



HOME CARE COMMISSION

Meeting Minutes

January 8, 2009

Members present:

Patricia Brost, Don Bruland (via phone), Sharon Ely, Scott Lay (via phone), Angela Munkers, Dayle Niemie, Lyla Swafford, Michael Volpe

Others present:

Claudia Babcock, Jorji Brown, Jeanette Burket, Joan Claypool, Glenna Niemie, Abby Solomon, Cheryl Willcoxon

Staff present:

Yvonne Fleming, Leslie Houston, Kelly Rosenau, Cheryl Sanders

MEETING CALLED TO ORDER

The meeting was called to order at 10:20 am by Mike Volpe.

INTRODUCTIONS

Introductions were made by all in attendance.

ADOPTION OF AGENDA

The agenda was reviewed and accepted as presented.

APPROVAL OF MINUTES

The minutes of December 4 were reviewed. Dayle Niemie made a **motion** to accept the minutes as written. **Seconded** by Don Bruland. **Approved.**

ANNOUNCEMENTS

There were no announcements.

PUBLIC TESTIMONY

Abby Solomon, Organizer for SEIU Local 503, stated that she will be taking on some of Karla Spence's duties and gave a brief report of what SEIU is doing for HCWs and other activities that SEIU is participating in.

HCC BUDGET UPDATE

Claudia Babcock presented the "2007 - 2009 Home Care Commission Budget to Actual Report, July 1, 2007 through November 30, 2008."

HUBB UPDATE

Cheryl Willcoxon presented several reports:

- HUBB 2009 Fiscal Year, Income & Expense Compared to Budget Summary

- HUBB Enrollment Statistics, April 2008 – March 2009. In December, 247 new HCWs were sent Welcome Newsletters. 639 enrollment packets were sent out in December to HCWs who had just become eligible for insurance coverage. 192 new HCWs were enrolled in medical/dental coverage in December. There were 138 terminations from medical/dental coverage in December.
- HUBB Insurance Premium Summary. \$20,305,319.22 was paid out in medical/dental insurance premiums for HCWs for the first three quarters of the April 2008 – March 2009 Year Plan.
- 2008 HUBB Enrollment Tier & Dependent Count Report
- 2008 HUBB Dependent Enrollment Statistics Report
- HUBB's December 1, 2008 invoice for HCW insurance premiums to DHS totaled \$2,261,711.92 including adjustments.

Cheryl Willcoxon reported:

- HUBB is beginning negotiations with ODS/Kaiser regarding renewal of the 2009 insurance contracts that will become effective April 1, 2009. Cheryl also stated that she asked (under the direction of DHS and DOJ) the insurance companies to report on the impact of the Governor's proposed budget reduction of \$1.1 million of the HUBB reserves (savings accumulated from premium payments) on the cost of insurance premiums. (The Governor wants the \$1.1 million available to the State.) Cheryl also stated that because of the discussions that have been held about the appropriateness of the HUBB reserves, HUBB has asked ODS/Kaiser about the potential for other funding mechanisms that are available and how that would impact the rates. Cheryl stated that the existence of the reserves helps keep the premium rates down and saves the State money.
- HUBB has been working for a year or more on trying to determine whether the HUBB reserve account/plan is considered a welfare benefit plan in terms of the Employee Retirement Income Security Act (ERISA). ERISA is a federal law that sets minimum standards for most voluntarily established pension and health plans in private industry to provide protection for individuals in these plans. Because the HUBB benefit program is so complicated, i.e., HCWs are classed as independent contractors, not employees of the State; a State Commission oversees the program in terms of quality care, services, and training; a State Agency that functions in terms of collective bargaining; and a State that is paying the

insurance premiums for HCWs, the question arises, "Is the HUBB insurance program subject to ERISA and should we be reporting to the Federal Department of Labor"? Because of the complexity of the question and the complexity of Oregon law as it relates to the Home Care Commission and HCWs, it has been difficult to try to come to a decision. SEIU's attorneys have addressed this question and have concluded that argument could be made that 1) HUBB's benefit program does not meet the definition of a welfare benefit plan under ERISA, or 2) based on the way that the benefit plan is structured, the HCWs could be considered State employees. The lawyers' report was sent to Cheryl Sanders who forwarded it to DOJ. Cheryl Sanders stated that DOJ attorneys for OHCC have concluded the same and that the issue will stand as it is. Cheryl Willcoxon asked if there will be a written conclusion from DOJ. Cheryl Sanders will check with DOJ to see if they will forward their conclusion via letter.

