

Regional Center of Orange County (RCOC)

Self-Determination Program Local Advisory Committee Meeting Summary

April 12, 2021

6:30 p.m. to 8:30 p.m.

Virtual Public Meeting

Present

Jyusse Corey, Self-Advocate

Cathy Furukawa, RCOC Training and Organizational Specialist

Bruce Hall, Parent

Tim Jin, Self-Advocate

Andrea Kumetz-Coleman, Parent

Larry Landauer, RCOC Executive Director

Keli Radford, RCOC Director of Services and Supports

Karen Millender, Parent

Jacqueline Miller, Clients' Rights Advocate

Michael Rillera, Parent

Tina Stang, Parent

Scarlett Von Thenen, Orange County Office of the State Council on Developmental Disabilities

I. Welcome and Introductions

Mr. Bruce Hall chaired the meeting and called the meeting to order at 6:30 p.m. He welcomed all attendees of the Self-Determination Program Local Advisory Committee (SDPLAC) Meeting. Each committee member introduced him/herself.

II. Approval of Minutes from February 18, 2021 Meeting

The committee reviewed the minutes from the February 18, 2021 meeting. Mr. Michael Rillera made a motion to approve the minutes. All committee members voted in favor of approving the minutes.

III. RCOC Self-Determination Program (SDP) Updates

Ms. Cathy Furukawa provided updates in regards to the implementation of SDP. To date, 56 people have received a certified Individual Budget and 22 people are actively receiving services and supports through SDP. RCOC distributed I CAN's flyer electronically to employment aged self-advocates, informing them of the opportunity to become Independent Facilitators through I CAN's training program. In regards to Aveanna's coaching services, 48 people have responded to RCOC contact. Thirty-two people agreed to a referral to Aveanna, 12 people declined coaching services, and three people asked to defer the start of SDP. For the other 80 individuals who have not responded, RCOC will send out letters in English and Spanish to inform them of the availability of Aveanna's coaching services. Finally, Ms. Furukawa stated that the online SDP Orientation should be completed by the end of this week and asked for people to volunteer to test the online training.

A member of the public asked how long the training will take and if a live training is a required. Ms. Scarlett Von Thenen asked about knowledge check on trainings, how to connect with people, and when it will be published. Ms. Furukawa confirmed that the online training is approximately two hours and that a live training component is not required. Since the training is housed on a Learning Management System, a knowledge check is not required since participants will need to register for the course and the system will log how much time participants spent on the course. The courses will be published once initial users test the course.

Mr. Tim Jin asked which agencies are accepting SDP participants. Ms. Keli Radford stated that some active SDP participants continue to use RCOC vendored agencies in the same manner they did in traditional services. A member of the public and Mr. Jin expressed concern that not all agencies are trained on SDP which makes it difficult for SDP participants to negotiate service rates. It was suggested that vendors receive training on SDP and how payment from Financial Management Services (FMS) agencies work.

A member of the public asked how RCOC is addressing vendor rate increases approved under the traditional service system as it relates to the individual budget for someone in SDP. Ms. Radford stated that regardless of whether a vendor rate increase or decreases, a person's budget does not change based on these rates once they are already in SDP.

IV. Community Input and Barriers to Completing the SDP Process

A member of the public shared that she tried to update her son's spending plan since the activities she wanted to purchase were no longer available due to the pandemic. She stated that the updated spending plan was not authorized by RCOC and she is currently in

Fair Hearing. She stated that until the Fair Hearing process is resolved, she is unable to make other changes in the spending plan, causing many barriers to access services within SDP. She is also an Independent Facilitator (IF) with three clients and she is also going through the Fair Hearing process them. She stated that these three people also cannot enter SDP until they get their results from Fair Hearing. She commented that RCOC should have a plan for people who are in the Fair Hearing process so they can proceed with SDP services while they are waiting for the results of Fair Hearing.

The IF for this member of the public provided more information. She stated that spending plan items to purchase equipment were denied for different reasons – due to parent responsibility and Home and Community-Based Services (HCBS) rules. This IF stated she was able to help individuals at other regional centers purchase these items from their spending plans without any issues. She stated she does not understand why these purchases were not authorized by RCOC. She noted that Judy Mark said that regional centers are not able to deny purchase of services and supports listed in the spending plan. She noted that the family is not able to move funds around in their spending plan during the Fair Hearing process and this seems to be a violation of the child's rights.

Ms. Radford stated families who are in the Fair Hearing process are not prohibited from starting SDP. The Fair Hearing process happens when there is no agreement on a service. For these individuals, they are able to alter their spending plans once a Fair Hearing decision is made. Mr. Hall asked how long it takes to receive a Fair Hearing decision. Ms. Radford stated she does not know as there are many Fair Hearings scheduled.

