

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # B-14

Urgent

Routine

AGENDA DATE October 5, 2010

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Accept a Report on the In-Home Supportive Services (IHSS) Program

STAFF RECOMMENDATIONS:

Accept a report on the In-Home Supportive Services (IHSS) Program.

FISCAL IMPACT:

There is no direct fiscal impact associated with acceptance of this report on the In-Home Supportive Services (IHSS) program. The IHSS program ended Fiscal Year 2009-2010 with \$58.3 million in expenditures. The program was funded with \$56.0 million in non-General Fund revenues (Federal and State revenues), and \$2.3 million in County General Fund dollars (local revenues).

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-632

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

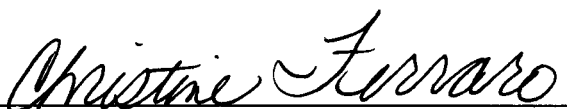
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

The IHSS program is currently budgeted at \$46.4 million as approved by the Board of Supervisors with the Fiscal Year 2010-2011 Final Budget. The current budget assumes \$44.4 million in program funding from non-General Fund resources (Federal and State revenues), and an additional \$2.0 million in County General Fund dollars (local revenues). This reduced budget level was necessary due to a lack of General Fund resources available to draw down all available Federal and State revenues. This level of funding is not sufficient to fund the program to the end of the current fiscal year at the existing wage level paid to IHSS Providers. Maintaining the current wage level will require an estimated increase of \$13.5 million in budget appropriations to provide all mandated services projected in Fiscal Year 2010-2011. This increase will require an additional \$1.3 million in County General Fund support in the current fiscal year and \$12.2 million in additional Federal and State contributions.

DISCUSSION:

Background

There have been questions about the IHSS program over the past two months, including much public comment at Board of Supervisors meetings which on occasion has included misinformation related to program operations and financing. As a result, in order to provide correct and relevant information and data, this report will provide key facts related to IHSS financing, service delivery and program integrity efforts.

Since the early development of the In-Home Supportive Services (IHSS) program in 1973, there has been recognition and support at the State and County level that there is value to the public to assist low income citizens to remain in their own homes as long as possible for their health and quality of life. The IHSS program has also been seen as a benefit to the overall cost to the State of long term care provision because it was designed to keep recipients out of nursing homes and board and care facilities thereby holding down the public cost of institutional care for the aged, blind and disabled residents of California.

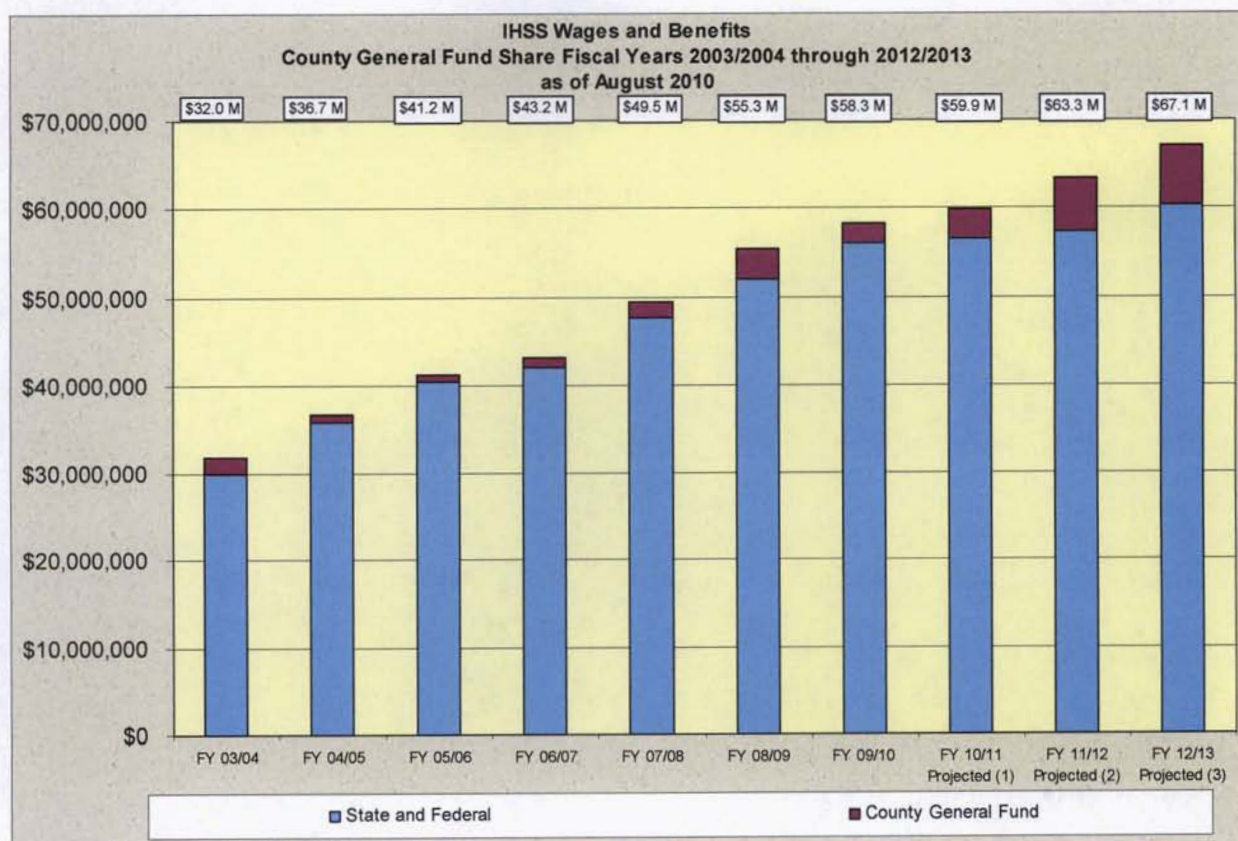
The IHSS program is a **State** designed and regulated program, which is administered at the **County** level. The IHSS program in Stanislaus County is part of the Community Services Agency within the Adult Services Division. The mission of this division is to provide protection to the elderly or disabled who are victims of abuse or neglect and to provide help in the home for elderly and disabled adults. These are mandated programs. In IHSS, an entitlement program, all recipients found eligible will receive services according to their assessed need. The IHSS Public Authority of Stanislaus County was established in 2004 and is responsible for establishing and maintaining a registry of trained providers who can be referred to recipients in need of care. The Board of Supervisors acting as the Public Authority is the bargaining entity for provider wages.

