



NOTICE/AGENDA

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
STATEWIDE SELF-DETERMINATION ADVISORY COMMITTEE MEETING
POSTED AT: www.scdd.ca.gov**

This meeting is being held via teleconference within the meaning of Government Code Section [11123.2](#). Members may be physically present at one or more teleconference locations. There may be members of the public body who are participating in today's meeting that were granted a reasonable accommodation per the Americans with Disabilities Act (ADA). Accessible formats of all agenda and materials can be found online at www.scdd.ca.gov

TELECONFERENCE LOCATION

SCDD HQ OFFICE
3831 North Freeway Blvd., #125
Sacramento, CA 95834

JOIN BY TELECONFERENCE:

Call-In Number: (888) 475-4499
Webinar ID: 893 2443 2150

JOIN VIA ZOOM:

Webinar ID:
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<https://bit.ly/SSDACApril2024>
893 2443 2150
585373

DATE: April 15, 2024

TIME: 10:30 AM – 3:00 PM



COMMITTEE CO-CHAIR:

Rick Wood

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

Item 4. APPROVAL OF SEPTEMBER 2023 MINUTES 	Page 3
Item 5. CO-CHAIR REPORT TO SSDAC <i>Presented by Rick Wood</i>	Page 9
Item 6. SCDD UPDATES <i>Presented by Aaron Carruthers</i>	Page 16
Item 7. FMS TOWNHALL DISCUSSION <i>Presented by All</i>	Page 21
Item 8. DDS AND OMBUDSPERSON UPDATES <i>Invited: Katie Dempsey and Katie Hornberger</i>	Page 58
Item 9. SSDAC CO-CHAIR TERM LIMITS 	Page 59
Item 10. PUBLIC COMMENTS <i>This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.</i> <i>Additionally, there will be up to 10 minutes allocated to hear from the public on each Council agenda item, with each person allotted up to 1 minute to comment.</i>	Page 64
Item 11. ADJOURNMENT	

Accessibility:

Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact (916) 263-7919. Requests must be received by 5 business days prior to the meeting. *All times indicated and the order of business are approximate and subject to change.*

April 15, 2024

AGENDA ITEM 4.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

Approval of September 2023 Minutes

Committee members will review and approve the meeting minutes from the September 2023 meeting.

Action Recommended

Approve the September 28, 2023, meeting minutes.

Attachment

September 28, 2023, Meeting Minutes



DRAFT

**Statewide Self-Determination Advisory Committee
Meeting Minutes
September 28, 2023**

Attending Members

Betty Monterrey (SGPRC)
Michelle Smith (CVRC)
Carla Lehman (WRC)
Charles Nutt (FNRC)
Chris Miller (RCRC)
Lori Walker (NLACRC)
Jennifer Walsh (GGRC)
Joyce Clark (SDRC)
Lisa Cooley (ACRC)
Maia Pawooskar (IRC)
Michelle Smith (CVRC)
David Forderer (SARC)
Pierre Landry (FDLRC)
Rick Wood (KRC)
Rosalinda Garcia (HRC)
Sherry Alvarez (SCLARC)
Tim Jin (RCOC)
Vi Ibarra (RCEB)
Vivian David Nicolas
(VMRC)

Absent Members

Cathay Liu (ELARC)
Darlene Williams (TCRC
Co-Chair)
Debby Hight (NBRC Co-
Chair)
Vivian Nicolas (VMRC)
Viviana Barnwell (Co-
Chair)

Others Attending

Aaron Carruthers
Alejandra Claderon
Alnita Dunn
Aminah Abdul-
Hakim
Ana Ramirez
Angelica Tolentino
Beth Hurn
Carla Lehmann
Carolyn Tellalian
Chayashi
Chris Miller
Christian
Christine Tolbert
Coushatta Seymore
Dena Hernandez
D.Perez
Jeanette Castro
Jessica Mercado
Kavita Sreedhar
Kristen Stone
Lia Cervantez
Lerma
Lilia V.
Lisa Hooks
Malcom Mcintosh
Julie LaRose
Katie Hornberger

Others Attending

Naomi Hagel
Olivia Gonzalez
Patricia Herrera
Rachel Palmer
Teefy
Renee Bauer
Richard Dier
Robin Maitino-Erben
Robin Monroe
Romina Solorio
Rondale Holloway
Sandra Mcelwee
Sandra Mendez
Santiago Villalobos
Scarlett VonThenen
Selvin Arevalo
Shelia Jordan Jones
Sheraden Nicholau
Suzy Requarth
Tanya Hernandez
Yaritza Sanchez

1. **CALL TO ORDER**

Co-Chair Rick Wood (FA) called the meeting to order at 10:31 A.M.

2. **ESTABLISH QUORUM**

A quorum was established.

3. **WELCOME/INTRODUCTIONS**

Members and others in attendance introduced themselves as indicated.

4. **APPROVAL OF THE JUNE 2023 MEETING MINUTES**

It was moved/seconded (Nutt [SA]/Landry [FA]) and carried to approve the June 2023 meeting minutes as presented. (Motion passed by acclimation).

5. **CO-CHAIRS REPORT TO SSDAC**

Co-Chair Rick Wood reported that the SSDAC workgroup met between meetings to discuss submissions for the Best Practices Platform and next steps on a project to address disparities. Co-Chair Wood reported that based on local SDAC reports in the SSDAC's bi-monthly reporting platform, it is clear that many regional centers are not currently collecting the data that the committee needs to analyze in order to find ways to increase enrollment in the self-determination program (SDP). The Committee discussed the State Council on Developmental Disabilities' (SCDD) "Unprofessional Conduct Policy," which now applies to local SDAC members that were appointed by SCDD.

6. **SCDD UPDATES**

SCDD Executive Director Aaron Carruthers provided an update on SCDD's SDP activities, which included a summary of the data collected for SCDD's SDP orientations, along with an overview of SCDD's Self-Determination Program Evaluation, which can be found at the following link: https://scdd.ca.gov/wp-content/uploads/sites/33/2023/08/FINAL_SDP.Eval_Full_Report6.30.23Public_8-29-23.Accessible.pdf. The full presentation for this agenda item can be viewed here: https://scdd.ca.gov/wp-content/uploads/sites/33/2023/09/2023.Sept_ED_Report.to_SSDAC-RM.CT_ACFinal.pdf.

Executive Director Carruthers and committee members discussed the lack of SDP data collection at regional centers and how to go about collecting the data

that the SSDAC is requesting. Many of these data points were collected during the phase-in of the SDP but are no longer required to be reported to the Department on Developmental Services (DDS). The committee discussed options for requesting this information from DDS.

PUBLIC COMMENT

Alnita Dunn commented that because the data has not been collected over a period of time, it would be difficult to conduct any longitudinal analysis to draw accurate conclusions.

7. BEST PRACTICES PLATFORM UPDATES

Co-Chair Rick Wood and SCDD staff presented updates to the SSDAC Best Practices Platform. Many of the submissions to the BPP survey were focused on practices of local SDACs. These included suggestions about how to spend implementation funds and creating self-governance policies. Some of these have been added to the BPP, which can be viewed at the following link: <https://scdd.ca.gov/sdp-best-practices-platform/>.

PUBLIC COMMENT

Christian (no last name given) stated that he believes that some barriers Independent Facilitators face are with billing. He asked if there will be any new start-ups to go along with the new training and certification the committee mentioned earlier in the meeting.

8. DDS AND OMBUDSPERSON UPDATES

Acting Ombudsperson Katie Hornberger provided an update on the amount and types of inquiries received by the Office of the Ombudsperson. The presentation for the Office of the Self-Determination Ombudsperson can be found here: <https://scdd.ca.gov/wp-content/uploads/sites/33/2023/09/2023-09-28-SSDAC-Ombuds-Presentation-Accessible.pdf>.

The DDS update was provided by Vicki Smith, Suzy Requarth and Katie Dempsey. DDS reported enrollment numbers through the end of July 2023, provided an overview of recent directives to address pre-enrollment transition reports and guidance for local SDAC meetings, and stated that that upcoming areas of focus for DDS are enhanced data collection, Financial Management Services standards and certifications, and Independent Facilitator standards and certifications.

DDS reported that the ability to break out data is increasing as more people enroll in SDP. More data fields are being added to the department's data collection tool, which will be used to create appropriate targets and benchmarks for regional centers. DDS has requested input on the types of data that they should collect.

Members asked questions about the underrepresentation of older individuals in the SDP and if DDS will be issuing directives regarding Independent Facilitation services being conducted virtually, as opposed to in-person, as mandated under Title 17. Suzy Requarth stated that it would be helpful in the SSDAC/local SDACs wrote a letter to DDS with feedback regarding remote services. Members provided feedback regarding Independent Facilitators losing their independence once they are required to be vendored by a regional center.

PUBLIC COMMENT

Kavita Sreedhar asked Ombudsperson Katie Hornberger if there will be guidance regarding FMS rate changes and spending plan updates, and suggested that FMS providers be invited to a townhall to discuss barriers and address the issue of providers not taking on clients with greater needs and bigger budgets.

Alnita Dunn asked if High School students and their families are being made aware of SDP as an option. She stated that typically they should be members of the regional center, but communication between schools and RCs isn't always there. She stated that if schools and parents knew about SDP, more diverse groups could be reached.

9. DECEMBER TOWN HALL

Co-Chair Rick Wood informed members that in lieu of holding a standard SSDAC meeting in December, the Committee will hold a short townhall meeting to invite members of the public to share their experiences with Financial Management Services (FMS). SCDD staff guided members through an exercise to choose FMS related topics to focus on during the townhall.

10. PUBLIC COMMENTS

Carla Lehmann stated that as a committee, her local SDAC wasted a lot of time talking about COI and financials, and suggested that it would be helpful to have guidance written up to clear it up for everybody to save time in the future.

Maia Pawoskar stated that SCDD does not have the authority to create policies for local SDACs, and that if each regional center creates their own policy the same disparities persist. She expressed concern that if guidelines are not provided that regional centers may continue to resort to denying services in SDP for the same reasons.

Kristianna Moralls, Director of the Self-Determination Program at DVU, stated that there are still over 100 people coming into SDP every month and that the program is worth fighting for. She announced that DVU will hold a conference to talk about many of the same issues discussed at the SSDAC meeting on Friday, November 3rd from 8:30 A.M. to 4:30 P.M. Register at <https://disabilityvoicesunited.org/our-future-our-fight/>.

MEETING ADJOURNMENT

The meeting was adjourned without objection at 3:47 P.M.

April 15, 2024

**AGENDA ITEM 5.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

Co-Chair Report to SSDAC

Co-Chair Rick Wood will provide an update on SSDAC-related activities that have taken place since the September meeting and December FMS Townhall. Updates will include work completed by the DDS SDP Advisory Committee and SSDAC Workgroup.

Co-Chair Wood will also share the Committee's response to how regional centers are spending their implementation funds. This information will be available on the SSDAC webpage and the Best Practices Platform.

Attachment

Regional Center Implementation Fund Spending Report

Handout(s)

There may be additional materials on the day of the meeting.

