C. Nominating Committee - Susan Lara**
- D. Pension Update - Susan Lara**

III. ACTION AND DISCUSSION ITEMS - KRC ACTIVITIES:

- A. Budget Update and Financial Report - report on the budget situation for KRC and the State as pertains to the delivery of developmental services**

IV. REPORTS: (Reports will be made only from groups that have met and/or have items to share)

- a) President's Report
- b) Legislative Report
- c) People First of Kern County Report
- d) Area Board Reports
- e) Vendor Advisory Committee
- f) Executive Committee Report
- g) Foundation Report
- h) Foster Grandparent Progress Report
- i) Affordable Housing Committee (ASPIRE)
- j) Client Services Report
- k) KRC Staff Report
- l) Board Comments
- m) CEO Comments



IX. Adjournment by 7:30 p.m.

Susan Lara, KRC Board President

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MINUTES
August 6, 2013

PRESENT: Susan Lara, President
Iman Killebrew
Matthew LaGrand
Frank Meyer
David Marcus
Ashlee O'Brien
Lorie Stewart
Quanah Mason
Veronica Quezada
Emily Greenwood

ABSENT: Richard Stotler (Resigned), Ramona Puget (excused), Steve Esselman (excused)

II. **CALL TO ORDER:** The meeting was called to order at approximately 5:35 p.m. by Susan Lara. It was determined that a quorum was present.

A. **Self Introductions:** Self-introductions were made around the table. In addition to Board members listed above, in attendance were Kathy Brian, Wilma Sweeny, Kate Mourton, Michael Gresham, Grace Huerta, Lisa Jo Epkins, Greg Rhoten, Simona Rhoten, Mario Espinoza, Vicki Smith, Barbara Holmes, Vickie Williams, Neil Gehlawat, Rob Meszaros, Molly Clark, Valeri Carrizales, Sherril Navarro, Eric Greenwood, Aaron Markovits, Shawn Kennemer, Darla Benson, Richard Sikes, Mario Alvarez, Rene Zambel, Dian Schneider, Marlene Donahue, Susan Graham, Ken Manda, Rhonda Glenn, Thomas Mestmaker, David Lopez, and KRC Staff: Jon Gusman, Maria Solano, Duane Law, Cherylle Mallinson, Jamie Bargen, Abel Fierro, Tamara Harney, Blanca Gamboa, Kristen Sodergren, Yadira Camorlinga, Jennifer Mullen, Tonia Cody, Amy McNinch, Misti Royal, Jill Bivins, Darlene Nuno, Cynthia Rodriguez, Cindy Martinez, Juan Vieyra, Brenda Ibarra, Rosa Ortiz and Pam Woodruff.

- B. **Approval of Agenda: M/s/c---** (Meyer/Stewart) to approve the agenda with the following deletions: on page one item II. B. Review of Contracts due to the fact that contracts were not ready in time for review. (10-0-0).
- C. **Approval of Minutes of June 4, 2013 as Attachment I: M/s/c---** (Stewart/LaGrand) to approve the minutes as written. (10-0-0).
- D. **Public Comment:** David Marcus reported that League of Dreams will be having a kick off on September 15th at the new park by Centennial High. The kick off and opening day is for their basketball season. Susan Lara commented that they still need volunteers and encouraged people to apply. Neil Gehlawat read a statement from three employees who are no longer with the regional center. He went on to read the statement which gives their explanation as to why they were terminated from KRC. The statement discussed in detail the compensation they received as well as their personal feelings in regards to this situation. Grace Huerta read a statement as a concerned parent. She went on to read the statement which discussed her concerns and personal feelings about the individuals that are no longer with the regional center. Matthew LaGrand commented that he got a letter from the department last month stating that he was appointed to the DD consumer advisory committee as of July 1, 2013. His term ends in June 2016. A concerned parent commented that Jeff Popkin helped her daughter and because of his help she is 90% better. She stated that she is saddened that they were terminated so horribly. She indicated that terminating their employment was the wrong thing to do. She indicated that the Board should have met to take away the compensation.

