

**IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE
JANUARY 21, 2009
Minutes**

Attendees: Francisco Godoy, DeAnga Hills, Melissa Kinley, Antoinette Lopez-Coles, Kristen Lyall, Stormaliza Powmacwizalord, Bari Schlesinger, Michele Stuart and Cordia Wade

Absent: Koleen Biegacki

Staff & Guests: Joe Ambuhl (Guest), Denise Blockmon (Ms. Lyall's Caregiver), David Brown (IHSS Fraud Unit), Cari Carter (Interpreter), Justin Carter (Ms. Powmacwizalord's Caregiver), Marni Cotta-Warren (PA), Emma Ebeling (PA), Martha Garcia (Ms. Lopez-Coles' Caregiver), Teresita Godoy (Mr. Godoy's Caregiver), Mary Hashash (Guest), Pat Hebrand (Ms. Schlesinger's Caregiver), Guy Klopp (IHSS), Pat Leichty (PA), Jaime Lowe (Interpreter), Fay Mikiska (Guest), Mia Orr (Senate Office of Oversight and Outcomes), Rick Simonson (PA), and Dorothy Korber (Senate Office of Oversight and Outcomes)

I. Call to Order:

Chair Lyall called the meeting to order at 1:00 P.M. A quorum was present.

II. Introductions:

Ms. Lyall welcomed Ms. Schlesinger back to the Advisory Committee meetings. All committee members and guests introduced themselves.

III. Consent Calendar:

- A. Agenda – The agenda was reviewed and accepted as presented.
- B. Minutes – The December 17, 2008 minutes were reviewed and approved as presented. (Wade/Godoy)

- C. Chairs Report and Correspondence – Ms. Lyall received a letter from the IHSS Task Force which Ms. Blockmon read to the committee.

Ms. Parisena (former member) sent a Christmas card to the committee.

Ms. Lyall said the latest edition of the newsletter looked very good and the tribute to Francisco Ayala was very well written.

IV. Reports:

- A. DHHS Senior and Adult Services, Guy Klopp – Mr. Klopp said that Ms. Bettis was in Washington DC for the presidential inauguration.

Mr. Klopp reviewed the Governor's proposed budget cuts. According to the Governor's proposal, approximately 100 social worker positions will be eliminated statewide. It is estimated that approximately 81,000 IHSS recipients could lose an average of 22.6 domestic and related care service hours each month, should those with a Functional Index ranking of less than four be eliminated. In addition, the Governor proposes to eliminate the Share of Cost Buyout for recipients with a functional rank of less than 4. The Governor's budget proposes to reduce the state's participation in IHSS provider wages and benefits to a combined \$8.60 per hour which includes \$.60 per hour for health benefits. A lot of programs, including IHSS, will be affected.

A question was asked regarding how a recipient would know if they were a 4 or above. Mr. Klopp provided the following information: Functional Index Rank 1 – Able to perform functions without human assistance; Rank 2 – Able to perform a function, but needs verbal assistance; Rank 3 – Able to perform a function with some human, physical assistance; Rank 4 – Able to perform a function with substantial human assistance; and Rank 5 – Cannot perform the function with or without human assistance. It was discussed that if people do not have a caregiver, they may have to go to an institution. Mr. Klopp said that the federal and state government would bear that cost, with the federal government picking up the largest amount. Mr. Klopp noted that the legislature rejected these same proposals the last time, but the fiscal crisis is greater now. The state is scheduled to be out of money by April, 2009.

Mr. Klopp said that the State of California is providing \$7.3 million statewide to manage the new provider enrollment forms. He said it appears that the state has suspended the COLA for Medi-Cal and SSI/SSP and funding for CAPI (services to blind, aged and disabled immigrants).

- B. SEIU-UHW – Representatives from the union were not present. It was noted that there is a rally opposing the proposed budget cuts to IHSS on Saturday, January 24, 2009. Everyone is invited to attend. Ms. Lyall said people like Ms. Kinley and Ms. Stuart who only receive IHSS income are closer to the problem and she does not understand why every year they are the first on the list to have cuts to services.
- C. Public Authority, Rick Simonson – Mr. Simonson said that Ms. Lynch sends her regrets but she was attending a CAPA meeting. The Public Authority is funded by realignment revenue that comes into the County. Funding this year is less than projected, therefore the IHSS Public Authority must cut \$55,000 from its current year's budget. This will be done by eliminating the position previously held by Francisco Ayala and an unfilled half-time social worker position. The Public Authority is looking to increase the number of volunteers. Currently there are two CSUS Bachelor Degree intern social workers, two CSUS Master Degree intern social workers, a computer person is volunteering 4 hours a week and a Rosemont High School student is scheduled to begin volunteer service.

The Public Authority's 2008 Annual Report will be completed in the next few weeks.

Mr. Simonson said that on January 6, 2009, Ms. Lynch and he hosted an orientation meeting for the four new Advisory Committee members (Koleen Biegacki, DeAnga Hills, Antoinette Lopez-Coles and Cordia Wade).

