May 20, 2008

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612


Dear Board Members:

The PAL (Personnel, Administration and Legislation) Board Committee considered these items at its meeting on May 19, 2008 and referred these for your Board’s approval. Attached is the PAL Legislative Committee Request form completed by the requesting County Agency/Department.

Federal Legislation:

HR 3337 (Lee) HIV Nondiscrimination in Travel and Immigration Act 2007

Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support

State Legislation:

AB 2939 (Hancock) Building Standards: Green Buildings: Local Variances

Requestor: Public Works Agency
Requestor Recommends: Support
PAL Recommendation: Support
SB 1364 (Cedillo) Autism Spectrum Disorders: Advisory Council: Centralize Agency

Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support

SB 1407 (Perata) Court Facilities: Financing

Requestor: County Administrator’s Office
Requestor Recommends: Support
PAL Recommendation: Support

SB 1531 (Correa) Peace Officer Training: Autistic Persons

Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support

SB 1563 (Perata) Pervasive Developmental Disorders

Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support


Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support

SCR 77 (Lowenthal) Fall Prevention Awareness Week

Requestor: Health Care Services Agency
Requestor Recommends: Support
PAL Recommendation: Support

East Bay Regional Park District Bond Measure AA Extension

Requestor: Supervisor Scott Haggerty, District 1
Requestor Recommends: Support
PAL Recommendation: Support

Very truly yours,

Susan S. Muranishi
County Administrator
June 3, 2008

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

SUBJECT: Amendment to the 2008 Alameda County Legislative Program: AB 2527 (Berg) Medi-Cal: Targeted Case Management and Administrative Claiming Process Programs; AB 3010 (Blakeslee) State Mental Hospitals: Tobacco Products; SB 1304 (Simitian) San Mateo County Child Care Subsidy Pilot; SB 1410 (Corbett) Child Care: Reimbursement Rate; SB 1674 (Torlakson) After School Pipeline Program

Dear Board Members:

The PAL (Personnel, Administration and Legislation) Board Committee considered these items at its meeting on June 2, 2008 and recommended them for your Board’s approval. If approved, these items will be included as an amendment to the County’s 2008 Legislative Program. Attached is the PAL Legislative Committee Request form completed by the requesting County Agency/Department.

State Legislation:
AB 2527 (Berg) Medi-Cal: Targeted Case Management and Administrative Claiming Process Programs
   Requestor: Health Care Services Agency
   Requestor Recommends: Support
   PAL Recommendation: Support

AB 3010 (Blakeslee) State Mental Hospitals: Tobacco Products
   Requestor: Health Care Services Agency
   Requestor Recommends: Support
   PAL Recommendation: Support

SB 1304 (Simitian) San Mateo County Child Care Subsidy Pilot
   Requestor: General Services Agency-on behalf of the Alameda County Child Care Planning Council
   Requestor Recommends: Support
   PAL Recommendation: Support

SB 1410 (Corbett) Child Care: Reimbursement Rate
   Requestor: General Services Agency-on behalf of the Alameda County Child Care Planning Council
   Requestor Recommends: Support
   PAL Recommendation: Support
SB 1674 (Torlakson) After School Pipeline Program
Requestor: General Services Agency-on behalf of the Alameda County Child Care Planning Council
Requestor Recommends: Support
PAL Recommendation: Support

Very truly yours,

Susan S. Muranishi
County Administrator
PAL LEGISLATIVE COMMITTEE REQUEST FORM

» Complete this form in order to propose a legislative advocacy position before the PAL Committee.
» Instructions for completing this form, including due dates, are shown on the back. Work through your CAO Analyst!
» Please be clear and brief as you complete this form. If you have questions, contact your department's CAO Analyst.