Fiscal Analysis and Projections

As described in the Final Budget for Fiscal Year 2010-2011, significant financial exposure exists for the IHSS program. The IHSS program continues to grow in size and cost, while local dollars available to provide the mandated county match for the program are shrinking.

As an entitlement program, the County does not have the discretion to change the program, or reduce services to eligible customers. Assuming consistent growth trends (averaging 5.8% per year for the last three years) and no change in IHSS Provider wage rates for the next two fiscal years, the County General Fund exposure will grow an additional \$3.9 million in Fiscal Year 2011-2012 and \$4.6 million in Fiscal Year 2012-2013. Approximately \$2.0 million of this exposure is related to the loss of supplemental Federal Medicaid Assistance Percentage (FMAP) funding provided to the County through the American Reinvestment and Recovery Act which is scheduled to expire on July 1, 2011.

The following chart illustrates the local share of cost actuals through 2009-2010 and as projected through 2010-2011 to 2012-2013.



Comments provided by the public in recent Board meetings have stated that the County does not have any General Fund obligation to the IHSS program, and that all County funding is fully reimbursed by Federal or State contributions. This information is not supported in any way by the legal requirements for the program and the County's financial statements, which clearly demonstrate an ongoing and increasing County General Fund obligation to the IHSS program.

With the State Budget still unresolved, it is difficult to predict if there will be future changes to the IHSS program statewide that will impact services to IHSS Recipients or reduced support for IHSS Provider wages and benefits. Federal/State Budget activity significantly affects the IHSS program along with multiple legal challenges to cost-cutting proposals that have been raised by the State. The County will continue to monitor funding changes to the IHSS program and report back to the Board periodically with updates and strategies for balancing this General Fund exposure.

History of the In-Home Supportive Services Program in Stanislaus County

- 1950's – The March of Dimes provided limited private funding for in-home care in California
- 1960's – State funding for in-home care began through a County Attendant Care program
- 1973 – State establishes the Homemaker Program that later becomes IHSS
- 1991 – State Little Hoover Commission report cites problems with IHSS (wages, turnover, lack of training, etc)
- 1992 – State allows establishment of the Public Authority option (SB 482)
- 1999 – State legislation mandates all Counties to establish an employer of record (AB 1682), this action establishes a process for IHSS Providers to form a union to negotiate wages and benefits with local counties
- 2003 – IHSS Providers form union recognizing United Domestic Workers (UDW) as the exclusive representatives for IHSS providers in Stanislaus County
- September 2004 – Approval of first labor agreement between UDW and the Stanislaus County Public Authority
- October 2004 – IHSS Provider wages rise from \$6.95 to \$7.50 per hour
- 2004 – State assumes responsibility from counties for conducting fraud investigations in the IHSS program
- January 2005 – IHSS Provider wages rise from \$7.50 to \$8.00 per hour
- May 2005 – Optional, non-mandated health benefits offered at 60 cents per hr.
- December 2005 – IHSS Provider wages rise from \$8.00 to \$8.25 per hour w/ 60 cents for benefits
- September 2006 – First labor agreement expires