Susan Lara commented that the Board is here to work together and in no means are they here to do any sort of intimidation. She commented that the many questions asked, she cannot answer because these are personnel issues. A question was asked about the records that should be public because the regional center is a public agency but Susan Lara stated that there are laws that prevent companies, even ones publicly funded, from disclosing personnel matters. Wilma Sweeny commented that she has been involved with the Regional Center 25+ years. She went on to discuss how the three individuals have helped her out tremendously. She discussed her sadness and frustration due to these circumstances. Susan Lara commented that she understood everyone's concerns and questions. She also stated that she knows how much the three individuals did for the regional center in their many years of service. She reminded everyone that there are still many employees at the regional center who care about the individuals we serve and are there to advocate for the clients. Lorie Stewart commented that just recently she became a Board member and she is here for the clients and that is why she got involved. She stated she is dedicated to the clients and is here to advocate for them. Diane Schneider asked about the family forums. She indicated that she and a few parents were very dissatisfied with the Family Forum because many of their questions were not addressed. Duane Law explained that since this was the first Family Forum held, it was an open meeting to discuss concerns. He indicated he would give an over view later on during the meeting.

II. ACTION AND DISCUSSION ITEMS - BOARD ACTIVITIES:

- E. **ARCA Report** - Duane Law reported what ARCA is and what they do. He discussed that ARCA met June 21, 2013 to elect new members, which they did and Jose Fernandez is the new President. Duane reported that they also voted to adopt new by-laws. Other issues that were discussed included, what was passed and what was not passed in the budget. Duane summarized and explained in detail the self-determination pilot service. ARCA currently is reviewing the program since there is a proposed bill which in ARCA's point of view may obstruct services received through this program.
- B. **Nominating Committee** - Susan Lara reported that the committee met on June 15th and interviewed Carol Sackey who expressed interest in serving on the Board of Directors. Susa Lara read her back ground and after further review the nominating committee is recommending to accept her as part of the Board. **M/s/c---** (Meyer/Marcus) to approve Carol Sackey to join the Board of Directors. (10-0-0).

Susan Lara further reported that Richard Stotler, Board Vice President resigned from the Board of Directors due to the Conflict of Interest policy and his waiver being denied by the State Council on Developmental Disabilities. The KRC Board of Directors is appealing this decision and letters have already been sent. Their Board will meet and discuss appeals on Aug 13, 2013.

- C. **Public Comment Form** - Susan Lara reported that during the July Board meeting the Public Comment Form was presented to help the Board follow-up and address the issues that the public expresses during the board meetings. Susan explained why the form was created and the purpose it will serve and indicated that due to various suggestions the form was tabled to address the corrections requested. Susan further stated that the form will be available at every meeting for the public. Lorie Stewart requested that abbreviations be written out as some individuals might not be familiar with the abbreviations listed. Susan requested that her name be removed and just indicate "President". Duane Law also commented that the form will be posted on the website for the public to access. **M/s/c---** (Meyer/Marcus) to approve the form with the corrections requested. (10-0-0).

III. ACTION AND DISCUSSION ITEMS - KRC ACTIVITIES:

- A. **Budget Update and Financial Report** - Jon Gusman reported that for FY 12-13 KRC received the D-5 contract amendment in June of 2013, which allocated around \$8 million towards the purchase of service deficit. The most recent purchase of service projection shows a deficit of around (\$6.7) million as of July 10, 2013. Statewide the, deficit for purchase of service is (\$99) million. Since the last board meeting, the state was billed \$12.27 million for May services and \$11.82 million for June services. The current bank balance is around \$8.4 million.

As reported and projected at the last meeting, KRC had enough cash to pay bills until the middle of June. On June 16, KRC had to draw on its line of credit and borrowed \$2.2 million. The amount borrowed was enough to carry KRC across

the June 30 fiscal year 13-14. At that point, KRC paid off its line of credit amount, incurring \$5,958 interest expense. Since then, KRC has received its final cash advance where monies should be sufficient to pay bills until the first claim of fiscal year 13-14 is paid by DDS.

For Fiscal Year June 2011- July 2012, the latest estimate for the statewide purchase of service deficit is (\$16) million with a projected \$4 million in late bills that may occur thereafter. There are enough funds to allocate (\$16) million in the next contract amendment.

- B. SLS POS Guidelines** - Duane Law reported that in February 2013 KRC submitted request to department for new SLS guidelines, KRC is looking at the SLS service design to bring it back into compliance with legislation. They were practicing "blended services" and in fact that is not allowed per Title 17 regulations. KRC looked to remedy that by creating a subcode to be able to bill for those overnight hours. The department requested an amendment to the guidelines which KRC revised on July 10, 2013. The guidelines were sent back to the department and they have approved the new POS guidelines which will go to effect immediately. He further reported that there is timeline in place to remedy and transition the service back into compliance.
- C. Family Forum** - Duane Law thanked all the members of the community that showed up on July 3rd for the Family Forum. He indicated that KRC is grateful that individuals showed up. He reported that the disparity report was discussed since KRC is mandated by the Department to report. Other concerns were expressed and discussed. Duane reported that a synopsis was posted on the website and he went on to highlight the 3 main concerns expressed:
- Additional training for Service Coordinators.
 - Reduce caseloads for service coordinators - 13 Service Coordinators have been hired and four more will be joining us.
 - How can families become aware of the services available at Kern Regional Center?