REQUESTOR INFORMATION:

Name: Dave Kears
Position: Director
Agency/Department: Health Care Services Agency
CAO Analyst: Theresa Rude
County Legislative Advocate: State

REQUESTOR'S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: AB 2527
Bill Title: Medi-Cal: Targeted Case Management and Administrative Claiming process programs
Legislative Author: Assembly Member Patty Berg
Current Bill Status: Referred to Senate Health Committee for hearing on June 11th.
Current Law/Context: Targeted Case Management (TCM) and Medicaid Administrative Activities (MAA) are programs under which certain services and activities undertaken by Local Government Agencies (LGAs) are eligible for reimbursement through the federal Medicaid program. California law defines LGAs as counties or charter cities. TCM and MAA programs commonly involve a variety of local governmental entities that have the capacity to reach target populations and offer allowable services. Many of these entities provide the funding to pay for the eligible services and then work with their LGAs to submit claims for reimbursement. Although involvement of various public agencies has been the practice under TCM and MAA, when California originally adopted the TCM and MAA claiming options, state statutory law was written in a narrow fashion, arguably limiting federally reimbursable TCM and MAA activities to LGAs and nongovernmental entities or UC that have contracted with LGAs to provide TCM and MAA. The participation by these public entities has been called into question by a recent interpretation of state law by DHCS in a draft DHCS policy letter dated March 12, 2008, which takes the position that statutory law must prevail over existing practice, but that state law and Medi-Cal's State Plan could be amended to permit other units of government to expend funds for TCM services and to certify those expenditures.

Description of Bill: AB 2527 permits an LGA or a local educational consortium (LEC) to contract with any private or public entity, rather than to contract only with nongovernmental entities or the University of California (UC), to provide Medi-Cal TCM and Medicaid administrative activities (MAAs) for the Medi-Cal Program.

Potential Impacts to Alameda County: This bill would clarify existing law so that Alameda County could continue to provide assistance to beneficiaries in gaining access to needed Medi-Cal services, retain funding, and allow for flexibility in contracting.

Anticipated Opposition: N/A
Proposed Amendments: N/A
PAL / BOS MEETING DATE REQUESTS:
PAL Date Requested: June 2, 2008
BOS Date Requested: next available

EXPLANATION OF ACRONYMS:

PAL........Personnel, Administration, and Legislation Committee
CAO........County Administrator's Office
BOS........Board of Supervisors
QIC.........County Quick Code System

SUBMIT COMPLETED FORM TO THE BOARD COMMITTEE CLERK, BOS (QIC: 20101)
SEND COPIES TO: (1) Legislative Analyst, CAO, and (2) Your Department's CAO Budget Analyst (both at QIC 20102)

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REQUESTOR INFORMATION:

Name: First Name: Dave
Last Name: Kears
Position: Director
Agency/Department: Health Care Services Agency
CAO Analyst: Theresa Rude
County Legislative Advocate: State

REQUESTOR'S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: AB 3010
Bill Title: State mental hospital: tobacco products
Legislative Author: Assembly Member Sam Blakeslee
Current Bill Status: Passed by Assembly Appropriations Committee. To second reading.
Current Law/Context: Individuals with psychiatric illnesses are about twice as likely as the general population to smoke tobacco, while those with schizophrenia are three or four times more likely. The National Comorbidity Survey, the first nationally representative mental health survey in the U.S. funded by the National Institute for Mental Health, reported that people in the U.S. with psychiatric disorders account for 44% of all tobacco use and approximately 80% of people with schizophrenia are heavy smokers.

Description of Bill: AB 3010 would authorize the Director of Mental Health to adopt regulations for state mental hospitals that would prohibit the possession or use of tobacco products by patients on hospital grounds and would require that these regulations include an exemption for departmentally approved religious ceremonies. The bill would additionally authorize the adoption of regulations by the director that would prohibit tobacco use by nonpatients on hospital grounds, except on the premises of residential staff housing where patients are not present.

Potential Impacts to Alameda County: This bill will help Alameda County patients fight a deadly addiction and provide additional protections from second-hand smoke for individuals who visit and work in these health care facilities.

