

California Behavioral Health Planning Council

Housing and Homelessness Committee Agenda

Thursday, June 17, 2021

8:30am to 10:15am

Zoom Meeting Link:

<https://us02web.zoom.us/j/87997952794?pwd=MHQvMFhjS0htZXdMWWs2b05hZDNWZz09>

Meeting ID: 879 9795 2794 **Passcode:** CBHPCHC

Join by Phone: 1-669-900-6833 **Passcode (Phone):** 4733587

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|----------------|---|--------------|
| 8:30am | Welcome and Introductions
<i>Vera Calloway, Chairperson</i> | |
| 8:35am | Approve April 2021 Meeting Minutes
<i>Vera Calloway, Chairperson and All</i> | Tab 1 |
| 8:40am | Senate Bill 648 re: Enriched Care Adult Residential Facility (ARF) Pilot Program
<i>Taryn A. Smith, Chief Consultant, Senate Human Services Committee</i> | Tab 2 |
| 9:05am | Public Comment | |
| 9:10am | Assembly Bill 1766 Implementation Update
<i>Vicky Smith, Ph.D., Program Administrator, Adult and Senior Care Programs, Community Care Licensing, Dept Social Services</i> | Tab 3 |
| 9:30am | Break | |
| 9:35am | Public Comment | |
| 9:40am | Perspectives of an ARF Operator
<i>Vera Calloway, Chairperson and invited Operator</i> | Tab 4 |
| 10:00am | Public Comment | |
| 10:05am | Discuss Next Meeting Agenda
<i>Vera Calloway, Chairperson and All</i> | |
| 10:10am | Public Comment | |
| 10:15am | Adjourn | |

All agenda items are subject to action. The scheduled times on the agenda are estimates and subject to change.

California Behavioral Health Planning Council

Officers: Vera Calloway, Chairperson Monica Caffey, Chair-Elect

Committee Members: Barbara Mitchell, Lorraine Flores, Gerald White, John Black, Arden Tucker, Darlene Prettyman, Deborah Starkey, Steve Leoni, Christine Costa, Sokhear Sous, Iris Mojica de Tatum, Tim Lawless, Angelina Woodberry, and Hector Ramirez.

If reasonable accommodations are needed, please contact the CBHPC at (916) 701-8211 no less than 5 working days prior to the meeting date.

TAB 1

**California Behavioral Health Planning Council
Housing and Homelessness Committee (HHC) Meeting**
Thursday, June 17, 2021

Agenda Item: Approve April 2021 Meeting Minutes

Enclosures: Draft Minutes

Background/Description:

The Committee members will discuss any necessary edits and vote on the acceptance of the draft minutes.

Housing and Homelessness (HHC)

Meeting Minutes DRAFT

April 15, 2021

8:30 am to 10:15 am

Committee Members Present

Vera Calloway
Deborah Starkey
Barbara Mitchell
Christine Costa
Steve Leoni
Iris Mojica de Tatum

John Black
Arden Tucker
Lorraine Flores
Tim Lawless
Gerald White
Hector Ramirez

Staff Present

Jane Adcock, Gabriella Sedano

Welcome and Introductions

Members were welcomed and introductions were completed.

Approve January and March 2021 Meeting Minutes

January 21, 2021 Meeting Minutes: Vera Calloway motioned to approve and Iris Mojica de Tatum seconded. The January 2021 meeting minutes approved with John Black abstaining.

March 19, 2021 Meeting Minutes. Steve Leoni found an error in the date, needs to change from 2020 to 2021. Barbara Wilson (public attendee) requested a correction to her statement referring to San Fernando Valley instead of San Bernadino. Arden Tucker motioned to approve. March meeting minutes were approved with Barbara Mitchell, Christine Costa, Iris Mojica de Tatum, John Black, Tim Lawless, and Steve Leoni abstaining.

Assembly Bill 1766 Implementation Update

Vicki Smith, Ph.D., Program Administrator for Adult and Senior Care Facilities of the Community Care Licensing Division (CCLD), provided an implementation update for AB 1766. The bill requires the CCLD to collect data and report back on behalf of the Department of Social Services (DSS). The data looks at three points in Adult Residential Facilities (ARF) and Residential Care Facilities for the Elderly (RCFE).

- Does the facility accept residents with Serious Mental Illness (SMI)?
- Does the facility accept the Social Security Income (SSI) rate?
- What is the total number of beds at each facility?

CCLD issued a Provider Information Notice via email on February 22, 2021, to commence the annual survey. The data will be used to address the need for coordination and comprehensive statewide services of quality community care for

people with physical, developmental, behavioral, and mental health disabilities. The CLDD has a 3-tier approach for the reporting:

1. Annual Reporting: total number of licensed ARFs and RCFEs that accept either persons with SMI, that accept the SSI rate, and total number of licensed beds.
2. Quarterly Reporting: all of the above and reasons for any closures.
3. Ongoing Reporting: reporting notice of any ARF or RCFE closures within 3 business days

Vicki Smith shared the survey was sent to 11,274 licensed ARFs and RCFEs with a response rate of 27% (just over 3,000 responses). She also shared the following:

- Does the ARF or RCFE accept clients/residents with SMI?
 - YES: 33% (1,204 of respondents)
 - NO: 67% (2,121 of respondents)
- Does the ARF or RCFE accept SSI payment?
 - YES: 33% (1,033 of respondents)
 - NO: 67% (2,110 of respondents)

Q&A:

Steve Leoni had concerns that the survey is duplicative and asked if this is data can reach the public.

