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# NEWS

MARCH 2009

## Bargaining Table and

At our last bargaining session, Arthur Towers, SEIU political director, briefed the bargaining team. For the remaining months in this biennium, we are safe from any major cuts or changes in our resident's eligibility. But, we face over \$3 billion budget shortfall in the 2009-2011 biennium. Arthur was optimistic that we can help shape the final decisions, but it will require an "all hands on deck" approach. Legislators need to hear from us. To underscore the severity of the budget crisis, the Governor has ordered all of his staff as well as managers in all state agencies to take a mandatory 5% decrease in pay or the equivalent in furlough days of unpaid leave. Our members in state agencies are facing similar proposals at the bargaining table.

At the Bargaining Table we submitted these proposals:

1. Staffing requirements – seeks to give providers more control on how they staff their homes, especially with resident managers being required to work 5/24 or 2/24 with no flexibility. This presents recruitment and retention issues for the provider as well as quality care issues for the residents.



Providers and residents gather in Salem to urge lawmakers to raise the revenue needed to continue providing essential services.

### Our 2009 Adult Foster Home Bargaining Team!

Please feel free to contact a bargaining team member closest to you to learn how you can support their efforts at the bargaining table.

#### PORTLAND

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## Stubborn County Planning Department Runs Afoul of SEIU Members

In September, Jeannie Hensley, AFH provider, began receiving notices from Klamath County threatening to close down her home if she didn't pay over \$600.00 for a home occupation land/use permit. She also received a notice from South Suburban Sewer district that she had to pay \$1200.00 for a special "system development" charge. Shocked, she called her union steward, Gary Ferguson. Here's how the saga unfolded:

Gary talked to the Klamath County Commissioners twice, citing Oregon Revised Statute prohibiting any local government from assessing ANY fees on an Adult Foster Home provider that is inconsistent with fees assessed against any other single family resident. Jeannie

testified before the County Commissioners twice, again citing the law and asking that the County retract the fees.

The Commissioners still upheld the fees and the threat to close her home. In addition, the Commissioners requested a list of all other foster homes in Klamath County.

SEIU staff contacted DHS requesting intervention by State Attorney General, John Kroger. Even after a call from the AG's office to the Klamath County attorney, Commissioners held firm to their ruling. Their attorney told them he could not represent them if they were involved in a potential lawsuit over this issue. Jeannie re-

tained her own personal attorney.

On January 30th, after a meeting between the Commissioners and DHS, the fees were lifted. On February 18, Water District Board also dropped their proposed charges. Jeannie received an apology from Sid Mitchell, the head of the Planning Department.

Jeannie Hensley said, "this was one of the most

stressful things I been through in a long time. I hope that my story may help others so they never go through any thing like this."

**Gary Ferguson, "It goes to show that with the backing of our union, it is a lot easier to handle these types of issues."**



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2. RN Delegation – requires the State to reimburse the provider for any out-of-pocket expenses in obtaining an RN to delegate or consult on a physician ordered service.

#### Medicaid Occupancy:

- Gives providers more control in determining the number of Medicaid beds available in their homes
- When private pay residents transfer to Medicaid, the provider has the right, with due notice, to move them into another location within the home

- When the licensing agency requires a "bed hold", the provider has the right to negotiate length time for the bed hold and compensation
- The right to negotiate room and board/service fee contracts with Medicaid residents which does not change the rate of service fee or room and board, but outlines all other "terms and conditions" of residing at that home.
- Criminal background check portability – allowing providers to employ shift caregivers and resident managers without requiring a separate criminal background check for each provider as long as there is a current criminal check for the subject employee.
- Continuation of the Training Committee – requesting funding and partnership in application for grants, including any federal economic stimulus funds.
- Health Care Coverage similar to plans for homecare workers
- A modest COLA, pay equity for relative providers as well as systematic provider rights to request re-evaluation of service plans and fees, appeal rights for denial of requests for add-ons or other exceptional pay requests.