Regional Center Self-Determination Program Implementation Fund Spending

Far Northern Regional Center

The Far Northern Regional Center, Local Self-Determination Advisory Committee will be utilizing this year's round of implementation funding in the following ways:

- Continued funding of the Project Coordinator Position which is key in implementation of community outreach and events.
- Update current SDP brochures to reflect the current program. (English and Spanish)
- Ongoing Spanish translation of meeting agenda and associated packet in coordination with an in-person translator at each meeting and associated event within the community.
- Schedule and implement additional showings of The Self-Determination Program, a short documentary film following three families and their journey. The overarching goal is to show this film in each of the nine counties that make up the North State region.
- Post-showing of the short documentary film, implementation of in-person workshops within the County where the film was shown. Self-Determination Program Workshops will focus on the “nuts and bolts” of the program. An opportunity to ask questions and learn more about how the program and each component operates. Workshops to be offered in English and Spanish.
- Last of all, funds will be utilized to support the Chair and Project Coordinator in attending and presenting on Self-Determination at the Region 2 People First Conference.

Golden Gate Regional Center

GGRC has divided its funding into three goal areas that committee workgroups will address throughout the year.

- Goal Area #1 will focus on providing SDP Participant Onboarding Support, including funding an SDP learning manual for social workers, monthly in-person and virtual meet-and-greets, and engaging a Survey Monkey or similar service.

- Goal Area #2 will concentrate on Outreach & Equity Coordination Support. This will include partnering with other Bay Area LACs to create and maintain a Bay Area Website to help SDP participants navigate the process, find resources, and make a community. This goal will also make GGRC SDP materials accessible by translating them and providing interpretation at SDAC meetings and meet-and-greets.
- Goal Area #3 will focus on Data Coordination Support, which includes assisting with processes and tools in partnership with GGRC. This will allow GGRC and the SDAC to monitor and track people's progress transitioning to SDP more easily. It will also use data to identify and address bottlenecks and specific barriers to people transitioning to SDP and enjoying their SDP year to year.

Inland Regional Center

The IRC SDAC has approved several projects from SDP funding at IRC:

- Self Determination Advisory Committee - members training (completed)
- Self Determination Conference - scheduled for June.
- Books on SDP - Thinking Out of the Box - approved for purchase to be provided to conference attendees.

The committee has also approved IRC to find a CBO to contract with to put up a Spanish language SDP conference and contract with agencies to provide training for Facilitation (IF and transition) for SDP.

North Los Angeles Regional Center

For the current RFP monies allotted for 2024, that we must expend by March 2025, in the amount of \$127,698.71, NLARC is funding Coaching Services, two IF certification trainings and workshops, monthly support group meetings facilitated by an outside agency, six trainings based on the community feedback and need, an annual resource fair, and interpretation and translation services. All monies are committed.

For the allotment scheduled for 2025, the committee has agreed to continue coaching services and the monthly support group. The committee is in discussions about funding a workflow process analysis by a certified specialist. The committee has met with the specialist and is working to get the NLACRC stakeholders to agree to this project. The committee is also discussing continuing the IF certification training. The goal is to complete these discussions and issue RFPs for the upcoming year by next month.

Regional Center of the East Bay

Funds expiring in 2024:

- Continued funding for an administrative assistant for the local advisory committee. He supports our committee by taking our meeting notes and setting up translation for the monthly meetings.
- Funded the creation of several information sheets to be used by and with people wanting to learn more about various aspects of SDP. The finished document will be available in both English and Spanish.
- Worked with a contractor to offer four webinars (2 in English and 2 in Spanish) on aspects of SDP for those who are already enrolled.
- Provide translation at our monthly meetings and interpretation of documents/resources created by the local advisory committee.
- Offered an in-depth IF training for 30 attendees who are committed to working as IFs in our local community.
- Worked with two contractors to do outreach to our underserved communities to identify barriers to enrollment in SDP and suggest ways to better support those communities. The specific communities we did this outreach with are Black and Latinx.

Funds expiring in 2025:

A workgroup was formed to discuss funding priority planning. The work group reviewed past funded projects and current needs that may benefit from the latest round of DDS funding. The work group developed funding priority groups of work that align with both DDS and the needs of the region.

1. Workforce / Services Development -- Recruitment and training of person-centered planning and Self-Directed (SD) Supports providers and independent facilitators with a focus on increasing the number of bilingual, bicultural providers.
 - Add to statement above “and persons with lived experience as Self or Family Advocates.”
 - Offer advanced/ in-depth IF trainings.
 - Create IF and Regional Center collaboration/roundtable: Closed convos, troubleshooting, relationship building.
 - Grow pre-enrollment support providers and offerings in region.

2. Joint training for participants, families, regional centers, LVAC members and others with a focus on training self-advocates and families from diverse communities that are under-represented in the SDP.
 - Workshops on navigating traditional and SDP services: Lingo, processes, rights, acronyms, service codes, expectation setting, differences between traditional and SDP. Audience: Self-Advocates, family advocates, RCEB staff
 - Post-orientation coaching and/or consultation. Topic examples include: how to find IFs, how to find pre-enrollment supports, networking, specific problem solving and ideas sharing, experience sharing, etc.
 - Post SDP enrollment coaching and/or consultation. Topics could include: Transition to subsequent years, assistance with spending plan development and what can be put in a spending plan.
 - Invest in RCEB-specific Learning Management System with multimedia and dynamic content provision for self or family advocates: Would include Plain language trainings, updates, discussion, etc.
3. Collaborative groups/workshops to foster ongoing, shared learning and problem-solving opportunities.
 - Funds earmarked so RCEB clients and support people to attend trainings/workshops/conferences offered. Funds would cover registration or admission fees, not travel, lodging, etc.

Other Notes / Spending Considerations:

- Collect RFPs of quality as examples to consider.
- Access to underserved communities: outreach and through onboarding and potentially other stages. Ensuing SA's are included and targeted in all projects and target areas.
- Accessibility Commitment: ALL training / workshop material should be plain language and accessible. All should be self-advocate targeted (multi-media, multi-approach, flow charts, prompts, videos, e-learning). All training/ workshop material should be in multiple languages.
- Bay Area website launch and maintenance.
- RCEB SDAC Administrative Assistant
- Surveying tech?
- Accessibility and plain language training, and ongoing contract for services?
- Translation of existing SDP products

Regional Center of Orange County

For Fiscal Year 2021 – 2022:

- DVU Books \$10,408
- Aveanna Coaching \$3,113

For fiscal Year 2022 – 2023:

- DVU Conference 2022 \$5,925
- SCDD IF Training Vietnamese \$1000
- DVU Conference 2023 \$5,450
- SPR Resource Fair \$15,000
- SDP Resource Fair Follow-up \$15,000 (pending)
- PCP Training DVU \$5250 (pending)
- PCP Training Bill G \$15,700 (pending)

San Andreas Regional Center

The SARC SDAC has proposed to utilize its funding towards the implementation of its SDP Ambassador Program, which would entail the following:

- Periodic roundtable meetings at the three different offices of SARC (Watsonville, Salinas and San Jose) in person with specific groups of members from the underserved communities (Spanish, Vietnamese, Asian, South Asian, Filipino, Self-Advocates with minimal natural supports) throughout the year (8-12 meetings in the year) to discuss the program, barriers they are experiencing, provide technical support and guidance.
- Provision of Food, transportation, and childcare for them to be able to attend these meetings.
- Offering a contract position to a Self-Advocate or a Parent Advocate to help coordinate these meetings in tandem with the RC and the Committee Member Reps.

The Committee has passed and approved this program and is waiting on SARC's Executive Director to provide the logistics and the final go ahead on how this will roll out.

San Diego Regional Center

The LVAC facilitated several public meetings to determine how to spend implementation funds. These meetings included family advocates, self-advocates, regional center staff, Independent Facilitators, FMS, and local vendor agency representatives. Attendees provided input and established needs/priorities which include the following:

- Develop/curate culturally responsive and linguistically accessible, plain language Information, resources, and pathways for Self-Determination utilizing multiple modalities (visual, print, digital, video, infographics) to reduce barriers and facilitate transition and ongoing support for self-advocates, families, and community-- Breakdown new and existing information and key concepts.
- Support self-advocates by offering training, mentoring, and skill building opportunities specific to their needs, and ongoing technical assistance.
- Host annual conferences, resource fairs, or community activities in San Diego and Imperial County
- Fund LVAC project coordinator to facilitate LVAC activities and liaise with SDRC staff and committee.
- Provide access to technical assistance for SDP clients/families.
- Continue Power Hour Sessions on hot topics and other networking opportunities.

April 15, 2024

**AGENDA ITEM 6.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

SCDD Updates

Executive Director Aaron Carruthers will provide members with an update on SDP-related activities the Council is participating in which include legislative and SDP orientation activities.

Attachments

[SB 1281](#) Fact Sheet

SB 1281 SCDD Support Letter

Handout(s)

There will be additional handouts the day of the meeting.

Senate Bill 1281

Advancing Equity and Access to the Self Determination Program Act Senator Caroline Menjivar (D – San Fernando Valley)

SUMMARY

Senate Bill 1281 would establish an administrative process to simplify and streamline the procedures for enrolling participants and assisting them in remaining in the Self Determination Program (SDP). The SDP helps individuals with developmental disabilities by forming a self-customized plan with services and support to reach self-reliance.

PROBLEM

In 2023, the State Council on Developmental Disabilities submitted a statutorily required report with findings and recommendations to the legislature. The report found that despite participants favoring SDP, there were many administrative burdens and hurdles that came along with the program. Additionally, there were reported concerns about inequities in the program such as racial disparities and disparities in how the SDP is being implemented across regional centers in California.

The SDP is based on five principles of self-determination: freedom, authority, support, responsibility, and confirmation. These tenets help support self-determination and person-centered planning for individuals with developmental disabilities in California. The SDP begins with a person-centered plan and an agreed upon individual budget, which becomes a spending plan to purchase services from direct service providers, thus helping participants achieve their goals. Independent Facilitators (IF) support participants with planning, and Financial Management Services (FMS) pay their providers. Participants are not restricted to providers vendored with regional centers. They can identify individuals and organizations in their communities who understand their needs and culture to help them meet their goals.

The study demonstrated that the current complexity of the SDP systems widely disadvantages people of color, who stand to benefit immensely from the program. The report ultimately highlighted recommendations to improve the SDP Program. Among those recommendations were to improve access to information about the SDP, streamlining the enrollment and

budget process, and to create a more equitable system to mitigate disparities.¹

BACKGROUND

In October 2013, California expanded the Self Determination Program with SB 468 (Stats 2013, Ch. 683), after a 20-year successful pilot program. The SDP provides Regional Center clients the ability to control and customize services and supports according to their needs to reach Self Determination. These person-centered plans are integral for participants to achieve greater independence, employment, and improved health outcomes. In 2018, the SDP started with a three-year phase in with a limit of 2,500 participants. However, due to several barriers in place, just over 500 new people enrolled.² In June 2021, the SDP became available to all eligible regional center clients, but enrollment has continued to lag. As of September 2023, only 3,365 participants out of over 355,000 consumers had enrolled in the program statewide.

SDP participants have reported positive growth in areas such as self-awareness, responsibility, mental health, community integration, independence, employment, and quality of life.³ Given the benefits of the SDP program, distinct reforms to streamline the process will allow it to reach the five principles on which it was founded. California should build upon the progress made and ensure that every eligible person can benefit fully, eliminating distinct barriers that persist for the BIPOC community.

SOLUTION

SB 1281 would improve access and equity to the Self Determination Program.