Duane stated that he thought it was an excellent first meeting. Duane is following up on concerns that were brought up from the community. Grace Huerta commented that the Hispanic community came out to the meeting and there was frustration because not enough equipment for translation was available. Grace would like KRC to be more proactive with events when expecting Spanish speaking individuals. Discussions continued about concerns brought up during the meeting. Lorie Stewart commented that there is frustration specifically with Notice of Proposed Action and the regulations are quoted incorrectly. An example would be with Autism and ABA services. Lorie stated that she is concerned because of the time and resources used when having to go through the Fair Hearing process and in the end winning her hearing. To her it seems that resources are being wasted. Duane commented that he does not believe it is waste because it gives the Regional Center more clarity about these challenges and these outcomes can help other families facing similar circumstances.

- D. Caseload Ratio** - Duane Law reported that upon his arrival at the Regional

Center one of the things he had to do was submit a report to the Department about caseload ratio. He reported that just like 16 other Regional Centers, KRC was out of compliance. Because of this, KRC created a Plan of Correction to work on lowering caseloads. On July 2, 2013 Kern Regional Center held a public meeting to discuss this Plan of Correction. Duane reported that since the report was submitted 13 new Service Coordinators have been hired and four more are coming along later this month. This time last year we were out of compliance in three out of four areas and now we are out of compliance in one out of four areas. Duane reported that we still have some work to do, but we have improved.

IV. **REPORTS:** (Reports will be made only from groups that have met and/or have items to share)

- n) President's Report – Susan Lara had nothing to report.
- o) Legislative Report – Duane Law reported on Senate Bill 946 which altered ABA services and how they are paid for. This bill allowed regional center to pay for co-pays when private insurance funds were used for this service and when a co-pay was required. They were allowed to meet deductibles also. As part of the 2013-2014 budget plan Governor Brown limited regional centers ability to fund for co-pays and deductibles. The legislature approved these restrictions and the following is part of the law:
 - Regional centers **may** pay copayments or coinsurance for minors whose gross family income is less than 400 percent of the Federal Poverty Level as well as in some cases when gross income exceeds 400 percent of the Federal Poverty Level but an extraordinary event, a catastrophic loss, or significant unreimbursed medical costs prevent the family from funding copayments or coinsurance.
 - Regional centers **may** pay copayments or coinsurance for adults whose gross personal income is less than 400 percent of the Federal Poverty Level as well as in some cases when gross income exceeds 400 percent of the Federal Poverty Level but an extraordinary event, a catastrophic loss, or significant unreimbursed medical costs prevent the individual from funding copayments or coinsurance.
 - Regional centers **may not** pay any health insurance deductibles.

Some additional bills regarding self determination were discussed, as mentioned earlier there is an amendment to this pilot which other five regional centers also have, to change the way services are provided. A senate hearing is scheduled on the 13th and ARCA's position is to oppose this amendment due to the language in the bill that from a regional center view may obstruct services. Duane went on to explain the issues in the bill and why ARCA is concern about the specific language and other issues with Senate Bill 468.

- p) People First of Kern County Report – Richard Rodriguez was not present to report.
- q) Area Board Reports – Vicki Smith from Area Board 12 reported that they will be overseeing a new project which was brought to the attention of this regional center a couple of years ago. She reported that she met with Duane to discuss this project. She also reminded the Board that the facilitator is part of closed session, they received calls that the facilitators were being asked to remove themselves from closed sessions. Another concern was the diversity of the board and they recommend more ethnicity. She indicated that Hispanics are the most under served in all Regional Centers and the Board seems to lack this representation. Going back to the project, Vicki indicated that

preventive dental care in Inyo/Mono counties is not available and clients have to drive to other cities to just obtain cleanings or simple dental treatment. They continue to do trainings about different dental practices for consumers but there is not a dentist who accepts Denti-cal in those areas. Vicki reported that they will be drafting a letter to all the dentists and asked why they are not serving KRC clients. She further indicated that they believe these dentists are possibly not trained in working with our clients and that can be a possibility as to why they are not available to serve our clients. She went on to discuss the project and the steps they will take to be able to provide these services and for these services to be sustainable. They are requesting KRC cover costs for training for dentists. Vicki presented Renee who is the primary contact for this project. She is involved in contacting dentists and to obtain information to better understand this lack of service in these areas.