## **PHI Testifies before Senate Aging Committee: “Health Reform Must Include Investment in Direct-Care Workers”**

On March 4, 2009 the Senate Congressional Aging Committee began their work on health care reform and the needs of an aging America. PHI (Paraprofessional Health Institute) Washington D.C. liaison Henry Claypool called on Congress to support a skilled, stable direct-care workforce, which he concludes is essential to supporting elders and people with disabilities to live meaningful lives in the community.

Specifically, he asked the committee to increase direct-care worker compensation, upgrade training opportunities, and ensure workers have access to health care.

These reforms are necessary to strengthen home and community-based services and end the institutional bias of Medicaid long-term services and supports.

Mr. Claypool, who uses long-term services and supports himself, was previously a senior advisor for disability policy at the Centers for Medicare and Medicaid Services.

PHI is a national long term care policy group with whom SEIU works closely on workforce initiatives in Congress and throughout the United States.



Henry Claypool

### **Health Care for Adult Foster Home Providers**

You sent a strong message when you completed your bargaining surveys last fall. Health care coverage is at the top of the list of priorities. In this economic upheaval, many have despaired that achieving health care coverage will be next to impossible. Maybe. But we know that what's worthwhile is worth fighting for.

Many providers have completed “Telling My Story” forms sharing why health care is important. These stories remind us of what's at stake.

**Kristine Harris, Brookings**  
“The cost of seeing a doctor, or filling a prescription is atrocious. Thank goodness I am a healthy 60 year old woman. I can't imagine what would happen if I was unexpectedly admitted to the hospital or emergency room.”

**Tammi Curtis**  
Relative Provider, Medford  
“When I get sick and have to go to the doctor or need a prescription it costs a lot more money than what I have to live on.”

**Janis Tramel, North Bend**  
“I have a \$5,000 deductible on a self pay plan and my premium is still \$251 per month”.

**Paul Groh, Dayton**  
“It is important to have access to health insurance to ensure we can provide consistent, appropriate care to our clients... We are as proactive as we can be with our health...but clients know when we are not feeling well and generally do not react well.”

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## **Health Care Rally - April 8th at noon**

Join us for a health care rally on April 8th at noon on the State capitol steps in Salem. We want to draw attention to the need for affordable, accessible health care for all Oregonians and Americans, including adult foster home and child care providers. The rally is sponsored by a coalition including Oregonians for Health Security, the Oregon Health Care Action Coalition, and the Archimedes group.

The rally will urge passage of HB 2009 and will coincide with SEIU/coalition actions around the nation on health care reform taking place the same week.

Please call 877-637-2611 to register to attend. Let's stand together for health care, at the bargaining table and on the steps of the Capitol.

## TAX TIPS FOR PROVIDERS *By Gary Lane*

As tax time approaches, this column contains tax tips from provider Gary Lane. Please consult with your own qualified tax consultant as you deem necessary.

Service payments for residents (both commercial and relative) who live in your own full time residence are exempt from federal and state income taxes as per IRC Sec 131(a). Service payments to residents in homes other than your primary residence are not exempted from federal or state income tax.

Room and board payments CAN be subject to state and federal taxes IF those payments exceed the true cost of room and board. If you can show that the actual cost of room and board exceeds the payment, through filing a Schedule C or Schedule C-EZ, the tax liability of that income can be reduced or eliminated.

Relative Care Providers need to use a percentage of their home dedicated to relative care when seeking



Gary Lane

to itemize room and board expenses separate from personal space in the home.

Private Pay service payments are taxed as income with all expense deductions listed on your Schedule C.

I hope this process helps you. In essence it was just coordinating community resources with the training needs of Adult Foster Home providers.

## Need Helpful information?

Do you have questions about our Union, our Contract, Union Membership or need other information...

*Call the*  
**Adult Foster Home  
Providers' Resource Line  
1-877-637-2611**

## Union Membership

With SEIU Membership you are offered benefits like legal insurance through your union.

For more information about Union benefits for Union Members, contact our **SEIU 503 Member Benefits Department at 503-581-1505 or 800-452-2146 and ask for Rebecca Kozisek.**

Enrollment is within 70 days of union membership or at open enrollment yearly.