



ASSOCIATION OF REGIONAL CENTER AGENCIES

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Minutes

ARCA Board of Directors

January 23, 2009

**Holiday Inn Capitol Plaza
300 J Street
Sacramento, CA 95814**

Present

Phil Bonnet, Gail Janke, ACRC
Robert Riddick, Kathy Cannistraci, CVRC
Gloria Wong, ELARC
Laura Larson, Glen Pollock, FNRC
Jim Shorter, Laura Bliss, GGRC
Mary Lynn Clark, IRC
Michal Clark, Susan Lara, KRC
Diane Anand, Larry DeBoer, LRC
Bob Hamilton, Martha Cornejo, NBRC
George Stevens, Augustine Nnuro, NLACRC
Clay Jones, Tamera Buchanan, RCRC
Janis White, Tresa Oliveri, RCOC
Jim Burton, Ralph Griffin, RCEB
Santi Rogers, Betsy Warner, SARC
Carlos Flores, John Filip, SDRC
Keith Penman, Sally Milano, SGPRC
Dexter Henderson, Reginal King
Omar Noorzad, TCRC
Dick Jacobs, Chet Gish, VMRC
Mike Danneker, Cecilia Fabulich, WRC
Scott Anderson, RCRC, Chair, Chief Administrators Group
Frank Bush, TCRC, Chair, Chief Counselors Group
Debra Zeno, Chair, ARCA Consumer Advisory Committee

Bob Baldo, Rick Rollens, Dale Sorbello, Lisa Jackson, ARCA
Eileen Richey, John Popadak, Anh Nguyen, Carolyn Stiles, ARCA
Terri Delgadillo, Mark Hutchinson, Rita Walker, Karyn Meyriles, DDS

ARCA Board of Directors
January 23, 2009

Guests:

Molly Dillon, NBRC Alternate
Ani Sullivan, Kinetic Flow
Nancy Spiegel, HRC
Chris Rice, CDSA (California Disability Services Assn.)
Karen Bither, FNRC Alternate

Call to Order

The meeting was called to order at 8:30 a.m. by President Tresa Oliveri.

Introductions

Self introduction were made around the room. Carlos Flores remarked that this is John Filip's last meeting as an ARCA Board Member, as he is also terming off of the SDRC Board.

Approval of Agenda

M/S/C To approve the Agenda as presented.

Approval of Minutes

M/S/C To approve the Minutes of the ARCA Board of Directors of October 17, 2008.

Public Comment

None.

President's Report–Tresa Oliveri

President Oliveri talked about how impressed she is with the way people are coming together in an attempt to work through bad times.

DDS Report

Terri Delgadillo talked about how resolving the fiscal crisis in California will be a very complex process. The situation involves a \$41 billion shortage over the next seventeen months. The State has \$103 billion General Fund budget for a year. Current discussions are in regard to addressing the entire seventeen months. It is important to understand

ARCA Board of Directors
January 23, 2009

what that means, because it is different than has ever been done before, or that the DD system has ever experienced. The Legislature and Administration are also looking at the anticipated deficit in the May Revise budget. In doing so, if they reach an agreement, it will be for that entire time. There will still be a process in May to get things cleaned up, but the big decisions are likely to be for the seventeen month period. Moving forward over the next week or so, things will probably change a lot. DDS is hoping to get more clarity, but at this point they do not know exactly where things stand. DDS is still moving forward with the process to give input, hoping that whatever the amount is, there will be an opportunity to engage with Stakeholders. This is a difficult situation for everyone, and regardless of what happens over the weekend, it is very clear that there will be a very small window of time in which to address the issues. DDS is trying to do whatever they can to help regional centers get through this crisis.

In the last few days DDS processed all of the claims they have received from regional centers. They have expedited this process which amounts to almost \$300 million. DDS is looking at setting a cutoff date on bills they have not received. They want to get from regional centers a claim for the bills they have in the system they would normally be sending at the beginning of February and DDS will try to process those as well, in an expedited manner.

DDS is going to take a pause on having regional centers send back reversion money next week so centers will still have that cash in the system. DDS needs centers to work with Department staff next week to figure out what the real dollar amount is. This is a priority, and will leave another \$60 million in the system.

For 2007-08 DDS is razor thin, but still expects to make it without a deficiency. Money will be moved around and DDS is looking at every possible way to avoid a deficiency.

For 2008-09 everything possible must be done to collect federal money. DDS is also looking at other things that can be done and encourages everyone to do all that they can. The normal avenue for getting a deficiency will not be available to DDS.

