



Capitol Desk

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DHCS Director Confirmed by Rules Committee

by David Gorn

Yesterday's confirmation hearing to make Toby Douglas the director of the Department of Health Care Services -- a job he currently holds by appointment -- may have summed up the job itself.

On one level, it was a bright moment for Douglas, with people from all areas of the health care world applauding him for his strong leadership, accessibility, cooperation and depth of knowledge. And at the same time, Douglas was grilled at length over his department's transition plan for the roughly 35,000 beneficiaries of the adult day health care program.

Douglas was unanimously confirmed by the Senate Rules Committee on a 5-0 vote.

There was other ADHC news yesterday. A Senate hearing on ADHC oversight scheduled tomorrow was postponed until Sept. 2. According to the office of the chair of the budget subcommittee, Mark DeSaulnier (D-Concord), the hearing was postponed because of scheduling conflicts.

Also, a number of legislators gathered on the Capitol steps yesterday to call on DHCS Director Douglas to postpone the elimination date for ADHC services, which is currently set for Dec. 1. The legislators said the transition is too rapid and could create an uncertain situation for the many thousands of disabled and elderly ADHC recipients.

They asked Douglas to delay the elimination date till Mar. 31.

Adult day health care was center stage at the first half of Douglas' confirmation hearing yesterday. After the introduction of Douglas' family and co-workers and opening remarks from Douglas, Senate President pro Tem Darrell Steinberg got right to it.

"I have questions about the implementation of adult day health care," Steinberg said. "This is a current issue, and we know you're qualified, but in some ways this is an on-the-job evaluation.

"We are deathly afraid that vulnerable people, elderly people, people who can't even traverse the transit system to get to doctors, that they're going to fall through the cracks [of the transition]," Steinberg said. "What can you tell this committee about what the department is doing to keep them from falling through the cracks, and what is the metric to determine that these people haven't fallen through the cracks?"

Douglas said almost all ADHC patients live in counties with managed care systems in place, and that assessment and care could be developed through those managed care organizations.

"We have managed care in 30 of our counties, so about 34,000 of the 35,000 beneficiaries could be helped in that way, by providing care coordination and assessment."

Douglas pointed out that the department has already extended the elimination date for three months, from Sept. 1 to Dec. 1 -- "We weren't ready," he said -- and Steinberg stopped him to ask, "And is it possible you won't be ready Dec. 1, either?"

"Right now our transition plan is a very comprehensive plan," Douglas said. "I'm continuing to reassess, we'll assess as we go along. If it's needed, those decisions [to delay again] could be made, but right now we feel we're on a path to do this right."

Douglas added that, to answer the second part of Steinberg's question, the most important metric to watch is making sure the rate of institutionalization of ADHC patients isn't changing. "If that's changing," Douglas said, "then we miss the mark."

When Douglas stopped short of saying he could guarantee that he would be entirely comfortable with the care everyone in the program will be receiving on Dec. 1, that hit a chord for Steinberg.

"Here's the rub," Steinberg said. "It's not enough to say this is hard. If it can't be done in a way that comfortably assures us that these people will be taken care of, then you can't shut it down Dec. 1. There has to be some comfort around it before we shut these centers -- it's not about the centers, it's about the people. You say there may not be that comfort, but I say there has to be."

Elaine Alquist (D-Santa Clara) raised a number of questions about controversy over the SCAN program, part of the ADHC transition. State Controller John Chiang wrote a letter to Douglas, asking him to hold off on using SCAN until officials could recover money SCAN owes the state. Douglas wrote back explaining why he felt he could still use SCAN services.

Questions about ADHC also came from committee member Kevin DeLeon (D-Los Angeles) and Tom Harman (R-Huntington Beach). Harman said "Some of the providers in my district say that they weren't involved or consulted in adoption of this transition plan," Harman said. "Is that true?"

"We did not receive constructive input from providers, and I understand why," Douglas said. Most of the feedback from the ADHC community, he said, had a common thread of resistance to it: "It was always, it doesn't matter what the department does, the transition plan isn't going to work," he said, "and we're committed to making it work."

The second half of the confirmation hearing was full of praise for the work Douglas has done -- from health care organizations and advocacy groups alike.

"Mr. Douglas is incredibly knowledgeable," Elizabeth Landsberg from the Western Center on Law and Poverty said. "And we have found him to be friendly and approachable."

"He shows tremendous courtesy and respect," Cindy Ehnes of the California Children's Hospital Association said. "I also wanted to talk about the difficulty of being a director at this particular time. Toby's leadership isn't just external, but internal as well."

Steinberg addressed the two halves of the hearing this way: "We sat up here asking some hard and tough questions, and that's our job," Steinberg said. "Mr. Douglas does not legislate, and he's not the governor. He's responsible for implementing policy."

"Thank God that Toby Douglas is willing to do this job," Steinberg said. "It's a hard job. I proudly support your nomination, and your public service."

Then Steinberg paused a moment and smiled. "Come back anytime," he said.