Specifically, this bill would:

- Require the Department of Developmental Services (DDS) to establish statewide standardized and streamlined processes and procedures, including enrollment, individualized budgets, Financial Management Services, access to self-directed transition services, and a client's spending plan;

¹ https://scdd.ca.gov/wp-content/uploads/sites/33/2023/08/FINAL_SDP.Eval_.Full_.Report6.30.23Public_8-29-23.Accessible.pdf

² https://www.dds.ca.gov/wp-content/uploads/2021/06/SDP_SummaryData_May2021.pdf

³ https://scdd.ca.gov/wp-content/uploads/sites/33/2023/08/FINAL_SDP.Eval_.Full_.Report6.30.23Public_8-29-23.Accessible.pdf

- Provide a more person centered experience through the SDP program by ensuring participants' provider choice is respected;
- Ensure that individuals entering the SDP have access to transition support from trusted partners;
- Reinforce accessibility to Financial Management Services and clarifies employer burden and what costs FMS can pass on to participants. It also requires that the FMS provide timely payments to providers;
- Additionally, require DDS, alongside the report they are required to provide to the legislature, to include the assessment and adequacy of Financial Management Service providers at each Regional Center.

STATUS

Introduced-February 15, 2024

SUPPORT

Disability Voices United (Co-Sponsor)
Integrated Community Collaborative (Co-Sponsor)

CONTACT

Kimberly Fuentes
Office of Senator Caroline Menjivar
(916) 651-4020





March 20, 2024

The Honorable Senator Marie Alvarado-Gil (Chair)
The Honorable Senator Rosilicie Ochoa Bogh (Vice Chair)
Senate Committee on Human Services
1020 N Street, Room 521
Sacramento, CA 95814

RE: SB 1281 (Menjivar) Advancing Equity and Access in the Self- – SUPPORT

Dear Senators Alvarado-Gil and Ochoa Bogh,

The State Council on Developmental Disabilities (SCDD) strongly supports SB 1281, which will make it easier for persons with intellectual and developmental (I/DD) to access the Self-Determination Program (SDP) and reduce disparity.

The SDP allows persons with IDD the freedom to choose what supports and services will assist them the most to live an independent life. Clients in SDP are given an individual budget or spending plan to purchase services directly from providers who they identify as understanding their needs and goals. Independent Facilitators (IF) support participants with planning, and Financial Management Services (FMS) pay their providers. Participants are not restricted to providers vendored with regional centers. SDP participants have reported growth in areas such as self-awareness, responsibility, mental health, community integration, independence, employment, and quality of life.

In 2023, the SCDD submitted a statutorily required report with findings and recommendations to the legislature. The report found that despite participants favoring SDP, there were many administrative burdens and hurdles that came along with the program. Additionally, there were reported concerns about inequities in the program such as racial disparities and disparities in how the SDP is being implemented across regional centers in California. The study demonstrated that the current complexity of the SDP systems widely disadvantages people of color, who stand to benefit immensely from the program. The report ultimately highlighted recommendations to improve the SDP Program. Among those recommendations were to improve access to information about the SDP, streamlining the enrollment and budget process, and to create a more equitable system to mitigate disparities.

SB 1281 would improve access and equity to the Self Determination Program by requiring DDS to establish statewide standardized processes and procedures. It also requires among other things, that the FMS provide timely payments to providers so that participants do not lose



their services. Given the benefits of the SDP program, California should build upon the progress made and eliminate any administrative barriers to ensure that every eligible person can benefit fully from these services.

SCDD's mission is to advocate, promote and implement policies and practices that achieve self-determination, independence, productivity, and inclusion in all aspects of community life for Californians with developmental disabilities and their families. SB 1281 aligns with SCDD's mission and ensures persons with I/DD have freedom of choice to select providers that will assist them in their goals to preserve their independence and quality of life.

If you have any questions or concerns, please contact our Policy Analyst, Verónica Bravo at veronica.bravo@scdd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Wesley Witherspoon". The signature is written in a cursive, flowing style.

Wesley Witherspoon, Chair

April 15, 2024

**AGENDA ITEM 7.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

FMS TOWNHALL DISCUSSION

Members will review and discuss the community input provided in the SSDAC FMS Townhall Report. The purpose of this agenda item is to collect Member feedback and recommendations, which will be used to inform the contents of a formal SSDAC report to DDS.

Attachment(s)

FMS Townhall Report – English
FMS Townhall Report – Spanish

Handout(s)

There may be additional handouts the day of the meeting.



February 28, 2024

Ms. Nancy Bargmann, Director
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

RE SSDAC FMS TOWNHALL FEEDBACK AND RECOMMENDATIONS

Dear Director Bargmann:

The State Council on Developmental Disabilities (SCDD) and the Statewide Self-Determination Advisory Committee (SSDAC) would like to thank the Department of Developmental Services (DDS/Department) for its attendance at the SSDAC FMS Townhall event on December 18th, 2023. SCDD has gathered the information shared during the event and is pleased to present the feedback (enclosed as an attachment).

SCDD and the SSDAC appreciate the Department's willingness to collaborate in addressing concerns expressed by Self-Determination Program (SDP) participants. We also acknowledge and commend DDS for its work to address concerns expressed during the Townhall event. SCDD and the SSDAC support the measures that DDS has already taken in issuing directives to ensure that timely payments are made to service providers and provide payment to Financial Management Services (FMS) providers, supporting the transitions into the SDP and/or between regional centers.

The SSDAC and SCDD would also like to recognize and support the Department's release of grant funding to support the design and implementation of standards for Independent Facilitators (IF) and FMS, thereby increasing service uniformity and standardization throughout the state.

The enclosed report captures and reflects Townhall participants' shared experiences with the SDP and individual FMS providers. Many celebrated the impact that the program has had on the lives of participants; others shared what providers are doing well. The stories and feedback celebrated the SDP successes and provided insights about business models that are working well for participants.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

The report also includes recommendations generated from the public comments provided by Townhall participants. The SSDAC and SCDD request that the Department consider these recommendations carefully and would like to state that the comments provided do not necessarily reflect those of SCDD or the Statewide Self-Determination Advisory Committee (SSDAC).

In closing, the SSDAC requests that the Department agendaize the Townhall event findings for its next DDS SDP Advisory Committee meeting. The SSDAC would also like to invite DDS to its next meeting (March 2024) to discuss next steps and allow the Department the opportunity to hear SSDAC-members' feedback on the report.

Should you have any questions about the content of the enclosed report, please feel free to contact us at your convenience.

Kindest Regards,



Aaron Carruthers, Executive Director
State Council on Developmental Disabilities



Rick Wood, Co-Chair
Statewide Self-Determination
Advisory Committee (SSDAC)



Charting the Course

Insights from the December 18, 2023,
FMS Townhall and Recommendations for
Future Success

A Statewide Self-Determination Advisory Committee Report to the Department of Developmental Services

Prepared by

THE CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

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“...what's really been successful is being able to have job training on an animal farm for my daughter, which is really amazing. She's doing things that she wouldn't normally do and being successful and proud in doing that. We wouldn't have access to that before Self-Determination.”

- Townhall Participant

Background

In July 2021, the Self-Determination Program (SDP) was made available to regional center consumers statewide, opening the door for Californians with Intellectual and/or developmental disabilities (I/DD) to have more freedom, control and responsibility in choosing the supports and services they receive through the regional center system. In the time since, enrollment in the program continues to increase as more regional center consumers and their families learn about the benefits of self-determination.

The rise in demand for enrollment in the SDP has placed a strain on the businesses that provide Financial Management Services (FMS) to SDP participants. Throughout 2023, the Department of Developmental Services (DDS), the Office of the Ombudsperson, and the Statewide Self-Determination Advisory Committee (SSDAC) were made aware of “the FMS crisis,” a catchall phrase used to describe a variety of issues that consumers were experiencing. This includes long waitlists, lack of access to FMS providers, issues with billing, delayed payment, and dropped services. DDS responded by releasing a variety of program directives aimed at providing guidance and clarity to both consumers and FMS providers.

On December 18, 2023, the Statewide Self-Determination Advisory Committee (SSDAC) held a townhall event that focused primarily on Financial Management Services to understand what SDP participants experience when working with FMS providers. SDP participants shared their success with FMS providers and gave feedback on DDS’s directives and recommended other improvements for the Self-Determination Program. The SSDAC believes that participants hold the key to solving problems in the SDP, as they can provide insight on the barriers they experience. Through unification, participants, FMS providers, the SSDAC and DDS, can achieve the shared goal of making the Self-Determination Program a success.

“The Self-Determination Program is absolutely amazing. It is absolutely incredible. Things like being able to get a life plan for my son, which we do now every year and that gives him guidance and continuity as time goes on. Things like that are amazing.”

- Townhall Participant

Highlights

Delayed or Missed Payments

SDP consumers and families continue to experience delays in payments to service providers. In some cases, this has led to a loss of access to services, as consumer's employees terminate employment due to untimely payment of wages. Townhall participants stated that they have also been unable to attend events or participate in classes/community activities due to lack of timely payment.¹

Lack of Standardization

Townhall attendees identified a variety of issues related to a lack of standardization. There continue to be vast differences in how regional centers interpret and respond to DDS directives. In addition, FMS providers operate independently, with each developing their own policies and practices, creating their own forms, and utilizing their preferred data systems. The lack of standardization has resulted in disparities among SDP participants depending on which FMS they use, and which regional center serves them.

Reporting

SDP participants rely on monthly reports from their FMS providers to determine which services and supports have been paid for, and whether employees' wages are processed accurately and timely. Townhall participants state that these statements often arrive late or not at all, are often incomplete, and are difficult to understand.

Waitlists

Many SDP participants are still being placed on waitlists to work with FMS providers. Townhall attendees recommend using business consultants to help FMS providers respond to the growing demand. Additionally, participants would like to have access to a public list of FMS providers with information about their waitlist status.

Training and Technology

Townhall attendees expressed a need for more training on their roles and responsibilities as employers, along with access to technology to support that role.²

¹ DDS Directive on Billing Requirements for Services may address some of these issues
<https://www.dds.ca.gov/wp-content/uploads/2023/12/SDP-Billing-Requirements-for-Services.pdf>

² DDS Directive on FMS Transition Supports addresses some of these issues
https://www.dds.ca.gov/wp-content/uploads/2023/12/Self-Determination_Program_FMS_Transition_Supports.pdf

Rate Changes

Recent rate changes have occurred mid-year, requiring adjustments to participants' budgets and spending funds that were meant for other services or supports.

Spending Plan Changes

Townhall attendees stated that the administrative burden associated with spending plan changes leads to some SDP participants spending significantly more on Independent Facilitation services, as they require additional help implement the changes.

Translation and Support for Spanish Speaking Participants and Families

Spanish-speaking participants expressed a need for greater support in understanding FMS agencies and their function. In addition, participants urged support in communicating with FMS Providers. Participants stated that lack of access to Spanish-speaking staff and/or appropriate translation services with FMS providers leads to disparities and higher costs. Many Spanish-speaking families rely on Independent Facilitators for communication and translation services, which increases costs for services.

Background Checks

Participants continue to struggle with long wait times for background checks for their employees/providers and are not always informed when the background checks fail or processing is delayed.³

Lack of Communication

Several townhall attendees described situations where they experienced persistent problems when communicating with their FMS providers. Many stated that their calls and emails go unanswered. Overall, attendees expressed frustration about the inability for participants, Independent Facilitators, FMS providers and regional centers to communicate effectively with one another to resolve problems and keep each other informed.

FMS Business Model

Townhall attendees raised issues they have encountered with specific providers. Participants raised concerns about FMS providers operating independently since their individual policies have created problems. Participants are concerned about the changes in business model (from co-employer to sole employer), and FMS providers refusing to offer services to siblings.