In discussion it was suggested that Terri Delgadillo telephone Julie Jackson and speak to her about system reform. It is critical in terms of establishing a process, that this is not about complaining about what will be lost, but how to move forward within the available funding. It was suggested that ARCA needs to decide on a list of principles or values, that are the most important and cost effective to the system. Five or six stated principles would be helpful. Caution was advised about taking the attitude of just cutting regional centers. The issue of going before the Legislature alone was raised. It was suggested it is almost critical that this be done. There may be an upside to this, if in fact, ARCA and DDS have done the analysis and have the data to show that how the system got to this state today is because of actions that the Legislature has taken in the past. CPP is a huge

ARCA Board of Directors
January 23, 2009

driver, and it has not been tracked separately over the years, despite the fact that the developmental center budget keeps going down. It was also noted that the seeds of destruction were sewn with SB 1383, and the bill was passed at the height of the 1992-93 fiscal crisis. At that time 25% of the regional center operations budget was lost and 23% of the POS budget was lost. The Lanterman Board of Directors believes this is an opportunity to remake the regional center system, but the Legislature needs to be on board. One of the big things that has been lost in the system is the role of volunteering.

DDS anticipates that as they go through the stakeholder process and the proposals come forward, the message will be loud and clear. There are a number of things that tie everybody's hands on how things can be done. These things affect providers, regional centers, and the Department. Some of these things are regulations, which is something DDS is working to assess, to see if there is something they can do to provide relief. The problem is that there are few people in the Legislature today who were there when all of this happened. There are few people in the Legislature today who even know what a regional center is.

DDS does not yet know what regional centers can anticipate in the E2. Between now and June, regional centers will need to lower their expenditures in order to live within the budget that they have. The only strategy so far is to put as many people as possible on the Medicaid Waiver. That will not likely close the deficit. DDS was asked how much flexibility regional centers will be allowed in the next few months to get creative and be proactive about narrowing expenditures. DDS responded that they are looking at options and at regulations now, so if centers have suggestions they want to talk about, DDS is ready to engage in those discussions. DDS is prepared to work with centers.

There are 56 residents in Agnews at the current time. There is a new Director at Agnews, Harold Pitchford, who will see it through until it closes.

A \$300,000 grant was received from the feds to help with emergency preparedness. DDS will be working with ARCA and others to work through that to best utilize the funds. The Office of Homeland Security, which is the one that was giving DDS money, has merged with the Office of Emergency Services. Prior to the merge they were warring factions, but they are trying to work through that. DDS has the emergency kits, and consumers are being trained on how to use them.

The Employment Initiative is still alive and well. It is taking many different forms as it moves forward. The First Lady taped the voice-over on the video last week. It is hoped the video will be available at the conference in San Francisco. The video serves as a call to action. DDS has talked to the Chamber of Commerce and is working with them in continuing to move forward.

In discussion it was asserted that the Legislature needs to redefine what people are entitled to, or else, as regional centers cut services, they will be flooded with time consuming and costly fair hearings.

ARCA Director's Report–Bob Baldo

Budget Update/Regional Center Cash Flow

These issues were discussed during the DDS report.

Approval of ARCA Positions on Governor's Proposed Budget 2009-2010 FY

Every year ARCA takes a position on the Governor's Budget. The Executive Committee is recommending approval of the document for 2009-2010 with the following changes:

Page 1, item 2 (b), take out the word "could" and add an "s" to curtail, and an "s" to "undermine", so that the item reads: A reduction of this magnitude curtails and undermines the entitlement to services as currently embodied by the Lanterman Act." With that change the ARCA Executive Committee recommends approval of the document.

M/S/C So moved.

It is noted for the record that Lanterman Regional Center opposed the motion to approve the document.

Approval of White Paper – Providing Housing for People with Developmental Disabilities: An Analysis of Current Practices and Programs, Guiding Principles, Challenges and Recommendations

The ARCA Executive Committee discussed this document yesterday. It was noted that Mike Danneker, Chair of the ARCA Housing Committee, was present for the discussion. The Executive Committee is not recommending approval of the document today, as it is a lengthy document and many may not have had a chance to thoroughly review it. There are also a few modifications to the document that will be made as a result of the discussion yesterday. Additional input on the document is desired. The document will go back to the ARCA Housing Committee for further review and polishing, and will be sent out to the full ARCA Board at least two weeks prior to the March ARCA meeting in Ontario.

Mike Danneker, leading a discussion and review of the document, stated that one of the things the Housing Committee has tried to do since day one, is to determine what the regional center system wants to do in the housing world. The big concern is that it be

ARCA Board of Directors
January 23, 2009

done right the first time. There are a lot concerns and issues that need to be addressed. This is a big money operation. An attempt is made in this paper to redefine the needs and how to get to where the system wants to go in the field of housing. This is a fluid operation and the document will need to be updated as situations change. The White Paper is intended as a tool that can be used as a set of guiding principles. The paper looks at what is currently being done, acknowledges the challenges and is meant to serve as a road map to achieving what ARCA wants to accomplish in the coming years. It was noted that due to the length and complexity of the White Paper, an Executive Summary is being developed.