Accept a Report on the In-Home Supportive Services (IHSS) Program

Page 5

- July 2007 – Second labor agreement approved
- October 2007 – IHSS Provider wages rise from \$8.25 to \$8.84 per hour with 60 cents for benefits
- October 2008 – IHSS Provider wages rise from \$8.84 to \$9.11 per hour with 60 cents for benefits
- October 2009 – IHSS Provider wages rise from \$9.11 to \$ 9.38 per hour with 60 cents for benefits
- September 2009 – State of California Budget allocates funding and authority for IHSS Fraud Investigation to return to the local level at county request
- November 2009 – CDSS approves Stanislaus County IHSS Program Integrity/Fraud Prevention Program
- January 2010 – IHSS Fraud Integrity Program begins for FY 2010-2011
- August 2010 – IHSS Fraud Integrity Program approved by Board of Supervisors for FY 2011-2012

Labor Agreement

The labor agreement between the Public Authority/County and the United Domestic Workers (UDW) representing IHSS Providers expired on September 30, 2010. The Public Authority/County and UDW are currently involved in ongoing labor negotiations for a successor agreement. IHSS Providers are currently paid \$9.38 per hour and the County continues support for optional health benefits at a maximum level of 60 cents per hour.

The Public Authority/County and the United Domestic Workers are obligated to meet and confer in good faith pursuant to Government Code Section 3500, which requires each party to conduct negotiations through an established process.

Program Eligibility

A recipient must be aged, blind or disabled and have an income at or below the Social Security Income (SSI)/State Supplemental Payment (SSP) grant level of approximately \$845 per month, with no more than \$2,000 in assets per person, or \$3,000 in assets per couple (vehicles and homes are excluded).

On average, about 6,200 residents in Stanislaus County are receiving IHSS services. Statewide the program serves 430,000 California residents. The majority of recipients are aged, over 65 years of age. On average there are approximately 4,500 IHSS Providers in our community and approximately 70% of the providers are related to their recipient. Since Fiscal Year 2003-2004 the program has seen steady growth; the most recent three year average growth rate is 5.8% per year.

IHSS Program Integrity Pilot

The County and the Community Services Agency (CSA) strongly value program and agency integrity. CSA staff maintain knowledge of all current regulations and laws, review consistency and accuracy in the application of agency rules, and actively monitor services provided to make sure they are being given according to the regulations and the law. This value of integrity is incorporated within procedures and protocols in all case management programs that CSA operates which includes the IHSS program. Program integrity begins with the Social Worker responsibility to assess need and eligibility for the program and is augmented by a dedicated Special Investigations Unit (SIU) comprised of staff trained to investigate all public assistance fraud, including IHSS fraud.

The Governor and the State Department of Health Care Services (DHCS) proposed a new collaborative approach to fraud investigations for IHSS during Fiscal Year 2009-2010 with the State Budget Act of 2009. New funding was established and counties were required to submit plans for State approval to access these new funds. On November 24, 2009 the Board of Supervisors approved the Community Services Agency Plan for Fraud Investigations and Program Integrity Efforts as a pilot program through June 30, 2010.

On December 28, 2009 the California Department of Social Services approved the Stanislaus County IHSS Fraud Plan as one of 45 counties operating enhanced fraud prevention and detection activities in IHSS.

State Authority for IHSS Fraud County Plans

AB 19, signed into law by the Governor on July 28, 2009, and added to Budget trailer bill abx 4 for state funding, in Sept. 2009 states:

.... SEC. 9. Section 12305.82 of the Welfare and Institutions Code is amended to read: 12305.82. (a) In addition to its existing authority under the Medi-Cal program, the State Department of Health Care Services shall have the authority to investigate fraud in the provision or receipt of in-home supportive services. Counties shall also have the authority to investigate fraud in the provision or receipt of in-home supportive services pursuant to the protocols developed in subdivision (b). The department, the State Department of Health Care Services, and counties, including county quality assurance staff, shall work together as appropriate to coordinate activities to detect and prevent fraud by in-home supportive services providers and recipients in accordance with federal and state laws and regulations, including applicable due process requirements, to take appropriate administrative action relating to suspected fraud in the provision or receipt of in-home supportive services, and to refer suspected criminal offenses to appropriate law enforcement agencies for prosecution...