Vera Calloway expressed her concern that the response rate was low. She asked if this could be an indicator that facilities don't find the survey critical.

Vicki Smith said the facilities have not been asked why they did not respond, but the response rate could have been affected by the surge of the pandemic.

Vicki commented that the Department is providing technical assistance on some bills this year that have the potential to provide auxiliary service funding and to look at the Governor's proposal for the acquisition and rehabilitation of ARFs and RCFEs.

Vicki Smith said the current data system only captures facility information and the new system may be more person-centered. Steve Leoni asked if the CBHPC could be included in planning for the new system. Vicki said they have considered doing a pilot to make sure the data is within their statutory authority and that they would like to have stakeholders, such as the CBHPC, to provide input. Steve Leoni suggested that the Council could advocate with other partners when data is outside of their statutory authority.

Jane Adcock asked if the CBHPC could request the data, specifically county-by-county and aggregate statewide numbers. Vicki responded that she will get an answer from her department. Jane also asked if there will be a push to get a more robust response. Vicki

responded that they have included the questions in other surveys to overlay the data. Vicki is open to other ideas from the Council.

Review Council's 2018 Report on Adult Residential Facilities and No Place Like Home Requirements

Jane Adcock presented the update to the 2018 ARF Report and the No Place Like Home (NPLH) requirements. The ARF report was shortened to focus on the issues and possible solutions. Information was gathered for the NPLH funding (the purpose, where the money goes, and how it is going to be used). Jane is not confident that the HHC can work with the Department of Housing and Community Development (HCD) to carve out NPLH funds for the rehabilitation of licensed facilities, but added that the Governor's budget this year included \$250 million for the acquisition and rehabilitation of facilities to bring them back into compliance and be fully operational.

Barbara Mitchell agreed with Jane regarding the NPLH funds, stating the funds should not be mixed with residential care homes. She also emphasized that the funds are a loan, which operators would not be able to take on. She added that operating support must be pursued because the \$250 million will not be effective unless there is operating support.

Steve Leoni shared two recommendations for the 2018 ARF Report. On Page 5, include a definition of "beds needed" in the chart. He also commented on the sample budget (page 7-8), stating that it is not a budget but a demonstration of how inadequate SSI is. He said the need for patches referenced in the paragraph prior should be referenced in the chart itself.

Vera Calloway asked if it would make sense to specify 'per bed' or 'per SSI resident' as opposed to a bed paid for by family. Would that affect the funding process?

Barbara Mitchell, who originally did the budget for the 2018 ARF Report, noted that the budget is not accurate. The wage structure, mortgage/rent payments, and SSI rate need to be updated.

Public Comment

Hector Ramirez said many board and care facilities are trying to make money from people that are suffering while offering minimal care. He would like to see the empowerment of peer communities so that facilities are peer-centered and folks can begin to heal from trauma experienced from the system. Hector also noted that in LA County people are often sent to jail or to the streets as a way to enforce treatment.

Barbara Mitchell responded that hiring consumers to work in licensed facilities is extremely difficult due to the criminal record screening standard. She said the HHC should prioritize changing the criminal record standard so that more peers can work in licensed facilities, because many peers have a criminal record.

Public Comment

Catherine Moore expressed appreciation for Hector Ramirez's comment, and added that the residential care system is underfunded and overwhelmed, which causes minimalist care. They have too little personnel and no funds to hire more. Catherine then asked how the Council can use this data. What is the denominator of how many people need access to these facilities? How can the Council show there aren't enough and more income is needed?

Barbara Wilson asked Vicki Smith if there is any language in the survey that clarified if people were already working with Regional Center. Vera commented that further questions for Vicki can be emailed to herself or Jane Adcock due to time constraints.

2021 Work Plan Discussion and Determination of Priorities

Vera Calloway shared the four objectives of the 2021 Work Plan:

- Objective 1: Identify regulatory barriers inhibiting ARFs from serving individuals with SMI.
- Objective 2: Address the financial barriers that inhibit persons with SMI from being served by quality ARFs
- Objective 3: Address the land use requirements and community resistance which creates additional barriers for ARFs
- Objective 4: Advocate for data and outcomes for individuals with SMI being served by ARFs

Vera Calloway wants to design long-term fiscal solutions, propose legislation, and potentially work with the Legislation Committee to move the issues forward. She suggested exploring financial models used by populations such as the developmentally disabled community.

Lorraine Flores commented on the funding sources of Regional Center, stating that she is amazed at the funds they have available for services. She said it may be helpful to look at Regional Center's funding to see how something like that could serve the behavioral health population.