The guiding principles were developed with community input from regional centers, parents, consumers, service providers, and housing organizations through two best practice forums. One forum was held at Westside Regional Center and one at Alta California Regional Center. Both of those forums were well attended and provided good feedback. It is anticipated that different versions of the document will be prepared for target audiences, i.e. a two or three page version for legislators, a version for housing organizations that will be more in-depth and can be used as a resource guide. The current document should be viewed as a springboard to achieve more housing for persons with developmental disabilities.

Board members are urged to review the document and forward questions and comments to Lisa Jackson and/or Mike Danneker as soon as possible so that the feedback can be considered by the ARCA Housing Committee by the time of the New Day Conference in February.

ARCA Grass Roots Day

Traditionally, Grass Roots Day has been held in March and is a day when delegations from regional centers come to Sacramento for a day of advocacy. At the end of the day, ARCA has held a small reception. In light of the current budget situation, and after discussion with the ARCA Community Education and Outreach Committee, the Legislative Committee, and the ARCA Executive Committee, it is felt that this year a scaled back approach is wise. The Grass Roots Day will, therefore, consist of a much smaller group of individuals who will come to the Capitol on the designated day, Tuesday, March 10. The group will meet with certain key legislators and staff and share an in depth discussion of the impact of the fiscal situation on the DD system. Regional centers are encouraged to meet with their local legislators at their district offices on every Friday in March. Many legislators are not familiar with the system or what constitutes a developmental disability. ARCA is going to provide materials that can be used to help in sharing this information during the legislative visits. The ARCA office is asking to be notified when regional centers have scheduled their meetings. ARCA will provide a form

ARCA Board of Directors
January 23, 2009

for centers to fill out and return to ARCA with feedback on how they were received. ARCA also has a form that can assist with scheduling.

Approval of ARCA Legislative Priorities for 2009-2010

The ARCA Executive Committee recommends approval of this document with the following changes: Item 4 will be moved to the Guiding Principles part of the document. The Guiding Principles have been previously approved by the ARCA Board of Directors. The Board had tentatively approved the Legislative Priorities pending further review and discussion on certain items. During discussion by the Executive Committee at it's recent meeting it was noted that, due to the current fiscal crisis in California, now is not the time to push for item 4, and it was recommended it be put into the Guiding Principles part of the document. The Executive Committee also recommends that item 5 be deleted. In discussion with DDS it was decided that further work needs to be done within the Department in order to make a determination as to what authority the Department may already have in this regard. When that has been clarified there may not be a need for legislation in this regard.

The Executive Committee recommends approval of the ARCA Legislative Priorities for 2009, as follows:

1. Cleanup and implementation language for Senate Bill 1175 (Steinberg) - Housing.
2. Followup legislation for Assembly Bill 2424 (Beall) regarding employment and alternatives to traditional daytime activities - Employment.
3. Reintroduction of dispute resolution process, Assembly Bill 1825 (Beall) - Person centered focus.

It was noted that on item 3, a bill has been introduced, AB 140 (Beall), which is the reintroduction of AB 1825.

In regard to item 2, there have been two meetings with representatives from the State Council on Developmental Disabilities, PAI, and the chief consultant to the Assembly Human Services Committee in regard to a reintroduction of AB 2424 from last year. There were serious problems with that bill last year, but Assemblymember Beall, the State Council and PAI want ARCA to be a cosponsor of the new bill. The meetings taking place are an attempt to come to agreement about what the new bill might look like. Lanterman Regional Center has also been asked to participate in the meetings.

M/S/C To approve the ARCA Legislative Priorities 2009 document as amended.

ARCA Board of Directors
January 23, 2009

In discussion it was suggested that in regard to Item 4, “Support legislation to encourage the closure or downsizing of one or more developmental centers”, it would be better to have a more positive statement about community placement. There is concern, based on what happened with Agnews and the cost of Agnews. If regional centers are assertive about placing people out into the community, a natural process may work itself out. There is a need for more discussion and a post mortem about the Agnews process before taking a position on closing developmental centers. It was suggested this item needs word-smithing and research before being placed in the Guiding Principles.

ARCA Special Projects–Eileen Richey

It was reported that the Executive Committee authorized the Executive Director to start the process of creating a 501(c)(3) corporation. ARCA is a 501 (c)(6) corporation, and as a 501 (c)(6) ARCA has the ability to lobby. However, because the organization is a 501 (c)(6), there are times where they are excluded from getting grants. A 501 (c)(3) would provide the opportunity to move ahead on other fronts.

Legislative Advisor’s Report–Rick Rollens

January 30 is the deadline to send new bills to the Legislative Counsel, and February 27 is the deadline for bill introduction. The fiscal situation in California has had a profound impact on the number of bills introduced. No bills will be considered if there is any cost whatsoever attached to them.