The state MediCAL investigators from the California Department of Health Care Services, and the County DA or SIU Investigators involved in investigating IHSS fraud are both authorized and sanctioned by the State of California to pursue the investigation of fraud in the IHSS program. This authority had always rested with the local County Department from 1972 to 2004, when a decision was made at the State level to have

IHSS fraud investigated only by State Investigators. All other entitlement programs (Cash Aid, Food Stamps, Child Care, etc.) were left at the County level to investigate. In 2009, this decision was reversed, and a combination of State and County Investigation plans have replaced the state only approach.

Statewide County IHSS Fraud Plans

A review of State records finds that 45 counties do their own local IHSS investigations in collaboration with State Investigators, and 13 counties rely on the State Investigations alone. The 45 Local County IHSS Fraud Plans were approved in Fiscal Year 2009-2010. Individual County plans vary, but contain many similar and consistent practices followed within the Stanislaus County program, either on the Social Work Eligibility side, or as specific to the Investigations Unit processes.

Local Approach to Ensuring Program Integrity

Social Workers trained to provide services and support to IHSS recipients ensure integrity through home visits and the following efforts: random field and targeted desk reviews for quality assurance; responding to provider and recipient death match and State error rate reports; 100% case review by IHSS Social Worker supervisors; mandatory provider orientations; and fraud referrals to SIU by Social Workers who suspect fraud. CSA is operating an early fraud detection pilot program to identify, deter and prevent fraud in the early stages of the IHSS program. Fraud exists when a recipient or provider intentionally misrepresent facts in order to receive benefits or services he/she is not entitled to receive.

The Special Investigations Unit (SIU) works with IHSS caseworkers in the Adult Services division to provide training on how to detect and prevent fraud during the application process. When fraud is suspected, the Social Workers refer the case to SIU and an investigation is opened. The SIU includes sworn peace officers and non-sworn staff, all trained in investigations and IHSS program regulations. These staff conduct unannounced home visits in a professional and respectful manner and always ask permission to enter the recipient's home. The investigative methods used are consistent with all other public assistance fraud investigations procedures. The purpose of the investigation process is to ensure the integrity of the IHSS program and to protect program resources for eligible recipients.

Fraud Referrals and Findings

During the six-month period of January to June of 2010, the SIU compiled the following statistics:

- Investigations were opened on 478 cases, of which 187 have been completed. Of the 187 completed investigations, 142 were determined to have a fraud finding which represents 2.3% of the total 6,241 open cases in IHSS
- Types of fraudulent activities found during the investigations include:

- Complete ineligibility due to exaggerated need for tasks – such as being observed walking and climbing steps when requesting domestic tasks related to being wheelchair bound and unable to walk unassisted.
- Partial exaggeration of disabilities - for tasks observed to be within the recipients ability to do for themselves
- Misrepresentation of household composition
- Over property or over income

Of the 187 investigations completed, outcomes analysis reflects:

- 76% were incidence of fraud; of those, 82% included fraud by both the provider and the recipient.
- As a result, 49% of investigated cases were terminated from the program and 22% of the investigated cases received a reduced service level.
- The Agency is currently preparing the first two cases to refer to the District Attorney to evaluate for prosecution. Preliminary results in Fiscal year 2010-2011 are consistent with the above data and will be reported to the Board after the close of the fiscal year.

Hearings Results Support IHSS Social Work, Eligibility Determinations and Fraud Results

Any recipient who receives a negative action on their case which includes denial or reduction in services is eligible to file for a Fair Hearing. This Hearing process is administered by the State of California through an Administrative Law Judge review of the case and determination of the disputed action.

During Fiscal Year 2009-2010, the average monthly authorized IHSS caseload was 6,241 recipients who require at minimum one annual reassessment and case action. In addition, 2,370 new applications were received and as a result a minimum of 8,611 actions were taken related to IHSS cases in the prior fiscal year that could have been subject to a Fair Hearing at the request of the IHSS Recipient. Data from the program indicates only 102 of approximately 8,600 actions taken in the fiscal year generated a Hearing Request, representing approximately 0.12% of the total actions taken in adding or reducing assessed hours on a case, which is less than one-eighth of one percent.