Anticipated Opposition: N/A
Proposed Amendments: N/A

PAL / BOS MEETING DATE REQUESTS:
PAL Date Requested: June 2, 2008
BOS Date Requested: next available

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REQUESTER INFORMATION:

Name: Aki K. Nakao
Position: Director
Agency/Department: General Services Agency, on behalf of the Alameda County Child Care Planning Council
CAO Analyst: Ken Gross
County Legislative Advocate: State

REQUESTER'S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: SB 1304
Bill Title: San Mateo County Child Care Subsidy Pilot
Legislative Author: Senator Simitian
Current Bill Status: Assembly Human Services

Current Law/Context: AB 1326 (Simitian), Chapter 691, Statutes of 2003, created a five-year pilot project in San Mateo County that allowed them to develop and implement an individualized county-child care subsidy plan. This plan allowed Title 5 programs in the county to receive a higher reimbursement rate within existing funding. This pilot project may be implemented until January 1, 2009, and San Mateo is required to phase out the plan between January 1, 2009, and January 1, 2011. This bill extends the sunset date to January 1, 2014.

A February 2008 report on this pilot project found that affected programs increased the number of child days of enrollment by 8.5 percent, and allowed families with slightly higher incomes to retain child care eligibility. The report, based on year three of the five-year pilot, concluded that San Mateo's pilot project has shown success in meeting several of the pilot's goals.

Description of Issue: Currently, the state subsidizes child care through two main categories of providers: Title 22 (voucher) programs, and Title 5 (direct service contract with the California Department of Education) programs. Title 5 programs must meet higher education and training standards, yet programs in many counties including Alameda County, are reimbursed at a lower rate (Standard Reimbursement Rate) than Title 22 programs (Regional Market Rate), which are not required to meet those higher standards. This leads to high instability of Title 5 providers that do not receive enough funding to pay and retain staff in high cost counties.

Potential Impacts to Alameda County:
If this pilot sets a good precedent and makes the case for policy changes that allow higher child care reimbursement rates, the Child Care Planning Council would like programs operating in our County to participate. This would enable providers to serve more children rather than send contracts funds back to the state. Last year, over $9.3 million in Alameda County subsidized child care contracts was returned for a variety of reasons.

Anticipated Opposition: The only opposition to past versions of this bill is the fact that it is a time-limited pilot. If the pilot ends and is not made permanent, providers will have their reimbursement rates reduced after becoming accustomed to a higher rate.

Proposed Amendments: n/a
PAL / BOS MEETING DATE REQUESTS:

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REQUESTER INFORMATION:

Name: Aki K. Nakao
Position: Director
Agency/Department: General Services Agency, on behalf of the Alameda County Child Care Planning Council
CAO Analyst: Ken Gross
County Legislative Advocate: State

REQUESTER’S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: SB 1410
Bill Title: Child care: reimbursement rate
Legislative Author: Senator Corbett
Current Bill Status: Senate Appropriations Suspense File

Current Law/Context: Currently, the state subsidizes child care providers through two main programs, Title V and Title 22 (vouchers). Title 5 providers have the highest standards. Yet, in several high cost counties, providers with the lowest standards (license-exempt) are paid at a higher reimbursement rate than the Title 5 providers. Some Title 22 providers in high-cost counties can receive significantly higher reimbursements than Title 5 providers.

The California Department of Education conducts a biennial market rate survey to determine the market rate ceilings for each county by center and licensed family child care home. The Standard Reimbursement Rate was benchmarked in 1980 and has received a cost-of-living adjustment in some, but not all years since.

Providing the higher rates within existing funds is possible without new funds because those programs typically cannot fill all their subsidized slots and are then required to return unspent funds to the state. Approximately $60 million in child care funding reverted to the General Fund in the 2006-07 fiscal year.

Description of Issue: This bill is sponsored by two subsidized providers in Alameda County: one is the current Co-Chair of the Council’s Public Policy Committee and other is the former Chair of the Council. This bill allows Title 5 programs that are reimbursed at a lower rate than license-exempt providers in that county to be reimbursed at a higher rate. SB 1410 would allow Title 5 child care providers to be reimbursed at the greater of the Standard Reimbursement Rate (SRR) or the Regional Market Rate (RMR). The bill would require that programs in counties eligible for this higher rate demonstrate a statewide increase in the aggregate number of slots by the end of the sixth year of operation. This bill would also allow piloted projects in San Mateo and San Francisco counties to have their reimbursement rates adjusted to the RMR for license-exempt providers in the respective counties if doing so resulted in an increase to the rates provided in the pilot.