³ DDS Directive on Service Provider Background Checks addresses these issues <https://www.dds.ca.gov/wp-content/uploads/2023/10/Self-Determination-Program-Service-Provider-Background-Checks.pdf>

Public Recommendations

Delayed or Missed Payments

- DDS should provide clear directives regarding regional center communication. Instructions should specify the process for providing updates to participants, FMS providers, and Independent Facilitators regarding the Purchase of Service (POS) Screenshots and e-Billing set up.
- Participants should be notified when a POS is issued.
- Participants should receive confirmation that e-Billing has been set up and should be notified if there are any issues or delays in that process.
- DDS should provide a list of reimbursable expenses to FMS providers so that they can be reassured that expenses are allowable.
- FMS provider should have a process for instantaneous purchases.

Lack of Standardization

- DDS should issue directives with guidelines to standardize the timeline for onboarding.
- Regional centers and FMS providers should create a publicly shared agreement that outlines the steps that each will take when an SDP participant is 1) enrolling in SDP 2) transitioning between fiscal years, and 3) revising their spending plan.
- DDS should develop a list of best practices for FMS providers, set performance standards, and develop a rating system to inform the public about which providers are adhering to best practices.
- FMS providers should standardize and be more transparent with charges and fees and should provide a public listing of vendors that are set up to work with FMS payments.
- FMS providers should have standardized forms, protocols, and procedures.
- FMS providers should use a centralized data system.
- Employer Burden rates and costs should be standardized.
- DDS should centralize the vendorization of FMS providers under one regional center.

Reporting

- DDS should create a task force to identify the needs of all parties and develop guidance to ensure consistency in 1) the details included in reports and 2) the frequency and means of delivering reports.
- Simplify billing statements so families who are either new to the services system or to SDP can have a deeper understanding of what they read on their financial statements.

Waitlists

- Utilize business consultants to assist FMS providers with responding to the rapid growth and increase in demand.
- Create a public list of FMS providers that includes information about which providers have a waitlist, and how long wait times are.

Training and Technology

- Additional training on participants' roles and responsibilities as an employer.
- FMS providers should have computers, printers, scanners, etc. available for participants and families to use.

Rate Changes

- Townhall attendees suggested that current rates be grandfathered in for the entire budget year, and that rate changes be applied the following year.

Other

- Increased access to translation services and Spanish speaking customer services representatives.
- Release directives in Spanish at the same time they are released in English.
- Increased communication about the status of background checks.
- Improve communication from FMS providers to participants, and better-quality communication between FMS providers, regional centers, SDP participants, and Independent Facilitators.

Full Report of Public Input/Findings

Delayed or Missed Payments

Townhall attendees stated that they have lost access to services due to delayed or missed payments, stating that employees have terminated their employment due to untimely payment, which resulted in many vendors refusing to work with participants after experiencing these payment issues. Participants stated that they have been unable to attend events or participate in classes because they cannot guarantee that these activities will be paid for in a timely manner.

“There have been months where the only fee collected is their FMS fee and invoices are not paid.”

“The big thing that I see is the issue of invoice is not being paid, vendors not being paid, employees not being paid. Eventually the problems get fixed, but it takes a long time. I've lost vendors. I've lost services because of it.”

“[There is a] lack of transparency in the POS to e-billing process. This happens on the back end where and we come to know that the POS haven't been issued or the e-billing hasn't been set up and nobody is informing either the IF, the family member or the self-advocate that there is no billing setup.”

“FMS do not actually follow up with the client and let them know that the e-Billing hasn't come through. If they do, the IFs don't have the ability to be able to look into where exactly the bottleneck is because regional centers don't give us information on whether the e-Billing was set up and what the POS is for.”

“We use Acumen as our FMS and they have provided us with stellar service. I couldn't say more good things about them... we're always paid exactly on time, even before they receive their regional center payment.”

-Townhall Participant

Public Recommendations

- DDS should provide clear directives on regional center communication updates to participants, FMS providers and IFs regarding the POS screenshots and e-Billing set up.
- Participants should be notified when POS are issued.
- Participants should receive confirmation that e-Billing has been set up and should be notified if there are any issues or delays in that process.
- DDS should provide a list of reimbursable expenses to FMS providers so that they can be reassured that expenses are allowable.
- FMS provider should have a process for instantaneous purchases.

Lack of Standardization

Townhall attendees described how the lack of standardization between regional centers and FMS providers affects their experience in the program. The following issues were identified:

- Timelines for onboarding vary between regional centers.
- Directives are interpreted and applied differently between regional centers, creating differences in how FMS providers operate, which ultimately leads to SDP participants experiencing disparities in access to services.
- Financial procedures vary between FMS providers, making some providers easier for vendors to work with than others. Many vendors refuse to use FMS intake forms and require a deposit and/or a credit card on file.
- FMS providers use different forms and have their own processes, protocols, data systems and procedures.
- Employer burden rates vary between FMS providers.

“I think the challenge relative to the FMS comes when there might be a little bit of vagueness to a directive, and I know that our regional center has a team, and they interpret directives according to their team. That team does not include any parents or independent facilitators that I'm aware of. Then what happens is that our policies are based on that interpretation of their directive. How that impacts FMS then is FMS deal with different people across the state differently.”

“There really is no performance standard for an FMS. The regional centers all have a performance contract, but there doesn't seem to be an equivalent for the FMS.”

“I'd love to see a rating system or a yearly confirmation from DDS that standards are being met by FMS. That they you know can pay all their bills that they're going to have ongoing business practices for the years to come.”

“There's a huge disparity between regional centers and how they write their policies and how easy a client can access a service or how difficult and challenging it is to access a very simple service because of the way their particular policy is written...they run so differently and it is a disparity because if you live on this side of the street and are part of this regional center you can easily access these things but if you live on that side, you might not be able to get half of those things because of the way they're policy is written.”

“I think if we had a portal that was a universal portal that worked across FMS' so we could all use the same tool, it would make life much easier for the consumers. And I think in the end for the FMS and the regional centers as well.”

“One of the things that's been difficult is the regional center billing system and matching up with the FMS e-billing system.”

“Regional centers set their own policies of how they want to interact with the FMS. The FMS sets their own policies of how they want to interact with the regional center. I find that they lack consistency, collaboration, or congruency.”

Public Recommendations

- DDS should issue directives/guidance to standardize the timeline for onboarding.
- Regional centers and FMS providers should create a publicly shared agreement that outlines the steps that each will take when an SDP participant is 1) enrolling in SDP 2) transitioning between fiscal years, and 3) revising their spending plan.
- DDS should develop a list of best practices for FMS providers, set performance standards, and develop a rating system to inform the public about which providers are adhering to best practices.
- FMS providers should standardize and be more transparent with charges and fees and should provide a public listing of vendors that are set up to work with FMS payments.
- FMS providers should have standardized forms, protocols, and procedures.
- FMS providers should use a centralized data system.
- Employer Burden rates and costs should be standardized.
- DDS should centralize the vendorization of FMS providers under one regional center.

"I want to give kudos to Sequoia FMS and to Ritz FMS as well as Mains'l, they've been really great to work with."

-Townhall Participant

Reporting

Attendees described vast differences in the quality and the frequency of reporting from FMS providers. Incomplete and/or infrequent reporting affects the participant's ability to verify which services have been paid for, and to ensure that their employees' wages are being processed correctly and on time.

"[FMS] reports are very difficult to read."

"The portal does not get updated in a timely manner. We do not receive monthly reports, so I am often in the dark about what's happening and having to constantly micromanage [my FMS]"

"A difference I have noticed recently is the quality of reporting. Acumen and Aveanna both use the DCI software, which allows for very detailed reports any time you want one. The way Acumen uses DCI allows for incredibly fine detail reports (if you can figure out how to use the website, which is not user-friendly). Cambrian, by comparison has pretty terrible reporting systems. There is no way to generate a report on demand, so you have to wait for the monthly statements, which do not come out in a timely manner."

Public Recommendations

- DDS should create a task force to identify the needs of all parties and develop guidance to ensure consistency in 1) the details included in reports and 2) the frequency and means of delivering reports.
- Simplify billing statements so families who are either new to the services system or to SDP can have a deeper understanding of what they read on their financial statements.

Waitlists

Attendees stated that FMS providers struggle to adjust to the demand for services, and that there are not enough providers throughout the state. SDP participants do not have access to information about which FMS providers currently have waitlists, or how long wait times are for each provider.

“As chair of my local Self-Determination Advisory committee, I consistently hear about a lack of FMS agencies that want to have new clients.”

“Each FMS I have worked with has pros and cons. The major challenge seems to be with handling growth. They all seem to be caught in an impossible situation of either 1) taking on more clients than they can handle, or 2) pausing intake to appropriately staff up and train. So far none has been able to keep pace.”

Public Recommendations

- Utilize business consultants to assist FMS providers with responding to the rapid growth and increase in demand.
- Create a public list of FMS providers that includes information about which providers have a waitlist, and how long wait times are.

Training and Technology

Attendees stated that SDP participants and their families lack the knowledge that they need to act as employers and often lack access to the technological means to complete necessary forms for their employees.

“One of my concerns is that once you do the orientation, that's it. [We need to be trained on] how to fire somebody if you have a disgruntled employee, how to hire people and more importantly what to do....I was getting a lawsuit against me because someone wasn't paid and I had to go to my FMS and say 'I'm gonna be sued because you're not paying my employees.' ...that's a serious issue. We're not being trained correctly.”

Public Recommendations

- Additional training on the participants' roles and responsibilities as an employer.
- FMS providers should have computers, printers, scanners, etc. available for participants and families to use.

Rate Changes

Attendees stated that FMS rate changes for burden rates have been implemented mid-year, leading to gaps or barriers in accessing the services that were in the original spending plan. This requires consumers to prorate for different parts of the year.

“One issue that I think many of us have faced is in relation to rate changes, the FMS rate changes for burden rates. While we understand the circumstances and the constant change in the economy, the labor laws, etc. I think what's been such a challenge has been doing this mid-year or within a budget year when rates were established for the prior revised burden rates. What it tends to do is cause a potential gap or barrier in accessing those services that were originally listed on the spending plan, as that rate change has caused more to be eaten out of the budget. That has been problematic, and FMS are not really being supportive and trying to assist.”

Public Recommendations

- Townhall attendees suggested that current rates be grandfathered in for the entire budget year, and that rate changes be applied the following year.

Spending Plan Changes

Attendees stated that even simple changes to spending plans require excessive work on the part of Independent Facilitators, resulting in hundreds of dollars in additional IF payments. This impacts their overall budget and places a significant cost burden on participants.

“When it comes on to updating spending plans, it's a very time consuming. It's unrealistically long, the effort that families have to put together. They need an independent facilitator and sometimes we didn't budget the amount of time that a simple change takes. They're spending hundreds of dollars getting the independent facilitator to advocate on their behalf so a change could be made in the spending plan so they could take another social recreation activity or hire new staff members. We really do need more help on the speed of it and the quality of the deliverance.”

Translation & Support for Spanish-Speaking Participants & Families

Spanish-speaking attendees and facilitators who serve them expressed a need for support in the following areas:

- Understanding the FMS provider's roles and responsibilities.
- Communicating effectively with FMS providers

Townhall attendees stated that Spanish-speaking consumers/families spend much more money than English-speaking consumers/families on Independent Facilitation fees. This is due to language barriers and additional need for assistance in program comprehension and communication services

Spanish-speaking participants and families also expressed concern about the delays they experience when receiving updates from DDS because it takes longer to translate directives/guidance.