The Senate has appointed committees. The Senate Human Services Committee is chaired by Senator Carol Liu from the Pasadena area and Mark Leno is now a member of the Appropriations Committee and is the new Chair of Budget Sub-three, which is the budget subcommittee that all of the system’s fiscal issues on the Senate side goes through.

Wes Chesbro is back in the Assembly and was appointed to the Budget Committee during the interim and will likely continue to be in the Budget Committee. Jim Beall is continuing to Chair the Assembly Human Services Committee.

M/S/C To go into Executive Session.

Executive Session

Discussion on State budget strategies

M/S/C To go out of Executive Session.

ARCA Board Committee/Task Force Reports and Action Items

Executive Committee–Tresa Oliveri

Board Members Group–Tamera Buchanan

Community Education & Outreach Committee–Susan Lara

The Committee feels that Grass Roots Day is important, not just in Sacramento, but also at the local level. They also feel it is important to have a united message about who we are. With all the new legislators, there is an urgent need to educate them about who we are and who we represent. The Committee is working to put something together on 3x5 cards, held together with rings on top, that presents the basics. A rough draft concept of a flip chart was handed out. The flip chart would also feature a watermark photo of a consumer with a brief biography of that person. It is hoped to have this ready for use at Grass Roots Day both in Sacramento and at the local level.

Consumer Advisory Committee–Debbie Zeno

Contract Negotiating Committee–Jim Burton

Directors Group–Carlos Flores

Yesterday the Directors Group discussed the Mental Health Parity Act, and the requirements that HMO's pay for some services for persons with autism. After discussion it was realized that the Directors need to know what those requirements are. The Directors Group recommends to the Executive Committee that a letter be written to the Department of Managed Health Care requesting their policy on pain prescriptions for people with autism relative to the Mental Health Parity Act.

M/S/C The Directors Group moves that the Executive Director of ARCA, on behalf of ARCA, send a letter to the Department of Managed Health Care requesting clarification of the policy on the payment of services by HMO's for people with autism.

Employment Committee–George Stevens

Finance Committee–Mike Clark

Housing Committee–Mike Danneker

Legislative Committee–Jim Shorter

Nominating & Bylaws Committee–Keith Penman

At the Board's next meeting in March the Nominating & Bylaws Committee will present a slate of officers for next fiscal year, which will be voted on at the annual meeting in June.

ARCA Board of Directors
January 23, 2009

Following presentation of the slate of officers the Board has 30 days in which to provide the Nominating Committee with an alternative slate if they should choose to do so.

There are two additional recommended changes to the Bylaws that will also be brought formally in March. A change was made to Section 4.01 of the Bylaws due to the change of the date of the Annual Meeting. The current reading says: "The Annual Meeting of ARCA shall be at the last meeting of each fiscal year. The new officers shall assume their responsibilities at the first meeting of the new fiscal year." It was realized that this presents a gap between the June meeting and the August meeting, where the organization would have no officers. The Executive Committee will present language at the next meeting to close that gap. There is also a cleanup in Section 5.02 of the Bylaws. A couple of years ago a section of the Bylaws was suspended in order to retain a President for a third year. That suspension has a sunset and there is no reason for the language to remain in the Bylaws. A recommendation will be made at the next meeting to remove that language from the Bylaws. All of this will be out in writing for consideration prior to the March meeting, where it will be voted on.

Strategic Planning Committee–Tresa Oliveri for Omar Noorzad

Given the budget issues and financial constraints, the Strategic Planning Committee has suspended planning activities for the time being.

ARCA Directors Group Committee/Task Force/Discipline Group Reports

Contract Administration Committee–Mary Lynn Clark

No report.

Federal Revenues Committee–Omar Noorzad

No report.

Forensic Committee–Mary Lynn Clark/Carlos Flores

No report.

Information systems Committee–George Stevens

No report.

Prevention Committee–Dexter Henderson

No report.

Community Placement Plan Task Force–Mike Clark

No report.

ARCA Board of Directors
January 23, 2009

Self Directed Services Task Force–Gloria Wong

No report.

Chief Administrators Group–Scott Anderson

No report.

Chief Counselors Group–Frank Bush

No report.

Treasurer’s Report–Mary Lynn Clark

ARCA Financial Statements - October, November, 2008

The financial statements were available for review. There was nothing to report.

M/S/C To go back into Executive Session.

M/S/C To continue to explore the proposal for Individual Choice Plan/Service Choice, or Voucher Plus. ARCA staff will go back and put together some sort of framework and report back to the Board at the March meeting.

M/S/C To go out of Executive Session.

Old Business

None.

New Business

None.

Information Sharing

None.

ARCA Board of Directors
January 23, 2009

Adjournment

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Glenda Larsen, ARCA Staff
for
Tresa Oliveri, President