



OREGON HOME CARE COMMISSION

Meeting Minutes

November 5, 2009

Members present: Patricia Brost, Don Bruland, Judith Cunio, Dayle Niemie, Lyla Swafford, Michael Volpe

Members absent: Angela Munkers

Others present: Mark King, Heidi Kyle, Carol Loop, Joseph Lowe, Maria Michael, Glenna Niemie, Deborah Schwartz, James Toews, Cheryl Willcoxon

Staff present: Yvonne Fleming, Leslie Houston, Cheryl Miller

MEETING CALLED TO ORDER

The meeting was called to order at 10:05 am by Mike Volpe.

INTRODUCTIONS

Introductions were made by all in attendance.

SENATE BILL 702 BUDGET NOTE

James Toews, Assistant Director, SPD, praised the Oregon Home Care Commission on its "smashing" success. The improvement in wages and benefits for workers and the benefits received by the clients with a trained and more stable workforce and other efforts have been "fantastic."

James stated that Senate Bill 702 was introduced into the 2009 Legislative Session which would have expanded the number of client-employer workers (especially those in mental health disabilities and developmental disabilities and to a smaller extent, independent choices) to be covered under the Oregon Home Care Commission and allow them rights to the collective bargaining statutes. Senate Bill 702 did not pass, and DHS was then instructed to conduct an extensive study to look at the Oregon Constitution and Chapters 410 and 656 in Oregon Law in relation to the issues that came up. DHS conducted a study, consulting with DOJ. Results of the study will be presented to the House Interim Committee on Human Services on November 18. Issues raised regarding Senate Bill 702 included:

- ▽ Fiscal impact.
- ▽ Language definition differences for people with mental health disabilities and developmental disabilities (including the term

- “disabilities” itself) in the Statutes and the Oregon Constitution.
- ▽ The Home Care Commission is not required by law to include representation for the mental health and/or developmental disabilities populations.
 - ▽ Plain language versus legislative intent. (If things are confusing, then what do the words actually mean?)
 - ▽ Funding. For purposes of collective bargaining, home care workers are those who are hired by clients and paid directly by the State or County or public agency who receives funds for that purpose from the State. Workers for peoples with mental health disabilities and/or developmental disabilities are paid through brokerages, fiscal intermediaries, etc.
 - ▽ Personal support for those with mental health disabilities and/or developmental disabilities is not considered “home care or activities of daily living” as is the case for clients with home care workers. To make the system work for an expanded group, the definition of support for clients would greatly need to be broaden to include “activities of community inclusion” so that all of the workers’ hours could be counted for purposes of workers’ compensation, collective bargaining, benefits, etc., the same that are available within the home care program.

James Toews stated that it has been proposed that a workgroup be formed to work on legislation that will clean up the definitions and clearly identify which groups are included or not included. However, the lawyers still need to determine whether the membership of the Commission can include representation from other groups as it is now defined in the Constitution to include only nine members representing certain specified populations.

James Toews also reported that there are concerns from the developmental disabilities community that the fixed dollar amount that they receive for goods/services will diminish. They do not want their purchase power to decrease because of better benefits for workers.

ADOPTION OF AGENDA

The agenda was reviewed and accepted as presented.

APPROVAL OF MINUTES

The meeting minutes of October 1 were reviewed. **Motion** was made by Dayle Niemie to accept the minutes as written. **Seconded** by Don

Bruland. **Motion carried.**

ANNOUNCEMENTS

Dayle Niemie stated that one of his daughters attended a Muscular Dystrophy Association support group meeting where they have been discussing providers and in-home services. The group leaders and trainers would like someone to present information on the Oregon Home Care Commission and in-home services. Dayle volunteered to present the information at a couple of meetings and would like to get with Cheryl Miller and Angela Munkers to gather information.

Judy Cunio announced her 10th year anniversary working for the State.

Cheryl Miller introduced Joseph Lowe and Mark King who have submitted their applications to become Home Care Commissioners. Another potential Commissioner, Roxie Mayfield, will be attending the December Commission meeting.

Cheryl Miller reported that Sharon Ely has started working for the Social Security Administration and has resigned from the Commission. The Commission has prepared a framed certificate of appreciation that Don Bruland will present to Sharon.

PUBLIC TESTIMONY

Deborah Schwartz, SEIU, Local 503, stated:

- The Union is counting ratification votes around the state. The informal response from the HCWs regarding the contract has been positive, and there will be a contract signing and celebration on Friday evening.
- SEIU continues to work on campaigning for the Oregon tax fairness measures.

