

**North Bay Developmental Disabilities Services, Inc.
Board of Directors' Regular Business Meeting
Wednesday, November 5, 5:00 p.m.
Solano County Office of Education
5100 Business Center Drive, Fairfield, CA 94534**

MINUTES

NBRC BOARD MEMBERS PRESENT:

Margi Stern, Secretary
Mike Huckins, VAC Rep.

Harry Matthews, President/ARCA Rep
Walt Spicer

NBRC BOARD MEMBERS ABSENT:

Joanne Tsai (Excused)
Barbara Power (SEATED HEREIN)

Franklin Phillips (Excused)
Rhonda Foster

STAFF PRESENT:

Dave Johnson, Chief Financial Officer
Thomas Maseda, Director Administration
Rafael Hernandez-Perez, EIS/Translator
Courtney Singleton, Associate Director, Client Svcs.

Kathy Newman, Exec. Assistant
Bob Hamilton, Executive Director
Michi Gates, Director, Client Services
Tara Knutson, Community Resource Sup.

GUESTS PRESENT:

Bob Phillips, AIVB
Steve Westemeier, CBEM
Sherri Kimbell, CBEM
Marty Enriquez, Care Provider

Margaret Farman, UCPNB
Lauren Meiklejohn, BI
Karre Williams, CBEM
Ferial Trammell, CBEM

CALL TO ORDER – Harry Matthews, President, called the meeting to order at 5:08 p.m. Roll was called and a quorum was present. Board and audience introduced themselves.

CONSIDERATION OF MINUTES

M/S/C (Spicer/Stern) Move that the minutes of October 1, 2014 regular business meeting be approved as submitted. UNANIMOUS

TREASURER'S REPORT

M/S/C (Spicer/Stern) Move that the Treasurer's Report for the period of September 1 - 30, 2014 be approved as submitted. UNANIMOUS

ANNOUNCEMENTS: Bob noted that Friends of North Bay Regional Center hosted a Halloween fundraiser at Suzette Soviero's at Dillon's Beach house and raised in excess of \$8,000. Suzette is the Project Manager for "Friends" and volunteered her house for the event. It was an all-day event with a silent auction/raffle along with a voluntary donation to attend. Friends is a 501(c)3 non-profit entity separate from NBRC with a separate Board of Directors. The Board and Suzette meet monthly to review any funding requests and determine at that time whether or not Friends will fund them. Board requested a list of approved funding requests. Discussion followed.

FEATURE PRESENTATION: Center for Behavioral Education & Management (CBEM) – CBEM is an organization that is contracted with NBRC to provide crisis intervention in the three county catchment area.

Sherry Kimball, Project Director, CBEM provided a PowerPoint presentation regarding services provided. She noted that November 5th was CBEM's two year anniversary working with North Bay Regional Center.

In the past two years, CBEM Napa has served 230 individuals in NBRC's three county catchment area, i.e., 118 in Sonoma County, 91 in Solano County and 21 in Napa County. When CBEM began serving NBRC clients in November 2012 they began with 16 referrals and ended the year with 166 referrals. In January 2014 they had 173 referrals and ended the year with a total of 230 referrals. CBEM is a team approach to crisis intervention.

CBEM Case Timeline:

- When CBEM receives a referral it goes into what is called an "ACTIVE" status. It takes approximately three months to establish stability, i.e., weekly face-to-face visits along with multiple phone calls. Once stability is established CBEM changes from "Active" to "Active Crisis".

- ACTIVE CRISIS ONLY – three – six months: monthly check-ins, face-to-face or via phone. CBEM attempts to “get ahead” of a crisis. Often times a service coordinator is aware of what triggers a crisis situation and is able to assist CBEM in preventing a crisis from occurring.
- INACTIVE/HOLD – After six months, POS expires; once stability is achieved, transition to inactive status. If still in crisis, POS is extended. Hold status as needed. One of the biggest challenges in stabilization is assisting the circle of support to maintain consistency.