SEIU-UHW received a letter from SEIU International on January 9, 2009 advising that International is consolidating the membership statewide over the next 30 days. SEIU-UHW is against this consolidation. Ms. Wade asked how the battle between UHW and International affects IHSS and the Public Authority. Mr. Simonson said there is sometimes confusion among IHSS caregivers as to what entity is sending information and/or making phone calls. He said that

the entity with which the IHSS Public Authority negotiates wages and benefits could change. Negotiations for a new contract would typically begin this summer as the current contract expires on November 30, 2009.

V. Follow-up discussion of January 8, 2009 Special Meeting – The January 8, 2009 Special Meeting was discussed and the Advisory Committee needs to elect a Task Force representative. Several committee members expressed an interest in participation. An election was held and Ms. Stuart received the majority of votes. It was suggested that the others who expressed interest might be appropriate for participation in the two IHSS caregiver and two IHSS consumer positions on the task force. The first meeting is scheduled for February 19, 2009 from 1:30 to 3:30 and it is expected meetings will continue monthly for a year. Contact information to express interest is: Ros Gardner @ (916) 874-9245. People who are interested in volunteering on the task force need to contact Ms. Gardner.

VI. Fraud Presentation, David Brown, IHSS Fraud Unit – Mr. Klopp introduced Mr. Brown who was recently promoted to Lieutenant from a Fraud Investigator. Mr. Brown supervises three fraud investigators and one fraud assistant. The Fraud Unit was started in 2000 as a pilot program. Mr. Brown said his unit investigates numerous referrals such as check splitting between caregivers and consumers, neglect, adequate care not being provided, hours billed and not actually worked, clients who passed away and caregivers continue to bill for hours, client or caregiver who have gone to prison and continue to bill for hours, stolen checks, too many hours worked, providers who gave false identification information and numerous other referrals. A vast majority are non-Registry providers.

In July 2008, IHSS received 44 referrals with 29 accepted, in August 55 were received with 44 accepted, in September 73 were received with 61 accepted, in October 41 were received with 12 accepted, in November 49 were received with 31 accepted and in December 39 were received with 21 accepted. In that six month period, 301 referrals were received and 198 warranted further investigation. Twenty-one cases were submitted to the District Attorney for potential prosecution. Some cases that have overpayments are sent to the County's Department of Revenue Recovery.

The three investigators usually work 6-7 cases at a time. The investigators work closely with the social workers and if the social workers believe they are going into a situation where they are uncomfortable or unsafe, one of the

investigators can accompany them. Mr. Brown said they appreciate the referrals that are received from the Public Authority.

Mr. Klopp said his unit also has two social workers assigned to the Fraud Unit and they investigate overpayment situations. The social workers also perform home visits and prepare reports to let the fraud investigators know what they found.

There are additional funds allocated to the DA to prosecute IHSS Fraud. If the fraud is below the DA office's prosecutorial threshold, the substantiated claims will go to revenue recovery. In the last six months, only one referral has been rejected by the DA's office. The DA is currently considering starting a Deferred Judgment/Diversion Program for those cases beneath the prosecution threshold. For those cases, an offender would sign an admission, attend classes, and repay the money within 6 months to a year; then all charges will be dropped. Anything over \$400 is considered grand theft.

Mr. Klopp was asked to provide examples of cases that after investigation, fraud could not be determined. A classic example is a former caregiver and recipient split checks. Neither is likely to admit wrongdoing and it is very hard to prove. Sometimes caregivers make food and take it to a client who is in the hospital and bill for food preparation. While this is technically fraud, it often arises from a misunderstanding of the regulations.

Social workers understand what constitutes fraud and a follow-up will be done as necessary. The results are not just for prosecution but it stops future fraud.

Mr. Godoy asked if he could get something in writing about the growth of referrals as well as what type of cases are being looked into. Mr. Klopp said there are guidelines that are mailed to all new providers but staying within the program's rules is always best. Mr. Klopp and Mr. Brown are available to answer questions.

VII. Committee Matters:

- A. CICA – Ms. Stuart said there was a teleconference call the morning of January 21, 2009. The new administration in Washington said the State of California is the most in need of assistance. People can go to transitionteam.org or log onto barackobama.com for additional information.

DHHS is thinking about changing the notice of action form for tasks that are approved. The IHSS Coalition sent a letter objecting and CICA's Randy Schrote said the subject needs to be put on the CICA agenda. It was requested that Ms. Bettis attend the next meeting and explain the new forms.

B. Education – The January 8, 2009 meeting was cancelled due to the IHSS Task Force Presentation.

C. Quality Assurance – The January 8, 2009 meeting was cancelled due to the IHSS Task Force presentation.

VIII. New Business:

A. Members for IHSS Task Force participants – Task Force participation previously discussed in Section V above.

IX. Old Business:

None

X. Public Comment:

None

XI. Adjournment – The meeting was adjourned by Chair Lyall at 3:10 PM.