

The Health Council of Marin

Minutes of Regular Meeting: Tuesday, February 27, 2018

Marin General Hospital

250 Bon Air Road, Larkspur Room

Greenbrae, CA 94904

Members Present: Sandy Ross (Vice-President), Constance Barker, Allan Blau, Bridget Gleason, Sandra Lew, Jennifer Rienks

Members Absent: Rodger Faulkner, Neka Pasquale, Derice Seid Tao, Barbara Wientjes

Guests: Loretta Rogers (Secretary)

Handouts: *Agenda; draft copy of the HCM's 2018-2020 Biennial Report; "California's Homecare Crisis: Raising Wages is Key to the Solution" by Sarah Thomason and Annette Bernhardt of the UC Berkeley Center for Labor Research and Education, November 2017; "Federal Law Now Requires States to GPS Track Disabled People Who Use Attendants" by Karin Willison, January 19, 2018; UDW letter to Karol Swartzlander of Adult Programs, CDSS, regarding the Joint comments in response to the draft request for information on electronic visit verification, dated October 20, 2017; letter to Congressman Greg Walden and Congressman Frank Pallone, dated January 19, 2018 regarding remediating the electronic visit verification section of the 21st Century CURES Act of 2016.*

1. **Call to Order:** At 7:10 pm, Vice President Sandy Ross called the meeting to order.
2. **Introductions:** As all attendees knew each other, no introductions were needed.
3. **Public Comment Time:** None.
4. **Approval of the Minutes of the January 23, 2018 meeting:** Allan Blau moved to approve the minutes. Connie Barker seconded the motion. The motion passed unanimously.
5. **Update: Electronic Visit Verification for Home Health Care Workers and HR 620 ADA Education and Reform Act of 2017:** Connie Barker stated the following:
 1. **Background:**
 1. **The 21st Century Cures Act** was enacted by the 114th Congress in December 2016. The Act was meant to address the opioid epidemic and to bring new drugs to market more quickly. At the last minute, Section 12006 was added which included a requirement for electronic visit verification (EVV) for home health care workers. The purpose of EVV was to prevent fraud. However, this requirement along with the raft of new regulations that it entails, negatively impacts disabled persons who need an attendant in order to stay in their homes and lead a relatively normal life. EVV requires a caregiver and the disabled person to carry around a Smartphone into which they are to enter the date and time, the location, the recipient, and a description of a service each time a task is performed, tasks such as grooming, dressing, toileting, fixing meals, etc. This adds a time-consuming additional task for the caregiver, and, as the disabled person may have difficulty using a Smartphone, an additional barrier to care. Also, EVV requires GPS-capability and only certain locations are authorized for caregiver service, confining the disabled person to their home and perhaps one or two other locations. EVV also makes the caregiver more accountable to the government than to the recipient, so it takes away from disabled people power and control over their own lives and care. Finally, the law requires agencies to comply by 2023, but individuals must comply by January 1, 2019, otherwise, penalties go into effect.

2. **HR 620** was introduced into the House by Representative on Jan. 24, 2018. It was reviewed by the Judiciary Committee and then passed in the House of Representatives on February 15, 2018. This bill changes the original ADA requirements. Under current law, if a business does not provide wheelchair access, etc., a disabled person can sue. HR 620 changes that. Under this bill, the disabled person could not sue immediately. Instead, he / she would have to send a letter to the business owner, citing the regulation that is being violated. Then, the business owner would have a certain period to comply or show progress being made. This places extra burdens on the disabled person and delays compliance.
2. **Status:**
 1. **The 21st Century Cures Act:** Some states have started to implement this law; implementation strategies differ state-by-state. The disability community and the caregivers' union have brought up problems with this law. They have been investigating the actual cost of the penalties vs. the cost to the state to roll out the program. There is also a significant privacy issue with implementing the program. Also, the problem of exposing people who are electro-magnetically sensitive is an issue. There will be a stakeholders' meeting next week and a meeting of the California sub-committee. Connie will know more after these meetings.
 2. **HR 620:** This bill is currently being considered by the Senate. It is now moving through the legislative process much more slowly due to the efforts of activists.
 3. **What the HCM can do to help:** Connie said that immediately members can sign the letter to Congressmen Greg Walden and Frank Pallone, copies of which she handed out. Ultimately, the HCM can send a recommendation to the Board of Supervisors. However, it would be best to wait until after the two meetings. Connie will report on these meetings at the March 2018 HCM meeting. Connie will also draft a proposed recommendation to the Board of Supervisors for the HCM's consideration and approval and send it to Sandy Ross in two weeks.
 4. **Questions / Comments by HCM Members:** There was general discussion of this topic. Sandra Lew stated that she did not see how this law could be implemented for individuals living in their homes and attended by caregivers. The technology is not there.
6. **Biennial Report:** Prior to this meeting, Jennifer Rienks sent out a draft of the 2018-2020 Biennial Report via email to all HCM members, so they could be prepared to discuss it.
 1. Jennifer Rienks led the HCM members through each of the five goals listed in the report and entered under each goal the key initiatives for 2018-2020 as proposed, discussed and agreed upon by the members.
 2. Sandra Lew then moved that the revised 2018-2020 Biennial Report be adopted by the HCM. Connie Barker seconded the motion. The motion passed unanimously.
 3. Jennifer Rienks will send the adopted 2018-2020 Biennial Report to Loretta Rogers tomorrow. Loretta will then send it on to Kristi Villareal at the County Administrator's Office and to all HCM members.
7. **Health Council Member Reports and Announcements:**
 1. **Walter Kopp** has resigned membership in the Health Council of Marin as of February 23, 2018. The Board of Supervisors has been informed.
 2. **Sandra Lew** has informed the Council that she will serve out her present term as a Council member but will not apply for another term.
8. **President's Report:** None.
9. **Adjournment:** The meeting adjourned at 9:06 pm. The next meeting will be March 27, 2018, 7:00 to 9:00 pm at Marin General Hospital, the Larkspur Room.