Changes in Placement:

- More than half of referrals stay in same placement
- 25% receive same level of support
- 90% receive same level of care in total
- 10% experience changes
- CBEM's goal is to maintain placement and effectively transition people from most restrictive to least restrictive placements.
- When it is challenging to achieve this and individuals have moved from less restrictive to more restrictive CBEM has found:
 - ✓ Needed more resources
 - ✓ Moved outside NBRC catchment region to obtain those resources
 - ✓ Antecedent management in in-home placement was challenging to consistently implement.

Outreach:

- North Bay Regional Center
 - ✓ Vendor/SLS Meetings
 - ✓ Outreach/Unit Meetings
 - ✓ Vendor Fairs
 - ✓ New Employee Trainings
- Law Enforcement
 - ✓ Solano County Law Enforcement Meetings
 - ✓ Napa, Santa Rosa, Vacaville, Windsor, Vallejo Police Department
- County Mental Health – A large percentage of persons referred to CBEM are “dual diagnosed”.
 - ✓ Napa County Mental Health
 - ✓ Sonoma County Mental Health
 - ✓ Solano County Mental Health
- Hospitals – CBEM does formal outreach with hospitals to better understand services and role CBEM plays.
 - ✓ North Bay Hospital
 - ✓ Anka Crisis Stabilization Unit
 - ✓ Sierra Vista Hospital
 - ✓ Woodland Memorial Hospital
 - ✓ Kaiser Hospitals
 - ✓ Sutter Medical Centers
 - ✓ Creekside Convalescent Hospital
 - ✓ Queen of the Valley Hospital
 - ✓ Psychiatric Emergency Services
 - ✓ Santa Rosa Memorial Hospital
 - ✓ St. Helena Hospital Center for Behavioral Health
- Service Providers
 - ✓ Typically three types of service providers:
 - SLS/ILS staff; i.e., On My Own, Chance 4 Changes, Tailored Living Choices
 - Adult Residential Facility/Group Home staff; i.e., Red Jade, Place of Grace, Blackwell Home, Valley of the Moon Children's Home
 - Day Program/Work program staff; i.e., WineBev, No Barriers, Impact, Gone for Good, Becoming Independent
- Schools/Work Supported Employment
- Courts/Jails

Video Testimonials Presented: CBEM was referred to “M's” case in December of 2013 due to self-injurious behavior, property destruction, and aggressive temper tantrums. CBEM has worked closely with M's family and entire circle of support to help achieve stabilization. M's family are happy with the progress M has made with the assistance of CBEM.

CBEM has worked with “S” since January 2013 through many different residential placements, hospital stay, and the ups and downs of multiple transitions. CBEM has developed a positive rapport with S and are thrilled to see S thriving in his current situation.

Discussion followed.

NEW BUSINESS:

- A. Center for Behavioral Education & Management (CBEM) Contract Approval – Requesting renewal of contract for a little more than a year in order to assure all NBRC contracts are aligned to June 30th. The rate that NBRC pays CBEM is \$65,468/month which is the same rate they started with in 2012. Renewal of same amount which breaks down to \$2,789 per person served. The contract is for a minimum of 600 hours of service provided per month which CBEM has consistently provided. Requesting Board approval renewal of existing contract through June 30, 2016.

M/S/C (Spicer/Stern) Move approval of renewal of CBEM’s annual contract through June 30, 2016.

UNANIMOUS

COMMITTEE REPORTS

- A. Executive Committee – Harry Matthews – No meeting

M/S/C (Spicer/Stern) Move approval of seating Barbara Power, Napa County Board member. UNANIMOUS

- B. Vendor Advisory Committee (VAC) – Mike Huckins

The VAC met on Tuesday, October 14, 2014. Please refer to the minutes for the complete report of all agenda items. Karen Lustig of Aldea was congratulated as a new VAC Member!