“When it comes into directives, it's always like we're finding it from different people. There are people that get it days before it gets published into DDS. Honestly a lot of the Hispanic community is telling me it gets published by English speakers more frequently than it is actually polished by DDS in translation and that feels like we're not getting the information the same way or that we are second class citizens because we're not getting the information just like everybody else.”

“We do need more support from FMS in the ability speak Spanish. I know that some of them do have it, but it is very difficult to get a Spanish speaker on the phone.”

“I'm also an independent facilitator working mostly with the Hispanic community speaking in Spanish, and my clients need a lot more assistance in just being technically savvy and being able to communicate with the FMS. They tend to need a lot more of my assistance for translation, for understanding how their FMS might work. So they're spending a lot more of their budget on services for me just because of their language difficulties and challenges and also their technical challenges of not maybe even owning a computer.”

Background Checks

Townhall attendees described long waits for background checks to be completed and stated that participants are often not informed when background checks don't go through. There are additional fees to re-initiate the process and reimbursement requests for this expense is often denied, resulting in high costs to participants.

Although no specific solution was proposed, attendees stated that they need to be informed of background check status changes in a timely manner.

“We found out that background checks for 5 people, 9 months ago never went through. They were just stagnant. For about half of the caregivers, all their fingerprinting and background checks did not go through. We had paid for the fees initially and then we needed to pay for the fees again and reinitiate the whole thing again, so I ended up paying thousands of dollars for one of my caregivers.”

Lack of Communication

Townhall attendees stated that there is an overall issue with communication between regional centers, FMS providers, and SDP participants and their Independent Facilitators. Many attendees stated that their calls and emails to FMS providers go unanswered.

“Communication is a big, big deal. When there's a lack of it, everything kind of falls apart.”

“Calls don't get returned, emails don't get returned for a week or more at a time. If there is ever an issue with an invoice that was submitted, that's never communicated to us until it's too late. Pay day comes, vendors don't get paid and that's when I hear about it.”

“It takes an incredible amount of advocacy and follow up to get the basic things done and get vendors paid. Communication is inconsistent, mistakes [are] made and at times misinformation is given.”

“If you're looking at promising best practices, Mains’l has been exemplary in how to run an FMS business...their customer service, their standards.... other FMS should follow suit. I think that would resolve a lot of these issues. A lot of vendors complain that they have multiple participants, and they don't know who's paying and who's not paying because it all goes direct deposit. Mains’l sends an email and lets them know that a direct deposit has been sent, so that way they know who is sending what.”

-Townhall Participant

FMS Business Model

Townhall attendees have encountered the following issues with the business model of some FMS providers:

- Variance in capacity to execute different aspects of services (i.e., some are capable of providing payroll services, but less adept at providing bill payer services, or vice versa).
- Some FMS providers are moving from a co-employer model to a sole employer model.
- One attendee stated that their FMS provider refused to provide services to siblings.

“We have some FMS who are great as far as the co-payer and being the paying staff and doing all the payroll stuff, but when it comes to bill payer, they're in over their heads sometimes.”

“The trend that I'm seeing is they're shifting away from co-employer and moving to sole employer. What they're doing now is if there is a delay in the rollover or any kind of purchase of service authorization delay, they're no longer making payroll. Under co-employer the FMSs are obligated to pay, under sole, they're not. That's a that's a huge concern that I have.”

“...two FMSs that I think would be really great if the other FMSs were able to emulate. One is Mains'l. They are awesome... I just recently started working with FMS Pays, and they're just a bill payer model. It's working really well.”

-Townhall Participant

Public Recommendations for FMS Providers

1. Provide a means for instantaneous purchases like for music programs or entertainment or social recreational activities.
2. Hire more Spanish speaking customer service representatives.
3. Use passcodes for over-the-phone customer verification instead of asking individuals to confirm private information verbally.
4. Reduce amount of time it takes to reply to emails, concerns, or issues.
5. Develop websites – FMS providers should have more information on their webpages, including Frequently Asked Questions (FAQs) and access to their online portals.
6. Hire a customer service advocate who can help guide people through the steps of using their preferred FMS provider.
7. Provide more assistance in teaching the consumer and family how to navigate online systems/portals.
8. FMS providers should have monthly Zoom sessions with families, like roundtables to talk about problems and offer solutions. They could create groups to handle different issues, for example:

Group 1: Intake cases

Group 2: Expense plan authorizations

Group 3: Vendor employees

Group 4: Invoice payments

Group 5: Statements

Other Public Recommendations for DDS

1. DDS website needs to be updated regularly to show which FMS providers provide services to which regional centers.
2. Create a public list/database of vendors that accept SDP.
3. Issue guidance on the role of Independent Facilitators in addressing problems with FMS providers.
4. Educate community businesses about how to work with SDP service providers so that they can understand how the SDP works.
5. People with disabilities often report feeling lonely and want to form meaningful connections. Consider allowing trips to Disneyland, Universal, Great America and other amusement parks to increase access to social/recreational activities.
6. East Bay Regional Center's SDAC has used their SDP implementation funds to explore and one of their goals is a "track your SDP pizza." In that research, they talked to DDS and they talked about having Information Technology (IT) funds and grants that they could give to FMS providers to help implement that idea. We would hate to see one regional center get this amazing plan when that should be something that all regional centers and DDS can do.
7. Hold townhalls/best practice sharing forums quarterly.

Questions from the Public

Historically, there have been payroll companies who have made poor investment choices or have hired unqualified leadership, which eventually led to bankruptcy.

Question: What oversight practices does DDS have to ensure that FMS providers do not have solvency issues and that they are not at risk of going out of business without notice?

Note: The participant suggested creating a rating system or issuing an annual confirmation that standards are being met by FMS providers, and that they are financially solvent.

28 de febrero de 2024

Sra. Nancy Bargmann, Directora
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

RE SSDAC FMS AYUNTAMIENTO COMENTARIOS Y RECOMENDACIONES

Estimada Directora Bargmann:

El Consejo Estatal de Discapacidades del Desarrollo (SCDD) y el Estado de Autodeterminación-Comité Asesor (SSDAC) quisiera agradecer al Departamento de Servicios de Desarrollo (DDS / Departamento) por su asistencia al evento en el Ayuntamiento del SSDAC FMS el 18 de diciembre de 2023. SCDD ha recopilado la información compartida durante el evento y se complace en presentar los comentarios (se adjunta como anexo).

La SCDD y el SSDAC agradecen la voluntad del Departamento de colaborar para abordar las preocupaciones expresadas por los participantes en el Programa de Autodeterminación (SDP). También reconocemos y felicitamos al DDS por su trabajo para abordar las preocupaciones expresadas durante el evento en el Ayuntamiento. SCDD y el SSDAC apoyan las medidas que el DDS ya ha tomado en la emisión de directivas para garantizar que los pagos oportunos se hagan a los proveedores de servicios y proporcionar el pago a los proveedores de Servicios de Manejos Financieros (FMS), el apoyo a las transiciones en el SDP y/o entre los centros regionales.

El SSDAC y el SCDD también desean reconocer y apoyar la liberación de fondos de subvención por parte del Departamento para apoyar el diseño y la implementación de estándares para Facilitadores Independientes (IF) y FMS, aumentando así la uniformidad y estandarización del servicio en todo el estado.

El informe adjunto recoge y refleja las experiencias compartidas por los participantes en el Ayuntamiento con el SDP y los proveedores individuales de FMS. Muchos celebraron el impacto que el programa ha tenido en las vidas de los participantes; otros compartieron lo

"El Consejo defiende, promueve y aplica políticas y prácticas que logran la autodeterminación, la independencia, la productividad y la inclusión en todos los aspectos de la vida comunitaria de los californianos con discapacidades del desarrollo y sus familias".

Sra. Nancy Bargmann, Directora
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28 de febrero de 2024

que los proveedores están haciendo bien. Las historias y los comentarios celebraron los éxitos del SDP y proporcionaron información sobre los modelos empresariales que están funcionando bien para los participantes.

El informe también incluye recomendaciones generadas a partir de los comentarios públicos proporcionados por los participantes en el Ayuntamiento. El SSDAC y el SCDD solicitan que el Departamento considere estas recomendaciones detenidamente y desean declarar que los comentarios proporcionados no reflejan necesariamente los del SCDD ni los del Comité Asesor de Autodeterminación del Estado (SSDAC).

Para terminar, el SSDAC solicita que el Departamento incluya las conclusiones del Ayuntamiento en su próxima reunión del Comité Asesor del SDP del DDS. Al SSDAC también le gustaría invitar al DDS a su próxima reunión (marzo de 2024) para discutir los próximos pasos y dar al Departamento la oportunidad de escuchar los comentarios de los miembros del SSDAC sobre el informe.

Si tiene alguna duda sobre el contenido del informe adjunto, no dude en ponerse en contacto con nosotros.

Saludos Cordiales,

Original Firmado

Aaron Carruthers, Director Ejecutivo
Consejo Estatal de Discapacidades
del Desarrollo

Original Firmado

Rick Wood, Copresidente
Autodeterminación a Escala Estatal
Comité Consultivo SSDAC



Trazando el Rumbo

Conclusiones de la Asamblea del FMS del
18 de diciembre de 2023 y recomendaciones
para el Exito Futuro

Informe del Comité Asesor de Autodeterminación Estatal al Departamento de Servicios de Desarrollo

Preparado por

EL CONSEJO ESTATAL DE CALIFORNIA SOBRE DISCAPACIDADES
DEL DESARROLLO

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"...lo que realmente ha sido un éxito es poder tener formación laboral en una granja de animales para mi hija, lo cual es realmente asombroso. Hace cosas que normalmente no haría y tiene éxito y se siente orgullosa de ello. No tendríamos acceso a eso antes de la Autodeterminación-".

- Participante en el Ayuntamiento

Historial

En julio de 2021, el Programa de Autodeterminación (SDP) se hizo para los clientes de los centros regionales en el estado, abriendo la puerta a que los Californianos con Discapacidades Intelectuales y/o del desarrollo (I/DD) tuvieran más libertad, control y responsabilidad al elegir los apoyos y servicios que recibían del sistema de centros regionales. Desde entonces, la inscripción al programa sigue aumentando a medida que más clientes de centros regionales y sus familias conocen los beneficios de la autodeterminación.

El aumento de la demanda de inscripción en el SDP ha puesto a prueba a las empresas que proveen Servicios de Gestión Financiera (FMS) a los participantes del SDP. Durante el 2023, el Departamento de Servicios de Desarrollo (DDS), la Oficina del Defensor del Pueblo y el Comité Asesor de Autodeterminación del Estado (SSDAC) fueron conscientes de "la crisis de FMS", una frase utilizada para describir una variedad de problemas que los clientes experimentaban. Incluyendo largas listas de espera, falta de acceso a proveedores de FMS, problemas con facturas, retrasos en los pagos y servicios abandonados. El DDS respondió publicando una serie de directivas del programa destinadas a proporcionar orientación y claridad tanto a los clientes como a los proveedores de FMS.

El 18 de diciembre de 2023, el Comité Asesor de Autodeterminación del Estado (SSDAC) celebró una asamblea centrada en los Servicios de Administración Financiera para comprender qué experimentan los participantes del SDP cuando trabajan con proveedores de FMS. Los participantes en el SDP compartieron su éxito con los proveedores del FMS y dieron su opinión sobre las directrices del DDS y recomendaron otras mejoras para el Programa de Autodeterminación. El SSDAC cree que los participantes son la clave para resolver los problemas del SDP, ya que pueden proporcionar información sobre los obstáculos que experimentan. Con la unificación, los participantes, los proveedores de FMS, el SSDAC y el DDS, pueden lograr el objetivo compartido de hacer que el Programa de Autodeterminación sea un éxito.