Potential Impacts to Alameda County:

If this bill passes, Alameda County subsidized child care providers would receive a 6.2% increase in their reimbursement rate. This will enable them to operate more successfully, and may prevent more contractors from sending contracted funds back unearned. Over 30 contractors serving over 8200 low income children per year would be affected.
The trend is that in six years almost all counties will be positively affected by the updating of the RMR every two years. Alameda County is one of the Bay Area counties among those listed below that will see an immediate improvement in their reimbursement rate. The impact will also grow in these counties as the RMR is revised every two years.

<table>
<thead>
<tr>
<th>County</th>
<th>License-Exempt RMR Ceiling Full Day Preschool</th>
<th>Percent + RMR over SRR</th>
<th>Standard Reimbursement Rate Full Day Preschool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alameda</td>
<td>$727.38</td>
<td>6.2%</td>
<td>$685.21</td>
</tr>
<tr>
<td>Contra Costa</td>
<td>$701.18</td>
<td>2.3%</td>
<td>$685.21</td>
</tr>
<tr>
<td>Marin</td>
<td>$901.29</td>
<td>31.5%</td>
<td>$685.21</td>
</tr>
<tr>
<td>San Francisco</td>
<td>$890.53</td>
<td>30.0%</td>
<td>$685.21</td>
</tr>
<tr>
<td>San Mateo</td>
<td>$828.41</td>
<td>20.9%</td>
<td>$685.21</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>$794.76</td>
<td>16.0%</td>
<td>$685.21</td>
</tr>
<tr>
<td>Santa Cruz</td>
<td>$692.92</td>
<td>1.1%</td>
<td>$685.21</td>
</tr>
</tbody>
</table>

To the extent more slots are available as a result of this bill, economic returns are generated for our local economy through employment, good purchased, etc.

This bill would currently affect child care programs in 22 counties, but possibly more as the Regional Market Rate is adjusted biennially as required by current law. Those counties are:

Anticipated Opposition: There may be some opposition from individuals who believe that fewer children will be served as a result of this bill, especially if no new money is available.

Proposed Amendments: n/a

PAL / BOS MEETING DATE REQUESTS:

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REQUESTER INFORMATION:

Name: Aki K. Nakao
Position: Director
Agency/Department: General Services Agency, on behalf of the Alameda County Child Care Planning Council
CAO Analyst: Ken Gross
County Legislative Advocate: State

REQUESTER’S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: SB 1674
Bill Title: After School Pipeline Program

Legislative Author: Senator Torlakson
Current Bill Status: Senate Appropriations Suspense File

Current Law/Context: Current state and federal law establish various after school academic enrichment programs including the After School Education and Safety Program (ASES), the federally funded 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) and the federally funded 21st Century Program.

Description of Issue: This bill creates the California After School Teacher Pipeline Program and expands (within existing funding) the existing After School Education and Safety Program to allow programs to operate on weekends and establishes a minimum grant level for small programs. It requires the Commission on Teacher Credentialing (CTC) to select up to four applicants (school district or county office of education already participating in Paraprofessional Teacher Training Program) to participate in the pipeline program, and requires applicants to demonstrate, in addition to satisfying all program requirements specific measures of administrative readiness. The funds for the program are set aside from state after school administrative funds.

Potential Impacts to Alameda County:
If this bill passes ASES providers in Alameda County can offer special programs on the weekends. It would give Alameda County programs added flexibility and develops potential models to increase the quality of after school program staff training. Alameda County currently has over 14 million in ASES programs at over 100 sites mostly administered by school districts. To the extent Alameda County employee and contractor parents have higher quality and more flexible child care arrangements, the bill could have a positive impact on County worker productivity and availability.

Anticipated Opposition: No anticipated opposition to our knowledge. It is mostly a clean-up bill.

Proposed Amendments: n/a

PAL / BOS MEETING DATE REQUESTS:

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