These 102 total hearing requests were resolved as follows:

- 52, or 51% resolved and withdrawn prior to the hearing upon the IHSS Recipient reviewing the evidence that would be presented at the hearing
- 29, or 28% Hearing Judge upheld the County decision in full
- 11, or 11% Hearing Judge granted and denied in part - portion(s) of the County action is upheld
- 6, or 6% Hearing Judge granted to the claimant
- 4, or 4% are pending

Of the 6 cases granted to the claimant, 2 are linked to SIU investigations and were granted to the claimant not because the fraud finding was not adequate, but because of regulation technicalities that were at issue. Therefore less than 1/8th of one percent of all Stanislaus IHSS cases had negative actions taken that were overturned by an Administrative Law Judge on behalf of the recipient.

POLICY ISSUES:

Acceptance of the report on the In-Home Supportive Services Program supports the Board's priority of Efficient Delivery of Public Services by providing transparency in operations and information to assist the public in understanding this complex program.

STAFFING ISSUES:

There is no staffing impact associated with this report.

CONTACT PERSON:

Christine Applegate, CSA Director. Telephone: (209) 558-2500

✓
BOARD OF SUPERVISORS

2010 OCT -5 P 1:12

DEAR SIRS:

I thank you for listening
all the way through this
IHSS meeting — you have
A LARGE JOB IN MAKING
YOUR DECISION.

I'm A RECIPIENT
SINCE 2004. I'LL BE 72 12/5/10
I APPRECIATE ALL YOU DO.
Virginia C. Norris

POWERPOINT PRESENTATION

Stanislaus County

In Home Supportive Services

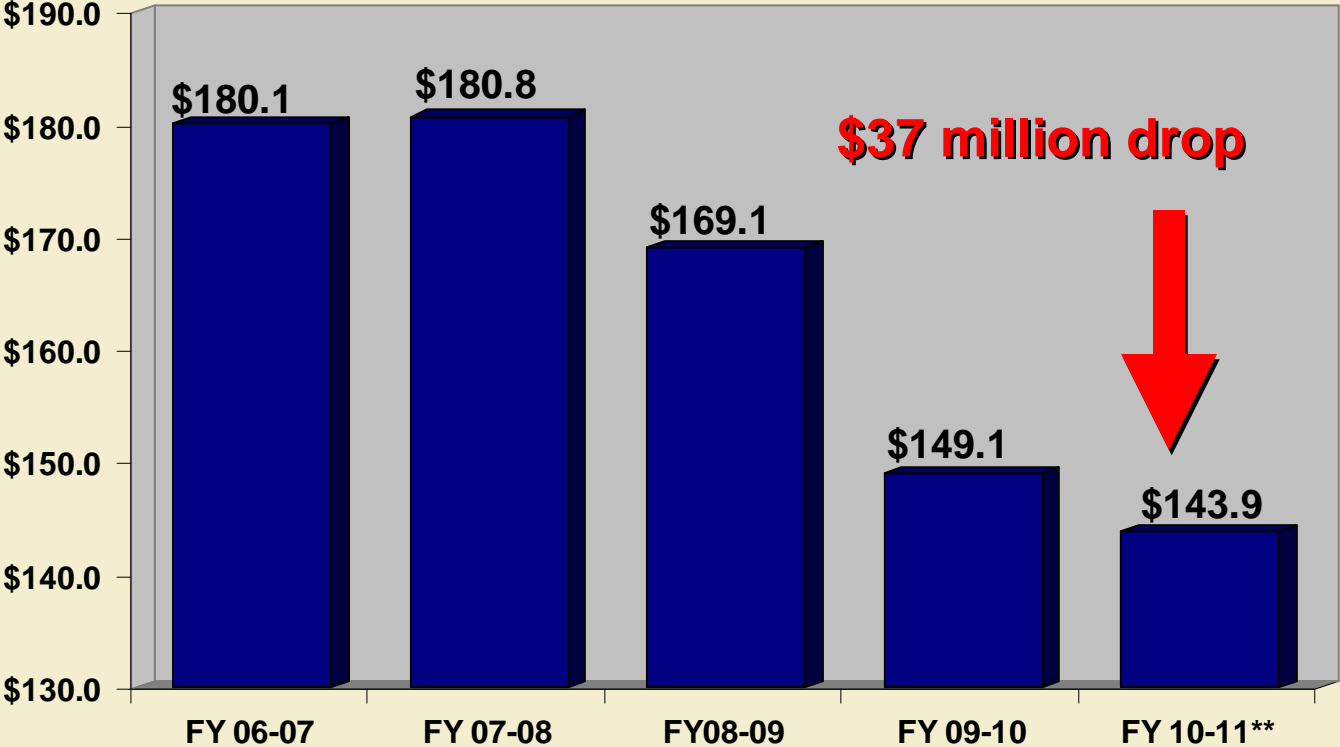
October 5, 2010



Discretionary Revenue

(Year-End Actuals)