"El Programa de Autodeterminación es absolutamente increíble. Es absolutamente increíble. Cosas como poder conseguir un plan de vida para mi hijo, que ahora hacemos cada año y que le da orientación y continuidad a medida que pasa el tiempo. Cosas así son increíbles".

- Participante en el Ayuntamiento

Aspectos Destacados

Retrasos o Falta de Pagos

Los clientes y las familias del SDP siguen sufriendo retrasos en los pagos a los proveedores de servicios. En ciertos casos, esto ha tenido como consecuencia la pérdida de acceso a los servicios, ya que los empleados de los clientes terminan el contrato al no pagar los sueldos. Los participantes declararon que tampoco han podido asistir a actos o participar en clases o actividades comunitarias por falta de pago puntual.¹

Falta de Normalización

Los asistentes identificaron varios problemas relacionados con la falta de normalización. Sigue habiendo grandes diferencias en la forma en que los centros regionales interpretan y responden a las normas del DDS. Además, los proveedores de FMS operan de forma independiente, y cada uno desarrolla sus propias políticas y prácticas, crea sus propios formularios y utiliza sus sistemas de datos preferidos. La falta de normalización ha dado lugar a disparidades entre los participantes en el SDP dependiendo de la FMS que utilicen y del centro regional que les atienda.

Información

Los participantes en el SDP dependen de los informes mensuales de sus proveedores de FMS para determinar qué servicios y ayudas se han pagado y si los salarios de los empleados se procesan con precisión y puntualidad. Los participantes afirman que estas declaraciones a menudo llegan tarde o no llegan, suelen estar incompletas y son difíciles de entender.

Listas de espera

Muchos participantes en el SDP siguen en listas de espera para trabajar con proveedores de FMS. Los asistentes recomiendan utilizar consultores empresariales para ayudar a los proveedores de FMS a responder a la creciente demanda. Además, a los participantes les gustaría tener acceso a una lista pública de proveedores de FMS con información sobre su situación en la lista de espera.

Formación y Tecnología

Los asistentes expresaron la necesidad de más formación sobre sus funciones y responsabilidades como empleadores, así como de acceso a la tecnología para apoyar esa función.²

¹ La Directiva del DDS sobre Requisitos de Facturación de Servicios puede abordar algunas de estas cuestiones

<https://www.dds.ca.gov/wp-content/uploads/2023/12/SDP-Billing-Requirements-for-Services.pdf>

² La Directiva del DDS sobre ayudas a la transición del FMS aborda algunas de estas cuestiones

<https://www.dds.ca.gov/wp-content/uploads/2023/12/Self-Determination-Program-FMS-Transition-Supports.pdf>

Cambios en Tarifas

Los últimos cambios en tarifas han ocurrido a medio año, lo que ha obligado a ajustar los presupuestos de los participantes y a gastar fondos que estaban destinados a otros servicios o ayudas.

Cambios en el Plan de Gastos

Los asistentes a la reunión afirmaron que la carga administrativa asociada a los cambios en el plan de gastos hace que algunos participantes en el SDP gasten mucho más en servicios de facilitación independiente, ya que necesitan ayuda adicional para aplicar los cambios.

Traducción y Apoyo a Participantes y Familias Hispanohablantes

Los participantes hispanohablantes expresaron su necesidad de un mayor apoyo para comprender las agencias del FMS y su función. Además, los participantes pidieron ayuda para comunicarse con los proveedores de FMS. Los participantes afirmaron que la falta de acceso a personal hispanohablante y/o a servicios de traducción adecuados con los proveedores de FMS provoca disparidades y costos más elevados. Muchas familias hispanohablantes dependen de los Facilitadores Independientes para los servicios de comunicación y traducción, lo cual incrementa los costos de los servicios.

Verificación de Antecedentes

Los participantes continúan lidiando con largos tiempos de espera para comprobar los antecedentes de sus empleados/proveedores y no siempre se les informa cuando el chequeo de antecedentes falla o se retrasa su tramitación.³

Falta de Comunicación

Varios asistentes describieron situaciones en las que habían tenido problemas persistentes de comunicación con sus proveedores de FMS. Muchos afirman que sus llamadas y correos electrónicos quedan sin respuesta. En general, los asistentes expresaron su frustración por la incapacidad de los participantes, los facilitadores independientes, los proveedores de FMS y los centros regionales de comunicarse eficazmente entre sí para resolver problemas y mantenerse mutuamente informados.

Modelo Empresarial de FMS

Los asistentes plantearon los problemas que han tenido con determinados proveedores. Los participantes expresaron su preocupación por el hecho de que los proveedores de FMS operan de forma independiente, ya que sus políticas individuales han creado problemas. A los participantes les preocupan los cambios de modelo empresarial (de coempleador a empleador único) y que los proveedores de FMS se nieguen a ofrecer servicios a los hermanos.

³ La Directiva del DDS sobre la comprobación de antecedentes de los proveedores de servicios aborda estas cuestiones <https://www.dds.ca.gov/wp-content/uploads/2023/10/Self-Determination-Program-Service-Provider-Background-Checks.pdf>

Recomendaciones Públicas

Retrasos o Falta de Pagos

- El DDS debe proporcionar directrices claras sobre la comunicación con los centros regionales. Las instrucciones deben especificar el proceso para proporcionar actualizaciones a los participantes, proveedores de FMS y facilitadores independientes en relación con las Capturas de Pantalla de Compra de Servicios (POS) y configuración de Facturación Electrónica
- Los participantes deben ser notificados cuando se emita un POS.
- Los participantes deben recibir confirmación de que se ha configurado la facturación electrónica y se les debe notificar si hay algún problema o retraso en ese proceso.
- El DDS debe proporcionar una lista de gastos reembolsables a los proveedores del FMS para que puedan estar seguros de que los gastos son admisibles.
- El proveedor de FMS debe tener un proceso para compras instantáneas.

Falta de Normalización

- El DDS debería publicar directrices con pautas para normalizar los plazos de incorporación.
- Los centros regionales y los proveedores de FMS deben crear un acuerdo compartido públicamente que describa los pasos que cada uno dará cuando un participante en el SDP 1) se inscriba en el SDP 2) pase de un año fiscal a otro y 3) revise su plan de gastos.
- El DDS debe elaborar una lista de las mejores prácticas para los proveedores de FMS, establecer normas de rendimiento y desarrollar un sistema de clasificación para informar al público sobre la cual los proveedores se adhieren a las mejores prácticas.
- Los proveedores de FMS deben estandarizar y ser más transparentes con los cargos y tarifas y deben proporcionar una lista pública de los proveedores que están preparados para trabajar con pagos FMS.
- Los proveedores de FMS deben tener formularios, protocolos y procedimientos normalizados.
- Los proveedores de FMS deben utilizar un sistema de datos centralizado.
- Las tarifas y los costos de los gastos del patrón deben normalizarse.
- El DDS debería centralizar la la vendorización de los proveedores de FMS en un centro regional.

Información

- El DDS debería crear un grupo de trabajo para identificar las necesidades de todas las partes y desarrollar directrices que garanticen la coherencia en 1) los detalles incluidos en los informes y 2) la frecuencia y los medios de entrega de los informes.
- Simplificar los estados de facturación para que las familias que son nuevas en el sistema de servicios o en el SDP puedan tener un entendimiento más profundo de lo que leen en sus estados financieros.

Listas de Espera

- Utilizar consultores empresariales para ayudar a los proveedores de FMS a responder al rápido crecimiento y al aumento de la demanda.
- Crear una lista pública de proveedores de FMS que incluya información sobre los proveedores que tienen lista de espera y el tiempo de espera.

Formación y Tecnología

- Capacitación adicional sobre las funciones y responsabilidades de los participantes como empleadores.
- Los proveedores de FMS deben tener computadoras, impresoras, escáneres, etc. a disposición de los participantes y sus familias para utilizarlos.

Cambios en Tarifas

- Los asistentes sugirieron que se mantuvieran las tarifas actuales durante todo el año presupuestario y que los cambios se aplicaran al año siguiente.

Otros

- Mayor acceso a servicios de traducción y a representantes de atención al cliente hispanohablante.
- Publicar las directivas en español al mismo tiempo que en inglés.
- Mayor comunicación sobre el estado de los chequeos de antecedentes.
- Mejorar la comunicación de los proveedores de FMS con los participantes, y una comunicación de mejor calidad entre los proveedores de FMS, los centros regionales, los participantes en el SDP y los facilitadores independientes.

Informe Completo de las Aportaciones y Conclusiones del público

Retrasos o Falta de Pagos

Los asistentes al Ayuntamiento declararon que han perdido el acceso a los servicios debido a retrasos o impagos, afirmando que los empleados han terminado su contrato de trabajo debido a la impuntualidad de los pagos, lo que dio lugar a que muchos proveedores se negaran a trabajar con los participantes tras experimentar estos problemas de pago. Los participantes declararon que no han podido asistir a actos o participar en clases porque no pueden garantizar que estas actividades se paguen a tiempo.

"Ha habido meses en los que la única tarifa que se cobra es la del FMS y no se pagan las facturas".

"El gran problema que veo es el de las facturas que no se pagan, los proveedores sin su paga, empleados sin su paga. Al final los problemas se solucionan, pero lleva mucho tiempo. He perdido proveedores. He perdido servicios por ello".

"[Hay una} falta de transparencia en el proceso de POS electrónico. Esto ocurre al final, donde nos enteramos de que no se han emitido los POS o no se ha configurado la facturación electrónica y nadie informa al IF, al miembro de la familia o al autogestor de que no se ha configurado la facturación".

"FMS no se pone en contacto con el cliente para informarle de que no ha recibido la Factura Electrónica. Si lo hacen, los IFs no tienen capacidad para poder investigar dónde está exactamente el embrollo porque los centros regionales no nos dan información sobre si se ha hecho la facturación electrónica y para qué sirve el POS".

"Utilizamos Acumen como nuestro FMS y nos han proporcionado un servicio estelar. No podría decir más cosas buenas de ellos... siempre nos pagan exactamente a tiempo, incluso antes de que ellos reciban el pago de su centro regional."

-Participante en el Ayuntamiento

Recomendaciones Públicas

- El DDS debe proporcionar directrices claras sobre las actualizaciones de comunicación de los centros regionales a los participantes, los proveedores de FMS y los IFs en relación con las capturas de pantalla de POS y la configuración de Facturfa electrónica.
- Los participantes deben ser notificados cuando se emitan los POS.
- Los participantes deben recibir confirmación de que se ha configurado la facturación electrónica y se les debe notificar si hay algún problema o retraso en ese proceso.
- El DDS debe proporcionar una lista de gastos reembolsables a los proveedores del FMS para que puedan estar seguros de que los gastos son admisibles.
- El proveedor de FMS debe tener un proceso para compras instantáneas.

Falta de Normalización

Los asistentes al Ayuntamiento describieron cómo la falta de normalización entre los centros regionales y los proveedores de FMS afecta su experiencia en el programa. Se identificaron los siguientes problemas:

- Los plazos de incorporación varían según los centros regionales.
- Las directivas se interpretan y aplican de forma diferente en los distintos centros regionales, lo que crea diferencias en la forma de trabajar de los proveedores de FMS, la cual, en última instancia, hace que los participantes en el SDP experimenten disparidades en el acceso a los servicios.
- Los procedimientos financieros varían de un proveedor de FMS a otro, por lo que a algunos les resulta más fácil trabajar con unos que con otros. Muchos proveedores se niegan a utilizar los formularios de admisión del FMS y exigen un depósito y/o una tarjeta de crédito en el expediente.
- Los proveedores de FMS utilizan distintos formularios y tienen sus propios procesos, protocolos, sistemas de datos y procedimientos.
- Las tarifas de carga patronal varían según los proveedores de FMS.