- Community Concerns: Due to the Veteran’s Day Holiday on the second Tuesday of November the next VAC meeting will be on the 3rd Tuesday or November 18th at 10:00 am. Karen Farnsworth provided a written update on Dental Care. Although there are temporary extensions, immediate advocacy needs to happen to avoid long-term gaps with this essential service for the general health of our Consumers.
- Group reports were given:
 - ✓ The Napa Solano Vendor Group discussed work group regulations being changed; Bob Hamilton agreed to assign a staff to work with the vendors involved.
 - ✓ The Sonoma Vendor Group discussed the upcoming CDSA Annual Meeting.
 - ✓ Area Board provided a written report that was emailed to the group on the same day as the meeting.
 - ✓ Public Relations: The Vendor Fair was a success. The outdoor location provided better acoustics for providing information, even though it was a hot day. Identifying specific vendors’ geographic locations would allow Service Coordinators the opportunity to spend more time with Vendors who serve their areas.
 - ✓ CDSA: Liz Sutton reported on the CDSA annual meeting with employment first, CMS ruling and some important Vendor topics such as risk management.
 - ✓ CSLN: Linda Plourde reported that data is needed immediately on the impact of the impending FLSA overtime ruling. Although delay of fines may be Okay with the Department of Labor, Vendors still need to be prepared to implement on 1/1/15 as employees will still have the opportunity to challenge non-compliance.
 - ✓ Board Report: Since Mike was at the National ARC Convention, Karen Lustig and Linda Plourde reported on the strong presence of the advocacy group representing the parents of Consumers residing at the Developmental Centers. There was a presentation of the Community Placement Plan for these Consumers. Disaster Preparedness: Vendors provided specific information on how communications worked post Napa earthquake in relation to their disaster preparedness plan.
- NBRC - Bob reported that the ARCA meeting at Harbor Regional Center will occur soon. NBRC is pursuing Everbridge for reverse 911 services as an important tool for disaster preparedness. NBRC is keeping up with the POS budget to date. System wide for last fiscal year, 70 million was found, but the Governor has warned that such funds should not be expected in the future. NBRC’s Insurance has paid a large portion of the trust fund losses. Two developers are exploring housing options for our Consumers in Solano County. NBRC will work with all of its community in addressing any concerns with the NBRC Housing plan with a person centered planning approach.
- The Vendor Committee Chairs did not meet before the October meeting, but the Lanterman Coalition is pushing hard for the 10% across the board rate adjustment for all services.
- Announcements:
 - ✓ Michi reported that Tara Knutson is the new Resource Specialist, Cherie Lanam will be working with Quality Assurance and Dan Morris is working with Supported Living Services Vendors.
 - ✓ Bob H. stated that ARCA will be working with John Doyle with DDS to help them understand what drives the costs in our service system.

- ✓ Edie Thomas asked what timeframe can be expected related to the minimum wage increase for SLS agencies.
 - ✓ Michi reported out on the Golden Gate Regional Center model that will be utilized to assist with the Employment First initiative.
 - The next VAC Meeting will be held on Tuesday November 18, 2014.
- c. Nominating Committee – Walt Spicer, Chair; Joanne Tsai – The Board is seeking two Board members representing Solano County. At the request of Harry Matthews, Tom Maseda surveyed all regional centers regarding most helpful resources in recruiting board members and those are Regional Center staff and Board members. Tom sent out an email to entire NBRC staff and Board requesting referrals from Solano County. Within hours, Tom received four referrals. We are now in a position to review applications. Bob Hamilton noted that there is controversy regarding how DDS has set the standard for Board composition. The Lanterman has general language and is not specific to what the Board composition should look like. Discussion followed.