Millions



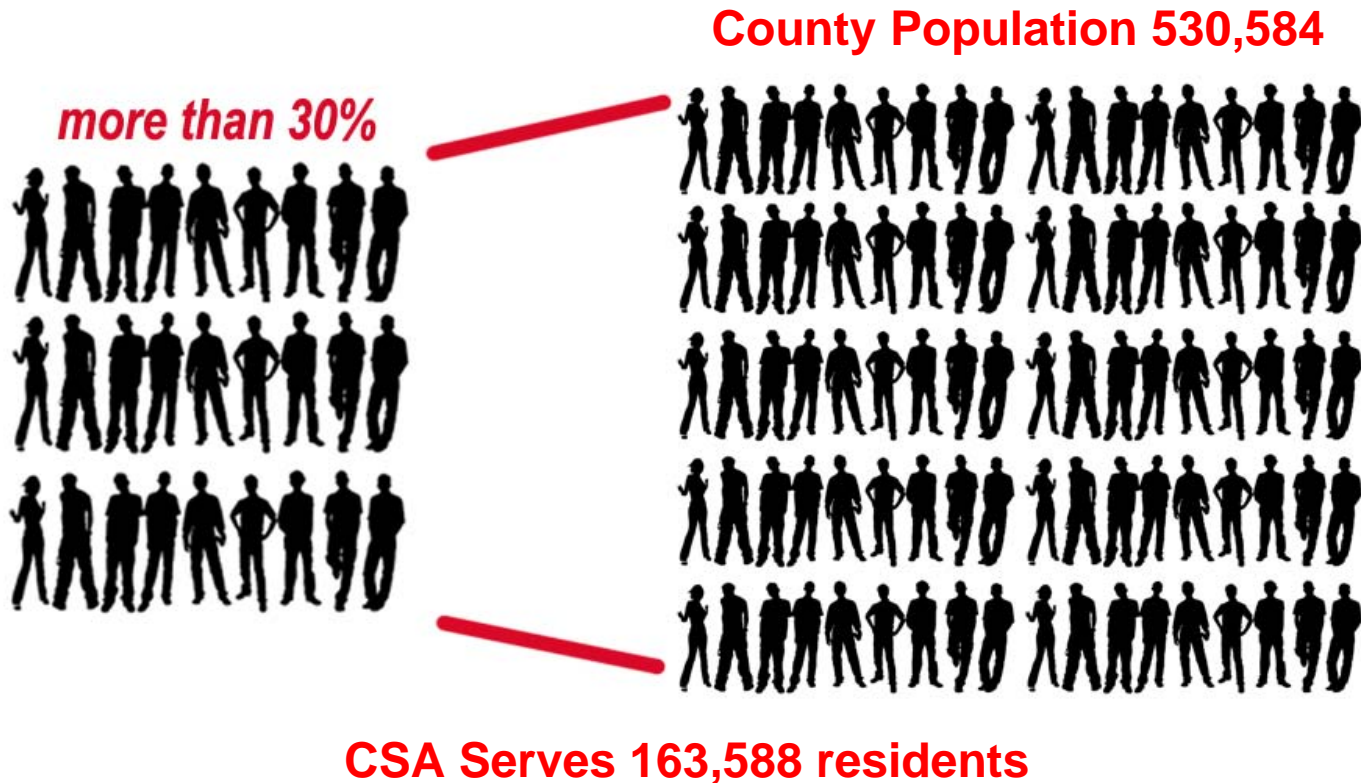
Property Tax, Sales Tax and other miscellaneous revenues

Discretionary Revenue is used for services such as...

Veterans and Seniors, severely emotionally disturbed children, public guardian program, uninsured patients, mental health services, alcohol and drug treatment, HIV programs, tuberculosis and other disease clinics, temporary assistance to needy families, food stamp outreach, adult protective services, child protective services, adoption assistance, foster care for youth and public safety programs.