Ms. Andrea Kumetz-Coleman asked who pays for the advocate and lawyers for Fair Hearing. It was shared that most families do not hire an attorney but if they do, the family would have to pay for the fees. Ms. Von Thenen and Ms. Miller shared that RCOC has been hiring outside counsel to represent RCOC for SDP-related cases. Ms. Von Thenen stated that if RCOC hires outside counsel, parents should also have representation as this makes it difficult for parents who do not have representation.

A member of the public asked if coaching services are available from Aveanna. She stated that when she calls Aveanna, the staff are not aware of coaching services. Ms. Alma Morales from Aveanna noted she will reach out to the Aveanna team.

A member of the public is concerned that RCOC vendors may not want to provide services at the agreed upon rate in SDP if RCOC offers the vendors a higher rate. She asked how this should be approached in the future if RCOC increases vendor rates. She also shared that parents do not have funds to pay for legal representation during the Fair Hearing process while RCOC has in-house representation and outside counsel. She noted this causes an undue burden to the family.

A member of the public shared that he is currently in the Fair Hearing process and the family is not able to move forward because the hearing is not scheduled until May and

June. Meanwhile, he wants to purchase services and supports for his son but they are unable to make these purchases. He feels that the staff at RCOC has not been properly trained on SDP because they are asking for the hourly rate of services on the spending plan. Every time he wants to make a change to the spending plan, he does not understand why he needs to have regional center review the change.

Ms. Miller commented that if you are unable to use your budget within a category, you should be able to use it in a different category. Mr. Hall commented that the issues are the unmet needs or the specific items to purchase. Ms. Von Thenen stated even though families choose services within the waiver, RCOC is disagreeing with how that families and individuals are allocating their budget, even though they are choosing a federally approved service.

Ms. Karen Millender commented that RCOC wants details on how each line item is paid out and what this service looks like, even though the parent may not know yet what this service will look like and how much it will cost. She stated it seems as if parents have to justify every decision. Ms. Von Thenen stated that families have specified the services but they do not have the flexibility to choose it. Ms. Furukawa clarified that the spending plan is reviewed to confirm that a generic resources have been exhausted and that it meets Final Rule criteria. The details on the cost of services are also needed on the spending plan so the FMS can accurately pay for services. Ms. Millender is asking for flexibility within the service categories without having to go back and forth with RCOC to review the spending plan. Ms. Millender and Ms. Miller stated that participants should inform RCOC of the changes and not wait for RCOC to approve any changes in the categories and services.

A member of the public shared that her son was chosen as one of the initial participants in SDP. When she asked about the plan for SDP last year, she was told that it was put on hold due to the pandemic. When she inquired again this past January, she did not receive a response. She was given materials to sign in English even though she did not understand it. She learned more about SDP through other parents and she attended the SDP Conference. She asked how she can continue to learn more about SDP and immerse herself to participate.

V. Discussion: Benchmarks for Aveanna and I CAN

Due to time limitations, the committee agreed to move this agenda item to the next meeting. Mr. Rillera suggested that both agencies track the challenges and successes throughout the process. This allows the committee to have documentation of the learnings from both agencies and can be used as baseline in the future for other regional centers.

VI. Discussion: Funds for Technology Consultation

Ms. Von Thenen commented that there is a balance of \$9,400 that needs to be allocated towards SDP implementation and that the committee previously voted to use these funds

for technology consultation. She asked if the committee would like to continue to use these funds for technology consultation or if they would like to designate them to another category. Mr. Hall noted that these funds should be moved towards helping people get into SDP program. Due to time limitations, the committee agreed to move this agenda item to the next meeting.

VII. Discussion: SDP Opening in June 2021

As of today, RCOC has not received confirmation on when SDP is officially available to all those eligible. There will be an announcement about SDP in the Dialogue and interested parties will be advised to reach out to their Service Coordinator or to visit RCOC's website. Service Coordinators were trained in SDP again in January as part of preparations for the roll-out. There is still no information from the Department of Developmental Services (DDS) on whether funding will be available for Person Centered Plans for interested persons in the future. RCOC is awaiting guidance from DDS.

VIII. Agenda Items and Date of the Next Meeting

The committee asked to schedule two meetings. The first meeting will be dedicated to "Community Input and Barriers to Completing the SDP Process." The second meeting will be a typical committee meeting to address agenda items that were not addressed today. There was a request to add a discussion regarding service codes in SDP.

IX. Adjourn

The meeting was adjourned at 8:50 p.m.