"Creo que el reto en relación con el FMS viene cuando puede haber un poco de vaguedad en una directiva, y sé que nuestro centro regional tiene un equipo, y ellos interpretan las directivas según su equipo. Que yo sepa, ese equipo no incluye a los padres ni a facilitadores independientes. Entonces lo que ocurre es que nuestras políticas se basan en esa interpretación de su directiva. Esto afecta a las FMS, que tratan de forma diferente a las personas de todo el estado".

"Realmente no existe una norma de rendimiento para un FMS. Todos los centros regionales tienen un contrato de rendimiento, pero no parece haber un equivalente para el FMS".

"Me encantaría ver un sistema de calificación o una confirmación anual del DDS de que el FMS cumple las normas. Que sepan que pueden pagar todas sus facturas, que van a tener prácticas comerciales continuas en los próximos años".

"Hay una gran disparidad entre los centros regionales y la forma en que escriben sus políticas y lo fácil que un cliente puede acceder a un servicio o lo difícil y desafiante que es acceder a un servicio muy simple debido a la forma en que su política particular está escrita... funcionan de manera tan diferente y es una disparidad porque si usted vive en este lado de la calle y es parte de este centro regional puede acceder fácilmente a estas cosas, pero si usted vive en ese lado, es posible que no pueda obtener la mitad de esas cosas debido a la forma en que su política está escrita."

"Creo que si tuviéramos un portal universal que funcionara en todos los FMS para que todos pudiéramos utilizar la misma herramienta, facilitaría mucho la vida a los consumidores. Y creo que al final también para el FMS y los centros regionales".

"Una de las cosas que ha resultado difícil es el sistema de facturación de los centros regionales y que concuerde con el sistema de facturación electrónica del FMS".

"Los centros regionales establecen sus propias políticas sobre cómo quieren interactuar con el FMS. El FMS establece sus propias políticas sobre cómo quieren interactuar con el centro regional. Me parece que carecen de consistencia, colaboración o congruencia".

Recomendaciones Públicas

- El DDS debería emitir directivas/orientaciones para normalizar los plazos de incorporación.
- Los centros regionales y los proveedores de FMS deben crear un acuerdo compartido públicamente que describa los pasos que cada uno dará cuando un participante en el SDP 1) se inscriba en el SDP 2) pase de un año fiscal a otro y 3) revise su plan de gastos.
- El DDS debe elaborar una lista de las mejores prácticas para los proveedores de FMS, establecer normas de rendimiento y desarrollar un sistema de clasificación para informar al público sobre la cual los proveedores se adhieren a las mejores prácticas.
- Los proveedores de FMS deben estandarizar y ser más transparentes con los cargos y tarifas y deben proporcionar una lista pública de los proveedores que están preparados para trabajar con pagos FMS.
- Los proveedores de FMS deben tener formularios, protocolos y procedimientos normalizados.
- Los proveedores de FMS deben utilizar un sistema de datos centralizado.
- Las tarifas y los costos de los gastos del patrón deben normalizarse.
- El DDS debería centralizar la la vendorización de los proveedores de FMS en un centro regional.

"Quiero felicitar a Sequoia FMS y a Ritz FMS, así como a Mains'l, ha sido un placer trabajar con ellos".

-Participante en el Ayuntamiento

Información

Los asistentes describieron grandes diferencias en la calidad y la frecuencia de los informes de los proveedores de FMS. Los informes incompletos o poco frecuentes afectan a la capacidad del participante para verificar qué servicios se han pagado y para garantizar que los salarios de sus empleados se tramitan correctamente y a tiempo.

"Los informes del son muy difíciles de leer".

"El portal no se actualiza de forma oportuna. No recibimos informes mensuales, así que a menudo no me entero de lo que pasa y tengo que microgestionar constantemente [mi FMS]"

"Una diferencia que he notado últimamente es la calidad de los informes. Tanto Acumen como Aveanna utilizan el programa DCI, que permite elaborar informes muy detallados siempre que se desee. La forma en que Acumen utiliza el DCI permite elaborar informes increíblemente detallados (si se sabe cómo utilizar el sitio web, que no es fácil de usar). Cambrian, en comparación, tiene unos sistemas de información bastante terribles. No hay forma de generar un informe a la carta, así que hay que esperar a los estados de cuenta mensuales, que no salen a tiempo."

Recomendaciones Públicas

- El DDS debería crear un grupo de trabajo para identificar las necesidades de todas las partes y desarrollar directrices que garanticen la coherencia en 1) los detalles incluidos en los informes y 2) la frecuencia y los medios de entrega de los informes.
- Simplificar los estados de facturación para que las familias que son nuevas en el sistema de servicios o en el SDP puedan tener un entendimiento más profundo de lo que leen en sus estados financieros.

Listas de Espera

Los asistentes afirmaron que los proveedores de FMS luchan por ajustarse a la demanda de servicios y que no hay suficientes proveedores en todo el estado. Los participantes en el SDP no tienen acceso a información sobre qué proveedores de FMS tienen actualmente listas de espera, ni sobre el tiempo de espera de cada proveedor.

"Como presidente de mi comité Consultivo local de Autodeterminación, oigo hablar constantemente de la falta de agencias de FMS que quieran tener nuevos clientes".

"Cada FMS con el que he trabajado tiene pros y contras. El mayor reto parece ser el manejo del crecimiento. Todos parecen estar atrapados en una situación imposible: 1) aceptar más clientes de los que pueden atender, o 2) interrumpir la admisión para dotarse del personal y la formación adecuados. Hasta ahora ninguno ha podido seguir el ritmo".

Recomendaciones Públicas

- Utilizar consultores empresariales para ayudar a los proveedores de FMS a responder al rápido crecimiento y aumento de la demanda.
- Crear una lista pública de proveedores de FMS que incluya información sobre los proveedores que tienen lista de espera y el tiempo de espera.

Formación y Tecnología

Los asistentes afirmaron que los participantes en el SDP y sus familias carecen de los conocimientos necesarios para actuar como empleadores y a menudo no tienen acceso a los medios tecnológicos para cumplimentar los formularios necesarios para sus empleados.

"Una de mis preocupaciones es que una vez que se hace la orientación, eso es todo. [Tenemos que recibir capacitación} sobre cómo despedir a alguien si hay un empleado descontento, cómo contratar a gente y, lo que es más importante, qué hacer.... Me pusieron una demanda porque a alguien no le pagaban y tuve que ir a mi FMS y decir: 'Me van a demandar porque no le pagas a mis empleados.' ...eso es un problema serio. No nos están capacitando correctamente".

Recomendaciones Públicas

- Formación adicional sobre las funciones y responsabilidades de los participantes como empresarios.
- Los proveedores de FMS deben tener computadoras, impresoras, escáneres, etc. a disposición de los participantes y sus familias para utilizarlos.

Cambios en Tarifas

Los asistentes afirmaron que los cambios en las tarifas de carga del FMS se han aplicado a mitad de año, lo que ha provocado brechas o barreras en el acceso a los servicios que figuraban en el plan de gastos original. Esto obliga a los consumidores a prorratear las distintas partes del año.

"Un problema al que creo que muchos de nosotros nos hemos enfrentado es en relación con los cambios de tarifas, los cambios de tarifas FMS para los índices de gastos. Aunque comprendemos las circunstancias y el cambio constante de la economía, las leyes laborales, etc. Creo que lo que ha supuesto un gran reto ha sido hacerlo a mitad de año o dentro de un año presupuestario en el que se establecían las tarifas para las tarifas anteriores de gastos revisadas. Lo que tiende a hacer es causar una brecha potencial o una barrera en el acceso a esos servicios que originalmente figuraban en el plan de gastos, ya que ese cambio de tarifa ha hecho que consuma más del presupuesto. Eso ha sido problemático, y el FMS no está siendo realmente solidario ni está tratando de ayudar".

Recomendaciones Públicas

- Los asistentes sugirieron que se mantuvieran las tarifas actuales durante todo el año presupuestario y que los cambios se aplicaran al año siguiente.

Cambios en el Plan de Gastos

Los asistentes afirmaron que incluso los cambios más simplificados en los planes de gastos exigen un trabajo excesivo por parte de los facilitadores independientes, lo que se traduce en cientos de dólares en pagos adicionales del IF. Esto repercute en su presupuesto global y supone una importante carga económica para los participantes.

"Cuando se trata de actualizar los planes de los gastos, lleva mucho tiempo. No es realista el esfuerzo que tienen que hacer las familias. Necesitan un facilitador independiente y a veces no presupuestamos el tiempo que lleva un cambio simplificado. Se están gastando cientos de dólares en conseguir que el facilitador independiente abogue en su favor para que se haga un cambio en el plan de gastos y así poder realizar otra actividad de ocio social o contratar a nuevos miembros del personal. Realmente necesitamos más ayuda en cuanto a la rapidez y la calidad de la entrega".

Traducción y apoyo para participantes y familias hispanohablantes

Los asistentes hispanohablantes y los facilitadores que les atienden expresaron su necesidad de apoyo en las siguientes áreas:

- Comprender las funciones y responsabilidades del proveedor de FMS.
- Comunicación eficaz con los proveedores de FMS

Los asistentes al Ayuntamiento afirmaron que los consumidores/familias hispanohablantes gastan mucho más dinero que los consumidores/familias de habla inglés en honorarios de Facilitación Independiente. Esto se debe a las barreras lingüísticas y a la necesidad adicional de ayuda para la comprensión del programa y los servicios de comunicación

Los participantes y las familias hispanohablantes también expresaron su preocupación por los retrasos que sufren a la hora de recibir información actualizada del DDS, ya que se tarda más en traducir las directivas y las orientaciones.

"Cuando se trata de directivas, siempre es como si lo encontráramos en diferentes personas. Hay gente que lo recibe días antes de que se publique en el DDS. Sinceramente, gran parte de la comunidad hispana me dice que los que hablan inglés publican con más frecuencia que la DDS en traducción y que sienten que no recibimos la información de la misma manera o que somos ciudadanos de segunda clase porque no recibimos la información igual que los demás".

"Necesitamos más apoyo del FMS para poder hablar español. Sé que algunos sí lo tienen, pero es muy difícil conseguir que un hispanohablante se ponga al teléfono".

"También soy una facilitadora independiente que trabaja sobre todo con la comunidad hispana y habla en español, y mis clientes necesitan mucha más ayuda para tener conocimientos técnicos y poder comunicarse con el FMS. Suelen necesitar mucho más de mi ayuda para traducir, para entender cómo puede funcionar su FMS. Así que gastan mucho más de su presupuesto en servicios para mí, debido a sus dificultades y retos lingüísticos y también a sus retos técnicos por no tener siquiera una computadora".

Verificación de Antecedentes

Los asistentes a la reunión describieron largas esperas para completar los chequeos de los antecedentes y afirmaron que a menudo no se informa a los participantes cuando éstas no se llevan a cabo. Hay que pagar tarifas adicionales para reiniciar el proceso y a menudo se les niegan las solicitudes de reembolso de este gasto, lo que se traduce en elevados costos para los participantes.