OHCC BUDGET UPDATE

Cheryl Miller presented a draft of the 2009–2011 OHCC Budget to Actual Report.

HUBB UPDATE

Cheryl Willcoxon presented/reported:

- ▽ HUBB's October 2009 invoice to DHS for HCW insurance premiums totaled \$2,829,464.38 including adjustments and ARRA premium reductions to COBRA participants.

- ▽ HUBB's enrollment statistics for October 2009
 - 196 new HCWs enrolled in medical/dental coverage.
 - 171 HCWs lost medical/dental coverage.
 - 4,256 total HCWs are enrolled in medical coverage.
 - 4,254 total HCWs are enrolled in dental coverage.
 - 52 HCWs are enrolled in COBRA medical/dental coverage.

- ▽ HUBB's enrollment tier and dependent report for October 2009
 - 41 new HCWs enrolled in Kaiser medical also enrolled 81 dependents.
 - 28 new HCWs enrolled in Kaiser dental also enrolled 57 dependents.
 - 16 new HCWs enrolled in ODS medical also enrolled 31 dependents.
 - 25 new HCWs enrolled in ODS dental also enrolled 51 dependents.
 - 4,256 HCWs are enrolled in Kaiser/ODS medical with 112 dependents.
 - 4,254 HCWs are enrolled in Kaiser/ODS dental with 108 dependents.

- ▽ HUBB and SEIU are applying for an outreach grant for the Healthy Kids program. The goal of the program is that every kid in Oregon should be healthy and have access to free or low-cost health coverage. If awarded a grant, children of HCWs will be pulled out of HUBB's insurance coverage program and enrolled in the Healthy Kids program. (At the present time, the HCW pays the full cost of insurance coverage for their dependents. Some may receive assistance from FHIAP if eligible.)

- ▽ Health Insurance Premium Assessment Tracking (HB 2116). As a result of HB 2116, a 1% premium tax has been added to individual and group insurance contracts issued in Oregon as was discussed in the September 3 Commission meeting. The funds collected will pay for the Healthy Kids program and also gives funds to the Oregon Health Plan to expand coverage for uninsured children in Oregon. The October 2009 1% payment for HUBB enrollees was \$10,870.14 for Kaiser insurance and \$16,116.06 for ODS insurance coverage.

STEPS UPDATE

Cheryl Miller reported:

- ▽ 47 first time consumers were trained in September. The majority of these consumers are enrolled in the Client-Employed Provider program.
- ▽ 8 first time consumer representatives were trained in September. Mike Volpe asked if the consumers were present with their representatives. Cheryl Miller did not know but will check into it.
- ▽ The STEPS project was transferred to the Oregon Home Care Commission effective October 1, 2009.
- ▽ OHCC is waiting for approval from SPD to hire a STEPS Coordinator.
- ▽ All lead trainers have been mailed literature about OHCC and a Ready Book. A trainer teleconference has been scheduled for November 10 to go over these materials and other concerns that the trainers may have. CIL's Executive Directors have also been notified of this meeting.
- ▽ OHCC is contemplating using Tillamook as a test pilot area for the Ready Books.
- ▽ Nancy Janes is providing the CILs with support for STEPS invoices and reports.

TRAINING UPDATE

Leslie Houston reported:

- ▽ As of the end of October, 4,000 unduplicated HCWs have attended training classes.
- ▽ 67 classes were held in October, the most ever held in one month.
- ▽ The average attendance per class was 17 in September and was down to 12.63 in October. The reason for the drop in class average is unknown.
- ▽ Since the program began in January 2006, 1,618 training classes have been held with a total attendance of 23,281.
- ▽ Training Summary Report for July – September 2009 was presented.
- ▽ Flyers on hand washing and ways to avoid getting the flu are available at all training classes in October and November as long as the supply lasts.
- ▽ Heart Healthy, a new training class, is now being taught by a nurse.

- ▽ Leslie is continuing to work on other modules for training that were developed by graduating nurse students at Southwest Oregon Community College.

Cheryl Miller stated that as a result of the new HCW Collective Bargaining Agreement that OHCC is now charged with developing an orientation for live-in HCWs. Leslie Houston will start working on the draft, and a workgroup will be formed to offer suggestions and review the final product. The goal is to have this completed by the end of the year.

Cheryl Miller reported that she was contacted by Tina Kitchen who stated that Public Health has an opportunity to apply for a grant for a smoking cessation program for HCWs. OHCC would be involved in developing the policy, support, and training if the grant is awarded. As more information is available, Cheryl will report it to the Commission.