EXECUTIVE DIRECTOR'S REPORT

Bob Hamilton Executive Directors Report:

- NBRC vendors 20 plus Supported Living Service agencies who care for approximately 800 clients. NBRC is attempting to reinstate SLS requirements and want to ensure that the provider community's input is recognized. With that said, Stan Higgins is coordinating a meeting for all SLS providers to following the November VAC meeting. Discussion will focus on contracts and timelines that everyone can live by. NBRC wants to maintain their leadership role in this endeavor assuring everything is under control.
- Thomas has taken the lead in assuring NBRC is prepared should we be hit with another earthquake. He and Rick Burkett are in the process of getting NBRC set up with Everbridge, a critical communications company. The company enables organizations to quickly communicate and collaborate ensuring that clients are better prepared, make better decisions, and respond quickly and confidently during a natural disaster. Everbridge has already provided NBRC with a grid map identifying where all clients in the NBRC catchment area are located.
- Last month the California Senate held a hearing in Los Angeles at City Hall which was co-chaired by Senator Beall and Senator Lui. There was great testimony from families, providers, and Regional Center staff. Those two senators plus a host of other senators have signed a letter that has gone to Governor Brown detailing the situation the Statewide Regional Center system is in. Bob read a portion of the letter (attached).
- California has a slate of new legislators, many of which are approachable and will "carry water" for the Regional Center. Bob and Harry will be meeting with Bill Dodd and Senator Elect Mike McGuire. The real business of the legislature will begin January 1, 2015. The Governor's Budget will come out shortly thereafter. Bob has met with leadership people in Sacramento to figure out how to "carry this torch forward".
- Senator Lois Wolk has agreed to conduct a meeting with stakeholders December 8 – 10, 2014 and will invite local hospitals, i.e., Sutter, Partnership, Department of Health Care Services etc. to discuss the lack of sedation dentistry for NBRC's population. This is a great opportunity for NBRC and Bob encouraged everyone to write letters of support. NBRC's Dental Coordinator, Alisha Gutierrez was instrumental in making this happen. Discussion followed.

Michi Gates, Director, Client Services:

- Sutter Hospital is due to stop providing sedation dentistry by the end of December, unless they receive concrete evidence that rates will be increased for services. NBRC has sent a letter to Partnership in hopes of scheduling a meeting to see if they have any flexibility in the rates they can pay. It is encouraging that Senator Wolk has entered the picture to push this along. Michi thanked Alisha Gutierrez for making this happen. Michi also encouraged letters of support to Senator Wolk.
- Michi thanked the AIVB for the grant provided to PhanPhem - Sara Murphy. She is working with NBRC to introduce an innovative way to increase employment for people with disabilities. Michi also thanked Bob Phillips/AIVB for collaborating with the Regional Center on the sedation dentistry and employment issues. There will be an all-day workshop on November 13th. All vendors are encouraged to attend.
- New Leaf, a new vendor contracted to take over payeeship duties from NBRC on November 1, 2014. This is a service that service coordinators provided to some individuals to manage Social Security benefits and trust accounts. New Leaf has done a great job at five other Regional Centers, including Golden Gate Regional Center. They will be providing a training for NBRC Service Coordinators. This will provide improved service for our clients and a huge support for our service coordinators. New Leaf will be attending the December Board and VAC meeting to introduce themselves. NBRC will be funding this service. No client will be required to pay.

Dave Johnson, Financial Report:

- Dave referenced NBRC's dashboard (Board packet) for the three months ending September 30th, 2014.
- The Purchase of Service (POS) section of the dashboard reflects expenditures for the first three months of the fiscal year which represents 25% of NBRC's fiscal year. POS expenditures are currently 24.5% of the allocation through the A-1.
- All Supported Living Service (SLS) vendors received two-month contract extensions from November 1st to December 31st the last week of September. NBRC's new annual SLS contracts will commence January 1st 2015 through December 31st 2015. NBRC will be sending the new contracts out to all SLS vendors the first week of November 2014 so they will have more time to review all the changes. Dave Johnson will be reviewing the contracts with the Board at the January 7th 2015 board meeting.
- Currently NBRC has seven SLS vendors on no referral status for not submitting audited financials as required in their current contract that expires October 31.
- NBRC has two SLS vendors on a Plan of Correction.

Discussion followed.

