

Lew, Lisa (BOS)

From: Mchugh, Eileen (BOS)
Sent: Tuesday, February 12, 2019 8:13 AM
To: BOS Legislation, (BOS)
Subject: Fwd: Supporting Agenda Item 33 – Expansion of AB 50 State ALW Program: Yee's Resolution Contains Errors, Needs Strengthening on Local Control!
Attachments: Testimony on Resolution Supporting AB 50 to Full Board of Supervisors on 19-02-11.pdf

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From: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Sent: Tuesday, February 12, 2019 8:04 AM
To: Mchugh, Eileen (BOS)
Subject: FW: Supporting Agenda Item 33 – Expansion of AB 50 State ALW Program: Yee's Resolution Contains Errors, Needs Strengthening on Local

From: pmonette-shaw [mailto:pmonette-shaw@earthlink.net]
Sent: Monday, February 11, 2019 7:53 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Ho, Tim (BOS) <tim.h.ho@sfgov.org>; Gallagher, Jack (BOS) <jack.gallagher@sfgov.org>; Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Choy, Jarlene (BOS) <jarlene.choy@sfgov.org>
Subject: Supporting Agenda Item 33 – Expansion of AB 50 State ALW Program: Yee's Resolution Contains Errors, Needs Strengthening on Local Control!

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February 11, 2019

San Francisco Board of Supervisors

The Honorable Norman Yee, Board President
The Honorable Sandra Lee Fewer, Supervisor, District 1
The Honorable Catherine Stefani, Supervisor, District 2
The Honorable Aaron Peskin, Supervisor, District 3
The Honorable Gordon Mar, Supervisor, District 4
The Honorable Vallie Brown, Supervisor, District 5
The Honorable Matt Haney, Supervisor, District 6
The Honorable Rafael Mandelman, Supervisor, District 8
The Honorable Hillary Ronen, Supervisor, District 9
The Honorable Shamann Walton, Supervisor, District 10
The Honorable Ahsha Safai, Supervisor, District 11

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102 Re: **Agenda Item 33 – Expansion of the State Assisted Living Waiver Program**

Dear President Yee and Members of the Board of Supervisors,

Expansion of the State Assisted Living Waiver Program

Although I support the expansion of Assisted Living Waivers statewide in California, and in San Francisco County, Board President Norman Yee's Resolution (File No. 190155) before the Board of Supes on February 12 doesn't go far enough and contains errors.

The Resolution states on page 2, line 19 that San Francisco's older adult population will grow to nearly 30% of all City residents by 2030. However, Sneha Patil in DPH's Planning Department noted in an e-mail dated January 16, 2019 that seniors over the age of 65 are expected to grow to 204,168 (from 165,138) and will represent **just 20.1%** of San Francisco's population by 2030, not 30%. Supervisor Yee and his staff need to get on the same page as DPH on this data set.

The Resolution states that the ALW program "reached its capacity of 3,700 participants in March 2017." That data is currently out of date. A California Nursing Home Reform (CANHR) report dated January 10, 2019 indicates that currently the state is authorized for 5,700 ALW participant slots statewide. In addition, the State Assembly's Legislative wCounsel's Digest analyzing Assembly Member Kalra's December 3, 2018 AB 50 explicitly states that CMS has currently authorized 5,500 ALW participant slots statewide.

So, Yee's Resolution stating the capacity of just 3,700 participant slots as of March 2017 is wildly inaccurate and does not reflect the current CMS allocation to California.

Although Yee's Resolution notes that Assembly member Kalra re-introduced SB 50 on December 3, 2018, Yee's proposal does not note that the California DHCS had actually submitted its five-year renewal application for the ALW slots for the period March 2019 to February 2024 to CMS on October 31, 2018 requesting to add just 2,000 additional ALW slots statewide.

This Resolution missed the boat, since DHCS submitted its application to CMS on October 31, 2018. It is not known whether CMS will expand those 2,000 slots with an additional 12,800 slots at any point during the five-year between 2019 and 2024.

If anything, the Resolution before the Board of Supervisors should explicitly add an additional WHEREAS clause stating that since DHCS' application was already submitted on October 31, 2018 asking CMS for just 2,000 additional statewide slots, the Board of Supervisors strongly encourages Assembly Member Karla amend SB 50 by including language that DHCS must submit

a supplementary request to CMS during the five-year period between 2019 and 2024, and that SB 50 will be amended to formally direct DHCS do so during the five-year period.

The Resolution states Yee's concerns about out-of-county discharges, but doesn't explicitly state that at minimum, 1,479 San Franciscans have already been placed in out-of-county facilities. This Resolution should stipulate the 1,479 discharges to better start educating members of the public just how severe the patient dumping problem has become.

Assembly Member Kalra's AB 50 does not mention anything about changing administration of the ALW program from State control to local jurisdiction control, as Supervisor Yee's Assisted Living Workgroup recommended in the Workgroup's January 10, 2019 recommendations.

This Resolution needs to include advocating with the State legislature to incorporate into SB 50 transitioning the waiver program to full local control.

On February 4 I spoke by phone with Ms. Stephanie Collins, California's ALW Program Coordinator for the Sacramento, San Joaquin, and San Francisco County jurisdictions. Collins is an employee of *Blossom Ridge Home Health Agency*, doing business with DHCS as *Ridge Care Coordinating Agency*, a non-profit designated by the state to be the regional coordinating Care Coordinator Agency (CCA) for all three counties.

Collins shared with me:

The ALW Waivers are based on two types of referrals: One referral source is reserved for Skilled Nursing Facilities. The other referral source are so-called "community referrals," meaning they come from community-based RCFE's, people living at home, are in acute-care hospitals, other types of hospitals, and all other referring sources.

All slots statewide are awarded on a "first-come, first-served" basis, not by a formula assigned to each county. Counties aren't awarded, or guaranteed, participant slots based on agreements made with each county. It's not clear whether there are separate "first-come, first-served" lists by the type of the two referral sources, or whether the two referral sources are ignored during a statewide "first-come, first-served" basis.

Monthly, DHCS provides each regional CCA a new number of ALW slots approved and released for each CCA jurisdiction from the **statewide** wait list. Wait list decisions aren't made by each CCA.

Collins indicated CCA does not currently have any clinicians assigned to San Francisco to perform intake, and other types of, assessments for ALW applicants and clients.

More than anything, DHCS must be required to allocate a dedicated number of ALW participant slots to each county and allow local jurisdictions to manage wait lists within their respective counties.

Before passing this Resolution in support of AB 50, the Resolution should be re-edited and to incorporate these recommended changes, in part because Clerk of the Board Angela Calvillo is directed on page 5, line 9–11 of the Resolution to send it to Assembly Member Kalra. Might as well incorporate these changes in order to communicate the urgency of the recommendations to him.

Respectfully submitted,

Patrick Monette-Shaw, *Columnist, Westside Observer Newspaper*

cc: Angela Calvillo, Clerk of the Board

Lee Hepner, Legislative Aide to Supervisor Peskin

Tim Ho, Legislative Aide to Supervisor Safai

Jack Gallagher, Legislative Aide to Supervisor Stefani

Angelina Yu, Legislative Aide to Supervisor Fewer

Daisy Quan, Legislative Aide to Supervisor Mar

Percy Burch, Legislative Aide to Supervisor Walton

Jen Low, Legislative Aide to Norman Yee

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Agenda Item 33 – Expansion of the State Assisted Living Waiver Program

Page 2

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