REGISTRY UPDATE

Cheryl Miller presented a Registry report for October 2009:

- ▽ 13,057 HCWs are approved, career, and complete in the RRS.
- ▽ 2,492 HCWs are approved, career, complete, and available for referral in the RRS.
- ▽ 5,741 HCWs are approved, career, and need to update their profiles in the RRS.
- ▽ 3,886 HCWs are approved, career, and not looking for work in the RRS.
- ▽ 130 HCWs have been removed by OHCC from the RRS.
- ▽ 1,310 unduplicated employers/anonymous users requested referrals from the RRS.
- ▽ 3,450 unduplicated HCWs were referred for work from the RRS.
- ▽ Majority of calls into the Registry Department are from HCWs. Main issues they call about are User ID and password issues.
- ▽ The HCW and staff user manuals for the RRS continues to be updated.
- ▽ Employer brochure is being revised to include updates to the RRS.

WORKERS' COMPENSATION UPDATE

Cheryl Miller reported on Workers' Compensation claim activity for September.

- ▽ 26 new HCW injury claims were filed.
- ▽ Lifting/transferring led the injury types followed by slips, trips, and falls.

- ∇ The back was the most injured body part.
- ∇ 20 claims were accepted; 6 claims were denied; and 4 claims were closed in September.
- ∇ There are 174 total active claims.
- ∇ OHCC received its first HCW discrimination law suit.

EXECUTIVE DIRECTOR'S REPORT

During October, Cheryl Miller:

- ∇ Participated in CEP training for AAA staff.
- ∇ Participated in conference calls with SAIF regarding HCW claims.
- ∇ Held a staff meeting.
- ∇ Discussed grievances with Becky Capoferri.
- ∇ Met with Claudia Babcock regarding the OHCC budget.
- ∇ Attended a stakeholders meeting.
- ∇ Attended a Monthly HCWs Issues meeting.
- ∇ Met with Angela Munkers and Art McCurdy to go over netlink trainings that they will provide once the HCWs new contract is ratified.
- ∇ Met with Jeanette Burket.
- ∇ Attended a Managers meeting.
- ∇ Attended an SPD Brown Bag meeting.

Cheryl Miller stated that President Obama announced November as National Family Caregivers Month. Cheryl said that we need to honor and thank those who provide caregiving services to others so that they can continue to live in their own homes.

Cheryl reviewed OHCC's literature packet with the Commissioners which included many milestones that have been accomplished by the Commission. If any Commissioners would like additional packets, they are available.

Each Commissioner was given an emergency Ready Book to take home and complete.

Cheryl stated that she needs to let the Governor's office know about the Commission's acceptance of Joseph Lowe and Mark King to become Commissioners. **Motion** was made by Don Bruland that the Commission accept Joseph Lowe and Mark King as Commissioners. **Second** by Patty Brost. **Motion** carried. Cheryl will notify the

Governor's office of the Commission vote, and Joseph's and Mark's applications will begin to go through processing. Joseph and Mark will then be notified to attend a Senate hearing for confirmation.

ADJOURNED

The meeting adjourned at 1:25 pm.

NEXT MEETING

The next Commission meeting will be held on Thursday, December 3, 10:00 am, 676 Church Street NE, Salem, OR.

Attachments:

- ∇ Agenda
- ∇ OHCC Meeting Minutes from October 1, 2009
- ∇ An Analysis of Home Care Workers Covered Under the Home Care Commission Pursuant to Oregon Constitution Article XV, Section 11 and Oregon Revised Statutes 410.600 and 656.039(5) (a)
- ∇ 2009-2011 OHCC Budget to Actual Report
- ∇ 2009 HUBB Enrollment Tier and Dependent Report
- ∇ HUBB Invoice dated October 7, 2009, to Department of Human Service
- ∇ HUBB 2009-2010 Plan Year Enrollment Statistics
- ∇ HUBB 2009-2010 Plan year Insurance Premium Summary
- ∇ Health Insurance Premium Assessment Tracking
- ∇ STEPS Project Report to Home Care Commission, November 2009
- ∇ STEPS Consumer/Employer Training Statistical Report, September 2009
- ∇ STEPS Consumer/Employer Training Statistical Report, Project to Date, September 2009
- ∇ Home Care Commission Training Report, September and October 2009
- ∇ Training Summary Report, Quarter 07/01/09 – 09/30/09
- ∇ Registry Report
- ∇ Workers' Compensation Report, September 2009
- ∇ OHCC Literature Packet
- ∇ Ready Book