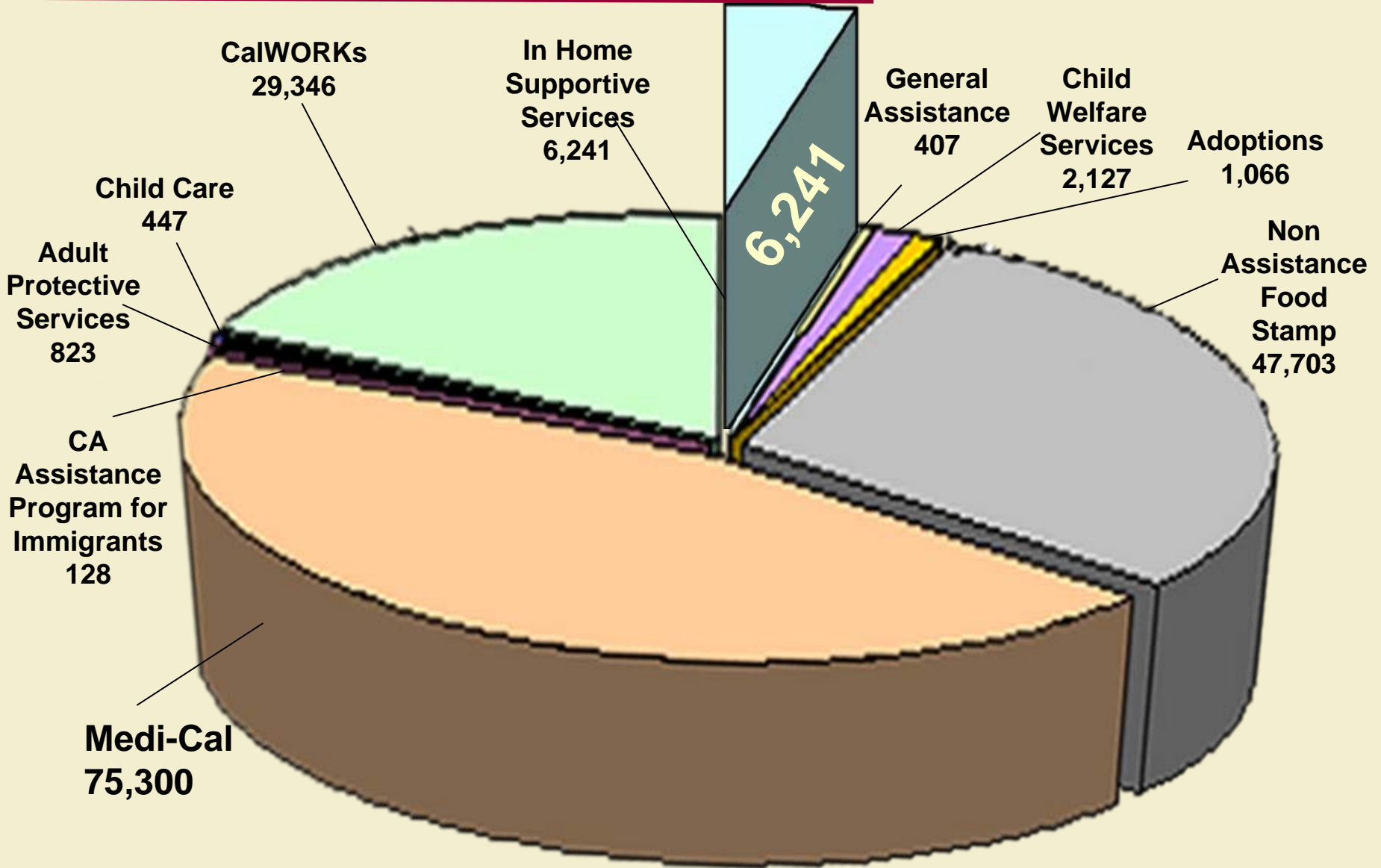


1 in 3 County Residents receive Services from Community Services Agency



CalWorks, Adult Protective Services, Child Welfare Services, Adoptions, Medi-Cal, General Assistance, IHSS, Food Stamps and Child Care

Total People Served = 163,588



IHSS Program

Mission

“To provide services to aged, blind, disabled persons who are unable to perform services themselves to remain safely in their home.”

Who we Serve?

How we Serve?

Why we Serve?



IHSS Program

History

1973 – State established Homemaker Program at minimum wage

1999 – State mandates counties establish an employer of record for the purpose of collective bargaining

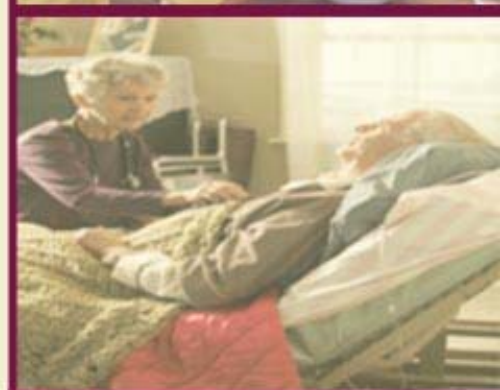
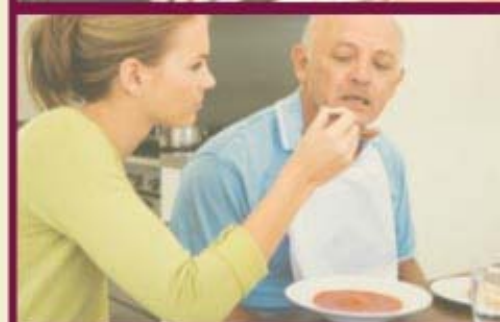
2004 –