WORKERS' COMPENSATION UPDATE

Kelly Rosenau presented a Workers' Compensation Report for November 2008.

- 19 HCW injury claims were filed. The largest number of claims were filed as a result of "lifting." The "back" was injured more than any other body part.
- 13 claims were accepted by SAIF.
- 3 claims were denied by SAIF.
- 10 claims were closed by SAIF.
- There are 145 active claims.

STEPS UPDATE

Joan Claypool reported:

- During October, 91 new participants received STEPS training.
- 1,110 participants have been trained to date since the STEPS project started.
- 2,074 STEPS events have been held since the program started.
- SPD distributed an Information Memorandum (IM) on November 5 to promote STEPS and clarify that SPD/AAA offices and CILs do not need a signed release of information before sharing consumer contact information.
- A draft of an in-home services rule was distributed in October. This OAR defines the client's responsibility as an employer and references training (or appointing a representative) for clients who

are unable to meet the employer responsibilities. This rule takes effect this month.

- SILC/STEPS will start producing photo name tags for all STEPS trainers.
- Joan Claypool will complete on-site visits to the CILs by the end of May 2009.
- Final marketing plans for STEPS were due December 24. Joan will begin evaluating the plans and may visit those offices that have a history of minimal or no referrals.

TRAINING UPDATE

Leslie Houston reported:

- 28 training classes were held in December.
- 419 were in attendance in the December classes.
- 2,949 unduplicated HCWs have been trained to date.
- Total attendance in 2008 was 7,584.
- 499 classes were held in 2008 with a total attendance of 7,584.
- A Quarterly (October–December) and Year-to-Date Training Report was presented. The most popular class in the first two quarters of 2008 was Preventing Disease Transmission.
- A report showing the total attendance at training classes for each city in Oregon where trainings were held was presented.
- A report showing the 2008 HCW attendance for various times of each day (morning, afternoon, evening) of a week was presented.
- A list of training topics compiled from the 2008 HCW training evaluations was presented. The most requested training topic was for a class on nutrition, meal planning, food preparation, and healthy eating.
- A list of training topics that Leslie Houston is working on was presented.
- Leslie stated that the Training Committee discussed and recommends to the Commission that OHCC not offer a second level respiratory care class because of the number of clients on ventilators that need in-home services and that the training techniques are just too specific to each individual. Angela Munkers stated that a respiratory therapist should be training and evaluating a HCW's skills and abilities on how to use ventilator/respiratory equipment and that SPD is addressing this issue through education and referrals. Patty Brost made a **motion** to accept the Training Committee's recommendation to not offer a

second level respiratory care class. **Seconded** by Sharon Ely.
Approved.

- Leslie reported that a Training subcommittee has been discussing the possibility of charging fees to all non-HCWs to attend the training classes. 10% of those attending trainings are non-HCWs; 90% are HCWs. The Training Committee decided to recommend not charging fees at this time due to 10% of the attendees creating 40% of the workload and having to refund quests who have signed up and paid for a class and then be notified that they cannot attend due to HCWs having preference over all others. In addition, the subcommittee felt that no fees should be required (if required) until the HCW's contract and the State budget are finalized. In the meantime, all persons can attend the trainings at no fee, but that all non-HCWs cannot register for a class more seven (7) calendar days prior to the class. The subcommittee will revisit this issue in September. Patricia Brost made a **motion** to accept the Training Committee's recommendation as stated above. **Seconded** by Lyla Swafford. **Approved.**

REGISTRY UPDATE

Cheryl Sanders reported:

- 2,097 HCWs are "Approved/Career Complete and Available for Referral" in the RRS.
- 3,830 HCWs that are "Approved/Career" need to update their information in the RRS.
- 2,422 HCWs are "Approved/Career" in the RRS and are not looking for work.
- During December 2008, 1,521 employers/anonymous users searched the RRS.
- During December, 158,306 HCW referrals were provided and 3,194 unduplicated HCWs were referred for work.
- 521 incoming calls regarding the RRS were received by the Registry Department in December.
- In November-December, 681 letters were sent out to HCWs in Lane County who are incomplete in the RRS.
- 3,176 post cards were sent out to HCWs in December who need to update their RRS profile.
- Tillamook, Seaside, and Eugene are scheduled for two-hour RRS training sessions in January and February.
- 2,253 application packets were mailed out to HCWs in 2008.

- 3,251 phone calls regarding the RRS were received from HCWs from June 3 – December 31.

EXECUTIVE DIRECTOR'S REPORT

Cheryl Sanders reported:

- She attended a SPD Managers Brown Bag meeting.
- Cheryl met with the new managers who moved into the second floor or the Church Street building.
- Cheryl met with a representative from DHS Web-Publications regarding a website for the OHCC. A draft of the website will be available January 19. If possible, Cheryl will present it at the next Commission meeting.
- She met with Jeanette Burket and her managers and also had a separate meeting with Jeanette.
- Cheryl met with Tina Treasure and Karla Spence to discuss common issues.
- Cheryl attended a SPD Budget Forum regarding the Governor's Recommended Budget for 2009-2011. Commissioners Lyla Swafford, Patty Brost, and Mike Volpe also attended.
- Cheryl expressed her appreciation in a conference call for the work being done by STEPS trainers.
- Kelly Rosenau, Leslie Houston, and Cheryl met with Kaiser's Wellness program staff to discuss different training classes that OHCC can provide regarding wellness issues.
- Cheryl attended Easter Seals' Holiday Celebration as they provide the Commission with a part-time senior worker who is paid by federal wages.
- Cheryl attended a training called "Creating a Legal Work Environment."
- Cheryl met with SEIU, SPD, and Labor Relations at their Monthly HCWs Issues meeting and held two additional conference calls to discuss HCW issues related to MMIS.
- The Commission will begin holding closed Executive Sessions in February due to collective bargaining issues for HCWs.
- A legislative training session was to be held today for the Commissioners, but those OHCC requested to present the training declined our request. In its place, Cheryl will be gathering materials regarding advocacy, lobbying, etc., to present to the Commissioners.

ADJOURNED

The meeting adjourned at 1:00 pm.

NEXT MEETING

The next Commission meeting will be held on Thursday, February 5, 2009, 10:00 am, 676 Church Street NE, Salem, OR.

Attachments:

- Agenda
- Oregon Home Care Commission Meeting Minutes, December 4, 2008
- 2007-2009 Home Care Commission Budget to Actual Report, July 1, 2007 through November 30, 2008
- HUBB 2009 Fiscal Year, Income & Expense Compared to Budget
- HUBB Enrollment Statistics – April 2008 through March 2009
- HUBB 2008-09 Plan Year Insurance Premium Summary
- 2008 HUBB Enrollment Tier & Dependent Count Report
- 2008 Dependent Enrollment Statistics
- HUBB Invoice to DHS, December 2008
- Workers' Compensation Report, November 2008
- STEPS Project Report to Home Care Commission, January 2009
- STEPS Consumer/Employer Training Statistical Report, October 2008
- STEPS Consumer/Employer Training Statistical Report, Project to Date, October 31, 2008
- Home Care Commission Training Report
- Training Summary Report
- 2008 Classes, Attendance, Count of Classes, Average Class Size
- 2008 Trainings by Day/Time
- Suggestions/Ideas – from 2008 Evaluations
- Training Fees Proposal
- Training Evaluations, October – December 2008
- Registry and Referral System Updates
- Application Packets Mailed 2008
- Attendance Roster