Aunque no se propuso ninguna solución concreta, los asistentes afirmaron que necesitan que se les informe oportunamente de los cambios del estado de las verificaciones de antecedentes.

"Descubrimos que la verificación de antecedentes de 5 personas, hace 9 meses, nunca se hizo. Estaban solamente estancados. Aproximadamente la mitad de los cuidadores no pasaron todas las verificaciones de huellas dactilares y antecedentes. Habíamos pagado los honorarios inicialmente y luego tuvimos que volver a pagarlos y reiniciar todo de nuevo, así que acabé pagando miles de dólares por uno de mis cuidadores."

Falta de Comunicación

Los asistentes al Ayuntamiento afirmaron que existe un problema general de comunicación entre los centros regionales, los proveedores de FMS y los participantes en el SDP y sus facilitadores independientes. Muchos asistentes afirmaron que sus llamadas y correos electrónicos a los proveedores de FMS quedan sin respuesta.

"La comunicación es algo muy, muy importante. Cuando no existe, todo se viene abajo".

"Las llamadas no se devuelven, los correos electrónicos no se devuelven durante una semana o más a la vez. Si alguna vez surge un problema con una factura enviada, nunca se nos comunica hasta que es demasiado tarde. Llega el día de pago, los proveedores no cobran y entonces es cuando me entero".

"Se necesita una cantidad increíble de abogacía y seguimiento para conseguir que se hagan las cosas básicas y se pague a los proveedores. La comunicación es incoherente, se cometen errores y a veces se da información errónea".

"Mains' l ha sido ejemplar en la forma de gestionar una empresa de FMS... su servicio al cliente, sus normas.... Otras empresas de FMS deberían seguir su ejemplo. Creo que eso resolvería muchos de estos problemas. Muchos proveedores se quejan de que tienen varios participantes y no saben quién paga y quién no, porque todo se hace como un depósito directo. Mains' l envía un correo electrónico y les avisa de que se ha enviado un depósito directo, así saben quién envía qué".

-Participante en el Ayuntamiento

Modelo Empresarial de FMS

Los asistentes a la reunión han encontrado los siguientes problemas en el modelo empresarial de algunos proveedores de FMS:

- Variaciones en la capacidad para ejecutar diferentes aspectos de los servicios (por ejemplo, algunos son capaces de proporcionar servicios de nóminas, pero menos adeptos a proporcionar servicios de pago de facturas, o viceversa).
- Algunos proveedores de FMS están pasando de un modelo de coempleador a un modelo de empleador único.
- Un asistente afirmó que su proveedor de FMS se negó a proporcionar servicios a los hermanos.

"Tenemos algunos FMS que son estupendos en lo que se refiere al copagador y a ser el personal pagador y hacer todo el tema de las nóminas, pero cuando se trata del pagador de facturas, a veces se les va la cabeza".

"La tendencia que observo es que están dejando de ser coempleadores para convertirse en empresarios individuales. Lo que están haciendo ahora es que si hay un retraso en la prórroga o cualquier tipo de retraso en la autorización de compra de servicios, ya no están haciendo nóminas. En régimen de coempresa, las FMS están obligadas a pagar; en régimen de exclusividad, no. Es una gran preocupación que tengo".

"...dos FMS que creo que serían realmente geniales si los demás FMS fueran capaces de emularlos. Uno es Mains'l. Son impresionantes... Hace poco empecé a trabajar con FMS Pays, y son sólo un modelo de pagador de facturas. Funciona muy bien".

-Participante en el Ayuntamiento

Recomendaciones Públicas para los Proveedores de FMS

1. Proporcionar un medio para compras instantáneas como para programas de música o entretenimiento o actividades sociales recreativas.
2. Contratar a más representantes de atención al cliente que hablen español.
3. Utilizar contraseñas para la verificación de clientes por teléfono en lugar de pedir a las personas que confirmen verbalmente su información privada.
4. Reducir el tiempo que se tarda en responder a correos electrónicos, preocupaciones o problemas.
5. Desarrollar sitios web - los proveedores de FMS deben tener más información en sus páginas web, incluidas las preguntas más frecuentes (FAQ) y el acceso a sus portales en línea.
6. Contratar a un asesor de atención al cliente que pueda guiar a los usuarios a la hora de utilizar su proveedor de FMS preferido.
7. Proporcionar más ayuda para enseñar al cliente y a la familia a navegar por los sistemas/portales en línea.
8. Los proveedores de FMS deben tener sesiones mensuales de Zoom con las familias, como mesas redondas para hablar de los problemas y ofrecer soluciones. Podrían crear grupos para tratar distintos temas, por ejemplo:

Grupo 1: Casos de admisión

Grupo 2: Autorizaciones de planes de gastos

Grupo 3: Empleados del proveedor

Grupo 4: Pago de facturas

Grupo 5: Estados de cuenta

Otras Recomendaciones Públicas para el DDS

1. El sitio web del DDS debe actualizarse periódicamente para mostrar qué proveedores de FMS proporcionan servicios a cuales centros regionales.
2. Crear una lista/base de datos pública de proveedores que acepten el SDP.
3. Publicar guías sobre el papel de los Facilitadores Independientes en la resolución de problemas con los proveedores de FMS.
4. Educar a las empresas de la comunidad sobre cómo trabajar con los proveedores de servicios del SDP para que puedan entender cómo funciona el SDP.
5. Las personas con discapacidad a menudo informan de que se sienten solas y quieren establecer vínculos significativos. Considerar la posibilidad de permitir viajes a Disneyland, Universal, Great America y otros parques de atracciones para aumentar el acceso a actividades sociales/recreativas.
6. El SDAC del Centro Regional de East Bay ha utilizado sus fondos de implementación del SDP para explorar y uno de sus objetivos es una "pizza de seguimiento de su SDP". En esa investigación, hablaron con el DDS y hablaron de tener fondos de Tecnología de la Información (IT) y subvenciones que podrían proporcionar a los proveedores de FMS para ayudar a poner en práctica esa idea. No nos gustaría que un centro regional se beneficiara de este increíble plan, cuando debería ser algo que pudieran hacer todos los centros regionales y el DDS.
7. Realizar foros trimestrales de intercambio de buenas prácticas en el ayuntamiento.

Preguntas del Público

Históricamente, ha habido empresas de nóminas que han tomado malas decisiones de inversión o han contratado a directivos no cualificados, lo que finalmente les ha llevado a la quiebra.

Pregunta: ¿Qué prácticas de supervisión tiene el DDS para garantizar que los proveedores de FMS no tienen problemas de solvencia y que no corren el riesgo de irse a bancarrota sin previo aviso?

Nota: El participante sugirió crear un sistema de calificación o emitir una confirmación anual de que los proveedores de FMS cumplan con las normas y son solventes desde el punto de vista financiero.

April 15, 2024

**AGENDA ITEM 8.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

DDS and Ombudsperson Update

DDS will provide members with an update on SDP-related activities including any relevant updates on recent directives, data, and more.

In addition, the Ombudsperson will give an update on trends, including any new updates on the state of the FMS' serving clients.

DDS and the Ombudsperson will also be in attendance to hear feedback from the members on the FMS Townhall Report.

Attachments

None – there may be handouts on the day of the meeting.

April 15, 2024

AGENDA ITEM 9.

ACTION ITEM

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

SSDAC Co-Chair Term Limits

The purpose of this agenda item is for committee members to consider options for potential changes to the current Co-Chair term limit policy. Committee members will also review the Officer Election procedure in preparation for holding elections at the next SSDAC meeting.

Action Recommended

Adopt one of the options presented.

Attachments

- Agenda Item Detail Sheet
- Council Bylaw Excerpt – Elections
- Candidate Statement Form

DETAIL SHEET

ISSUE:

Statewide Self-Determination Advisory Committee (SSDAC) Appointed Co-Chair Term Limits

BACKGROUND:

In November of 2019, the Council's Executive Committee acted to approve the SSDAC's request to elect a Co-Chair to share responsibility with the Council appointed Chair.

The SSDAC appointed Co-Chair serves as a co-equal with the Council appointed Chair. Together, the Chair and Co-Chair run SSDAC meetings, set meeting agendas and work closely together with staff on SSDAC identified activities.

On December 9, 2019, a working group made-up of Council leadership, 9 Local Self-Determination Advisory Committee Chairs and DRC met to discuss, among other things, eligibility criteria and the election process.

All parties agreed that the SSDAC Co-Chair must be a Chair of local advisory committee and remain a member of the SSDAC to continue to serve as Co-Chair. The Co-Chair is elected by SSDAC members through a public vote (see attached Bylaw excerpt).

All parties agreed that the SSDAC hold Co-Chair elections every two years and that a Co-Chair may serve a total of two 2-year terms.

Although all local Chairs are eligible to nominate themselves or be nominated by another local Chair, SSDAC leadership strongly recommends that the Committee elect a Co-Chair who has served on the SSDAC for at least one full year (or 4 meetings) in order to have a clear understanding of the role and responsibilities of Co-Chair and the statutory responsibilities of the SSDAC.

ANALYSIS/DICUSSION:

In June 2024, the current Co-Chair's 2-year term will end. Therefore, the SSDAC will hold Officer Elections at the next statewide meeting in July. In preparation for upcoming elections, SSDAC leadership reached out to veteran members of the Committee to gauge member interest in the role of Co-Chair. Leadership has found that because of the high turnover rate of this Committee, many members have served for less than one year and/or attended less than four consecutive

meetings. In addition, those who have served for more than one year have, to-date, expressed minimal interest in and/or availability to assume the role, given the time commitment required to ensure that the work of the SSDAC continues to move forward.

The SSDAC's current Co-Chair has agreed to continue to serve if members determine that it is in the best interest of the Committee. Therefore, leadership and staff are recommending that the SSDAC consider one of the following options.

Option 1: Changing the SSDAC's policy to allow a Co-Chair to serve more than two consecutive 2-year terms. This may be accomplished by removing limits on the number of terms a Co-Chair can serve.

Option 2: Making a one-time exception to allow the current Co-Chair to become a nominee in the next election, and to serve an additional two-year term if he is elected by the Committee.

Option 3: Establishing a mentoring period for the Chair-Elect. Under this policy, the outgoing Chair would provide guidance and mentorship to the Chair-Elect for the first year of their first term to ensure that those who are interested in serving have the support needed to do so, and to provide continuity.

RECOMMENDATION:

Adopt one of the options being provided for consideration.

ATTACHMENT(S):

Council Bylaw Excerpt – Elections
Candidate Statement Form

PREPARED BY: Robin Maitino-Erben and Beth Hurn, April 2, 2024

Council Bylaw Excerpt – Elections:

SECTION 2. Election of Member Officers:

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only self and family advocate members shall be eligible to hold office pursuant to Welfare and Institutions Code Section 4521(b)(1).

SECTION 3. Voting Procedure:

Council officers shall be elected by a simple majority vote.

Recommendations for officers shall be in the form of nominations from the Nominating Committee. Nominations may also be received from the floor prior to the election. If no nominee is elected by a majority vote, the Council will hold a run-off election between the nominees who received the two highest number of votes. The Council may waive this run-off requirement with a majority vote to waive



SSDAC Co-Chair Candidate Statement

Candidate Name:

Why do you want to serve as Co-Chair?

What are your experiences in leadership and/or the Self-Determination Program and meeting facilitation skills?

What is your time availability to serve as Co-Chair?

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**AGENDA ITEM 10.
INFORMATIONAL ITEM**

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – SSDAC

Public Comments

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 1 minute to comment.