LIAISON REPORTS

- A. Association of Regional Center Agencies (ARCA) – Harry Matthews (10 minutes): No meeting.
- Bob and Harry attended ARCA at Harbor Regional Center October 16-17. The ARCA Finance Committee noted that regional centers were underfunded by \$100M in non-Community Placement Plan and Purchase of Service last fiscal year. That underfunding carried forward into this fiscal year. The consensus was that Regional Centers will be "okay" through the first quarter of 2015. There may be a cash shortage come April, May, and June.
 - Bob noted that years ago ARCA and the Department of Developmental Services communicated to the Legislature that they were underfunded and were awarded an additional \$50M mid-year yet they reverted these funds. If there is a shortfall this year, will we have to inform our providers that we don't have enough money to pay them in May? Budget methodology is based on historical expenditure not client need. John Doyle, Deputy Director, DDS, came from the Department of Finance. The system is attempting to educate him regarding the drivers for Regional Center budget. This isn't unique to North Bay Regional but is statewide.
- B. Area IV Board – Bob Phillips, Chair (10 minutes):
- The last AIVB meeting will be held December 4, 2014 from 6:00 – 7:30 p.m. Prior Board members will be invited and the AIVB are providing cake and cookies along with a short business meeting.
 - The statutory Board is "over" but "why won't we go away"? The State Council has the authority to establish a regional advisory committee. The AIVB Board members will remain on the Regional Advisory Committee until replacements are appointed. This will all become clear at the State Council meeting in January.
 - Sara Murphy applied and received the employment grant provided by the AIVB. There is a workshop scheduled for November 13th. A combination of the Department of Rehab money along with NBRC POS money will be used to assist people with disabilities secure employment.
 - Bob Phillips encouraged the NBRC Board to approach the State Council if they have questions. Mike Clark is the Director and once served as the Executive Director of Kern Regional Center.

GENERAL PUBLIC COMMENT: Marty Enriquez, a service provider/consultant, noted the following:

- Mr. Enriquez has worked with people with developmental disabilities for six years. He began at the Napa Valley Unified School District in the field of vocational special services helping kids with disabilities along with troubled teens. His most recent employment was with WineBev, an authorized vendor of NBRC to provide services to people with developmental disabilities. Mr. Enriquez worked for WineBev for 14 months full time as a program leader.
- Mr. Enriquez noted he attended the Board meeting specifically to share some serious sensitive concerns he has regarding health and safety issues and violations of clients' rights and possible inappropriate relationships between staff and clients he witnessed at WineBev. The following are examples:
 - ✓ An 800 lb. pallet fell off a 30 foot high stack and nearly hit a client
 - ✓ A client wandered off onto an edge of a boat dock on the Napa River unsupervised on a daily basis. She was 200 yards away from any supervision.
 - ✓ A staff member approached Mr. Enriquez and told him he was punched in the stomach and threatened to be killed by a certain client. This was reported to leadership and nothing was done.
 - ✓ A female client walked across railroad tracks 100 yards away from any supervision whatsoever.
 - ✓ Some management confiscated clients text messages from their personal cells phone because management was afraid they were communicating with Mr. Enriquez.
 - ✓

- ✓ A Program Coordinator told Mr. Enriquez she was offered \$10,000 if she would keep quiet about violations and other client concerns she observed.
- On September 15th, Mr. Enriquez told his supervisor I could not do the things WineBev was asking him to do anymore as it was against his moral standards and putting lives in serious danger. At the end of that day, I was escorted home by Mike Lisenko, President of Business Operations at WineBev with no explanation. One week later I was relieved of my duties and responsibilities and terminated via a letter from the Executive Director.
- Mr. Enriquez closed by stating he feels like he has run into a gridlock and asked for guidance and requested to know what the proper procedure to moving forward. What needs to take place? He requested that the Board assign him to someone that can help him protect the clients from some of the issues he witnessed and observed. He noted that he didn't know if he was in the right place in front of the right people. Should other departments from the State of California for assistance. Mr. Enriquez noted that he called the 800# whistleblower number. He had a conference call with the chief auditor of DDS. At the end of the call with five other people, the head auditor suggested Mr. Enriquez contact the Attorney General's office. He felt it was better to come together and re-energize efforts to protect clients and keep them safe and improve their quality of life through work, pleasure, and enrichment.
- Mr. Enriquez noted that he reported his concerns to leadership on multiple occasions. There is something "broken" at WineBev and how can we fix it?
- Mr. Enriquez also noted that he worked in the corporate world for 16 years and has witnessed some of the things he is reporting. The difference is that everyone in the corporate world were able to take care of themselves through the proper channels. At WinBev some of the clients don't know what is going on and are vulnerable and that is what troubles Mr. Enriquez.
- Other WineBev employees have approached Mr. Enriquez voicing similar concerns but are afraid to speak up in fear of losing their jobs.