- r) Vendor Advisory Committee – Iman Killebrew reported that with all the changes and transition at the regional centers, they are happy that one focus is additional training for Service Coordination staff. She indicated that one of the challenges vendors face is that Service Coordinators are not knowledgeable about services. They hope that with more service coordinators the quality of service will improve. With all the transition, they hope that regional center and management take priority of making sure things settle and KRC’s focus is our mission. That we are a team and we are here to provide and help our population. She reported that it is saddening that the community believes the Board does not care, because they do care and they have a purpose and that is to serve the clients. More questions were asked about the matter the individuals were terminated and the lack of clarity as to why they were treated the way they were. Discussions continued about this issue prompting clarification from KRC line staff and the community alike.
- s) Executive Committee Report – Susan Lara reported that the Executive Committee has met three times in the last couple of months to discuss and review recently obtained documents regarding the ongoing personnel matters.
- t) Foundation Report – Eric Greenwood reported that they continue to work to remedy issues but they are working hard and they meet earlier today which resulted in a good meeting, a few community members were present.
- u) Foster Grandparent Progress Report – No one was present to report.
- v) Affordable Housing Committee (ASPIRE) – Grace Huerta reported that DDS approved their Conflict of Interest waiver and they can now move forward with the vendorization for ASPIRE.
- w) Client Services Report – No one was present to report.
- x) KRC Staff Report – Duane Law reported that worklogicHR is now our Interim Human Resources solution and they have provided assistance with various items including retirement, benefits and other Human Resources matters. Duane worked with our liaison John to move individuals into retirement. Duane presented Cherylle Mallinson as Interim Director of Community and Assessment Services. She joined us as a Program Manager at KRC. Prior, she was Director of Community Services at North LA Regional Center and prior to that she was Regional Vice President for Eastern Seals. Susan Hernandez, LCSW is now our Interim Director of Client Services. Susan has been with the regional center for over 20 years and was a Program Manager for Special Projects. Duane reported that we have a Program Manager and a Medicaid Waiver QMRP positions to fill which will be filled within the next month.

- y) Board Comments - Matthew LaGrand thanked Duane for giving a letter of recommendation on his behalf. David Marcus reported that his term will be over in October 2013 and he thanked everyone for their hard work and service to the Board. Susan Lara commented that she will be looking at having a Board training in November, more details to follow for the Board.
- z) CEO Comments - Duane thanked everyone in attendance for coming to the Board meeting. He echoed the comments from staff and stated that they do care for the individuals KRC serves. He further stated that these are not easy issues and he congratulated them for the seriousness that they took with these issues. He expressed that he is always welcome to meeting with anyone, like he has over the last 16 months. He also indicated that everyone at the regional center does an extraordinary job, past and present employees but this agency needs to be a sustainable agency. We must keep in mind the next generation of clients who will look at the regional center for services. He stated that the Board and KRC are committed in doing the right thing and the right way as required by law. The actions of the Board were very difficult and they were not done happily.

V. **MOTION TO GO INTO CLOSED SESSION:** There being no further business for the regular meeting, Susan Lara requested a motion to go into closed session. **M/s/c---** (Marcus/LaGrand) to go into closed session. (10-0-0).

VI. **CLOSED SESSION:**

VII. **MOTION TO GO OUT OF CLOSED SESSION:**

VIII. **MOTION TO GO INTO OPEN SESSION:**

VIII. **RESULTS OF CLOSED SESSION:**

There was nothing to report from the closed session. The meeting was adjourned at 8:30PM.

Susan Lara, KRC Board President

ACTION LOG

August 6, 2013

1. **M/s/c---** (Meyer/Stewart) to approve the agenda with the following deletions: on page one item II. B. Review of Contracts due to the fact that contracts were not ready in time for review. (10-0-0).
2. **M/s/c---** (Stewart/LaGrand) to approve the minutes as written. (10-0-0).
3. **M/s/c---** (Meyer/Marcus) to approve Carol Sackey to join the Board of Directors. (10-0-0).
4. **M/s/c---** (Meyer/Marcus) to approve the form with the corrections requested. (10-0-0).
5. **M/s/c---** (Marcus/LaGrand) to go into closed session. (10-0-0).