Iris Mojica de Tatum proposed creating/gathering information on the financial barriers for ARFs, and then working on a user-friendly mechanism so facilities see results and gain confidence.

Vera Calloway will keep in touch with operators of ARFs and RCFEs, and asked Hector Ramirez if he has contacts with the Disability Rights of California (DRC) that could provide suggestions. Hector replied that he has a structured network that could present to the HHC.

Barbara Mitchell stated the financial issues for residential care homes have already been identified and the HHC should now focus on solutions. Vera Calloway clarified that she wants to focus connecting with individuals by getting names of people and

organizations rather than just looking at data. Barbara shared that an organization of residential care home operators existed for many years, but facilities may not want to share information because they are private enterprises competing with one another. Additionally, many facilities are too understaffed to participate in meetings. Vera Calloway said she could gather information on her own, and speak with operators to get an overview of funding sources needed and making sure people are able to apply.

Jane Adcock mentioned that the DMH in LA County has helped operators more than other counties, so it would be valuable to hear from counties outside of LA County. Vera Calloway agreed and asked how to get a contact list. Jane Adcock replied that the information is on the CCLD website and can be searched by county.

Vera Calloway proposed that each HHC member find one facility from their county on the CCLD website, and send the information to her to contact them. Vera said she will keep the HHC informed and take comments and suggestions.

Steve Leoni suggested guaranteeing anonymity when reaching out to contacts in order to gain trust and receive accurate responses. Vera agreed with Steve's suggestion to alleviate concerns.

Public Comment

Ted, an ARF and RCFE operator, commented on his financial barriers. He said the LA County Department of Health Services (DHS) offers enhancements to SSI, and the State offers the Assisted Living Waiver (ALW) to clients on SSI. He recommends they are combined to make it easier for facilities to act as one system instead of separate systems. Ted suggested that DSS help with enhancements when making placements in licensed board and care facilities.

Ted also commented on a federal law that exempts RCFEs from paying expensive property taxes and surcharges. If the landlord applies for the exemption, the savings could be another financial source to enhance the facilities and care.

Edna, another ARF operator shared her experience, saying that board and care operators are skeptical that they don't have trust that someone is working to help them. She believes that they want the funding but do not show up to meetings or complete surveys.

Vera Calloway asked Ted if he would be able to help gather sources and information for funding opportunities. Ted responded that he is willing to help.

Catherine Moore mentioned that the developmentally disabled community has improved options. She suggested getting information from a lobbyist or family member from the developmentally disabled community to use as a model and "not reinvent the wheel".

Catherine Moore added that many operators in San Diego are first generation from another country and may not think the structures in government, or ways to lobby, are part of the culture. Vera Calloway agreed and responded that being culturally competent and including the needs of underserved communities fits with the desire and mandate of the Council.

Barbara Wilson mentioned that other agencies in her county have discovered ARFs and are taking the beds and offering more money. She asked where this leaves people on SSI with SMI who need that level of care. Barbara Wilson also commented that many operators who received the CCLD survey were afraid to say they do not accept SSI because they do not know who will see the information and do not want a negative reaction.

Edna stated she has worked in the business for 24 years and now realizes (from being in this meeting) that she misunderstood the survey that was sent out in February.

Discuss Next Meeting Agenda

Vera Calloway suggested presenting the information she gathers on the next agenda.

Public Comment

Steve McNally said in order to make changes, it is important to use connections to departments that have some involvement with residential homes (DHCS, HCD, CCLD, etc.).

Vera Calloway responded to Steve McNally that his comment makes sense but she believes finding the funding sources would be best for a starting point. Steve McNally then replied that the money is very structured and could be easily found. He says a coalition needs to be built to make a difference rather than working as separate entities.

Meeting Adjourned at 10:28am.

**California Behavioral Health Planning Council
Housing and Homelessness Committee (HHC) Meeting**
Thursday, June 17, 2021

Agenda Item: Senate Bill 648 re: Enriched Care ARF Pilot Program

Enclosures: [SB 648 Bill Analyses](#) (4/16/2021)

Background/Description:

SB 648 establishes the Enriched Care Adult Residential Facility (ARF) pilot program for the purpose of promoting the sustainability of essential residential care facilities that serve recipients who receive Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled (SSI/SSP) benefits. Specifically, the bill establishes a monthly stipend of \$1,000 per resident, which qualifying licensed ARFs and Residential Facilities for the Elderly (RCFEs) will use for auxiliary services, as defined.

Defines “auxiliary services” to mean services that include, but are not limited to, enriched case management, clinical consultation, enhanced assistance with activities of daily living, transportation services, mental health therapy, and planned activities.

Senate Health Committee Consultant, Taryn Smith, has been invited to talk with the committee members regarding the background and goals for SB 648.

TAB 4

**California Behavioral Health Planning Council
Housing and Homelessness Committee (HHC) Meeting**
Thursday, June 17, 2021

Agenda Item: Perspectives of an ARF Operator

Enclosures: None

Background/Description:

The Committee members will hear from ARF Operators from around California to discuss the barriers and challenges for successful operation of a facility whose residents receive SSI/SSP and have a behavioral health disorder.