Margaret Farman, Chief Executive Office of WineBev, noted the following:

- A response letter was sent to Mr. Enriquez upon his request for a meeting, Margaret noted four specific times she was available to meet with him while he was on paid administrative leave. According to Margaret, Mr. Enriquez refused to meet with her to which Mr. Enriquez denied. Mr. Enriquez wanted the meeting to transpire at North Bay Regional Center, with Regional Center representation. UCPNB leadership noted they would be happy to meet at the regional center at any time. Margaret told Mr. Enriquez a need to meet separately to discuss personnel issues which are confidential. Margaret noted there is a "larger story" and continues to be willing to meet with him to discuss the issues he raised above.
- Margaret noted that some of the incidents that Mr. Enriquez spoke of are somewhat accurate and occurred in a park setting in the community. UCPNB community based program has been located out of the facility clients have been working in for several years pending a \$250K build out which was completed this summer in order to have the State license. UCPNB assumed, with feedback from NBRC, that for safety issues they wanted work occurring in a licensed facility. Margaret noted that UCPNB has been writing to the Department of Developmental Services and North Bay Regional Center for guidance for almost three months and have received no response.
- UCPNB's busiest work season is September – November. Many of the folks who have the ability to work in this program and get paid through those months have not been able to. They have been in the community instead. Margaret noted she feels the Department of Developmental Services, the Regional Center, the NBRC Board of Directors needs to provide direction (two months ago) from a client's needs perspective. Approximately \$60K/month was paid out to clients last year at this time but has since been given to other companies in the community because clients are not allowed to work in an unlicensed facility. Margaret noted that the bureaucracy is taking way too long and it is a disservice to the clients.

Tara Knutson, NBRC Community Services Supervisor, asked Mr. Enriquez whether or not he was empowered as a direct care provider to report any Special Incident Reports (SIRs) directly to the Regional Center. He was unsure. Oftentimes management are the ones who generate SIRs and the "story" is often times lost.

Margaret noted that UCPNB trains direct care staff that they are mandatory reporters. UCPNB is very proactive regarding SIR reporting. She again reiterated that she is happy to meet at any location regarding Regional Center issues that Mr. Enriquez addressed. Margaret also stated that UCPNB has been through five audits in the last six months, i.e., work services audit, NBRC audit, DDS audit, CARF audit, financial audit. Margaret noted that she feels UCPNB is very dedicated as an organization to quality improvement and work very hard on the feedback the Regional Center has provided on changes they wanted to see made. Margaret noted that she feels those changes have been made.

Bob declined to comment on Margaret's comments noting that he didn't believe the Board meeting was the correct forum to work through the problems that Mr. Enriquez addressed.

Thomas offered to meet with Mr. Enriquez to hear his concerns relative to safety issues at WineBev. Thomas expressed concern that Public Comment was beginning to turn into a debate and felt the issues were better addressed outside of the Board meeting forum. The Board will receive an update on the results of the issues raised above.

Harry "unofficially" canceled the January 2015 Board meeting.

ADJOURNMENT – M/S/C (Spicer/Huckins) Move to adjourn the meeting at 7:22 p.m. UNANIMOUS

NEXT MEETING ANNOUNCEMENT – The next Board meeting is scheduled for December 3, 2014 at North Bay Regional Center, Napa office at 5:00 p.m.