September first labor agreement approved

October– Wage increase from \$6.95 to \$7.50

December – Public Authority Established

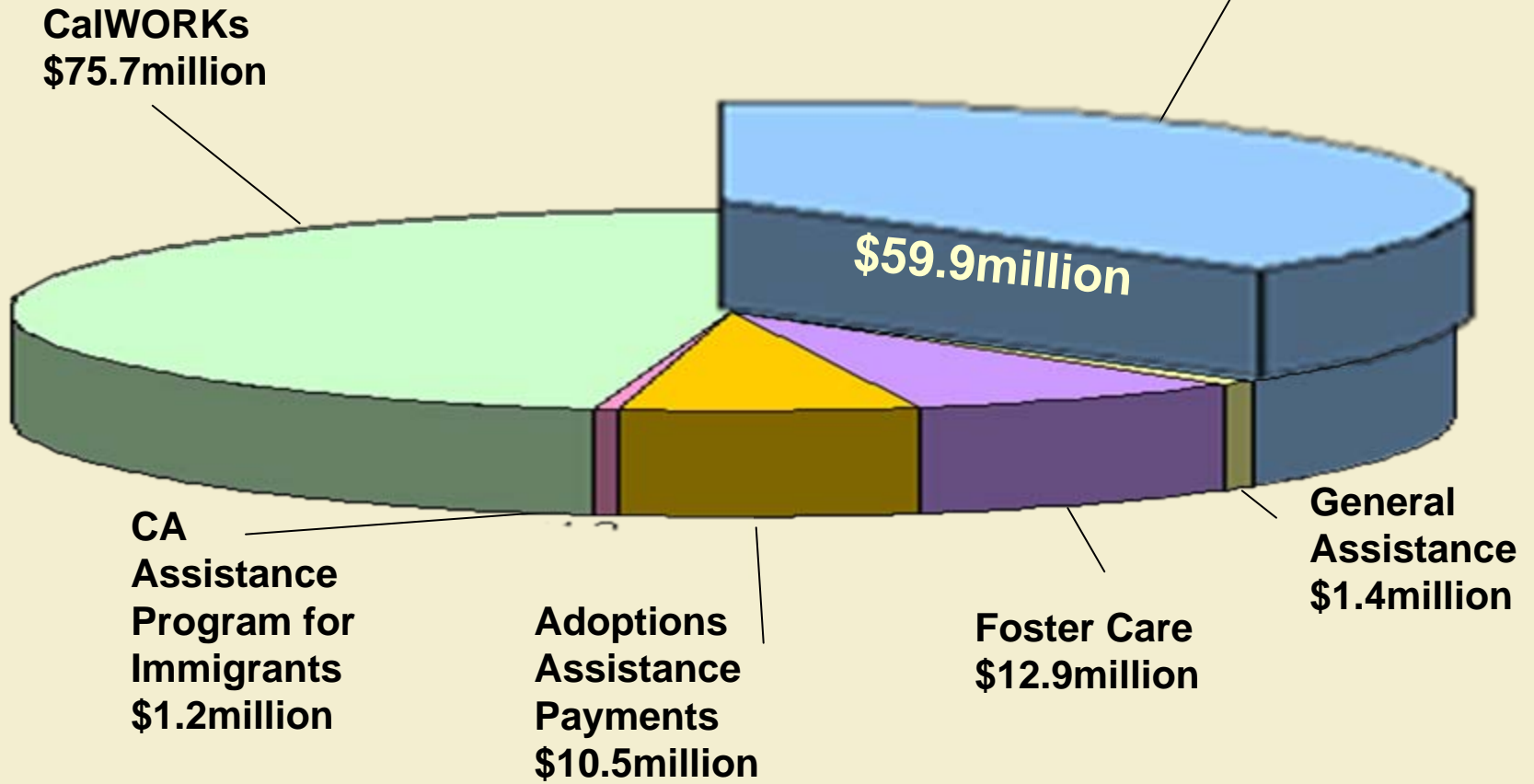
**Current wages: \$9.38 an hour effective
October 1, 2009**



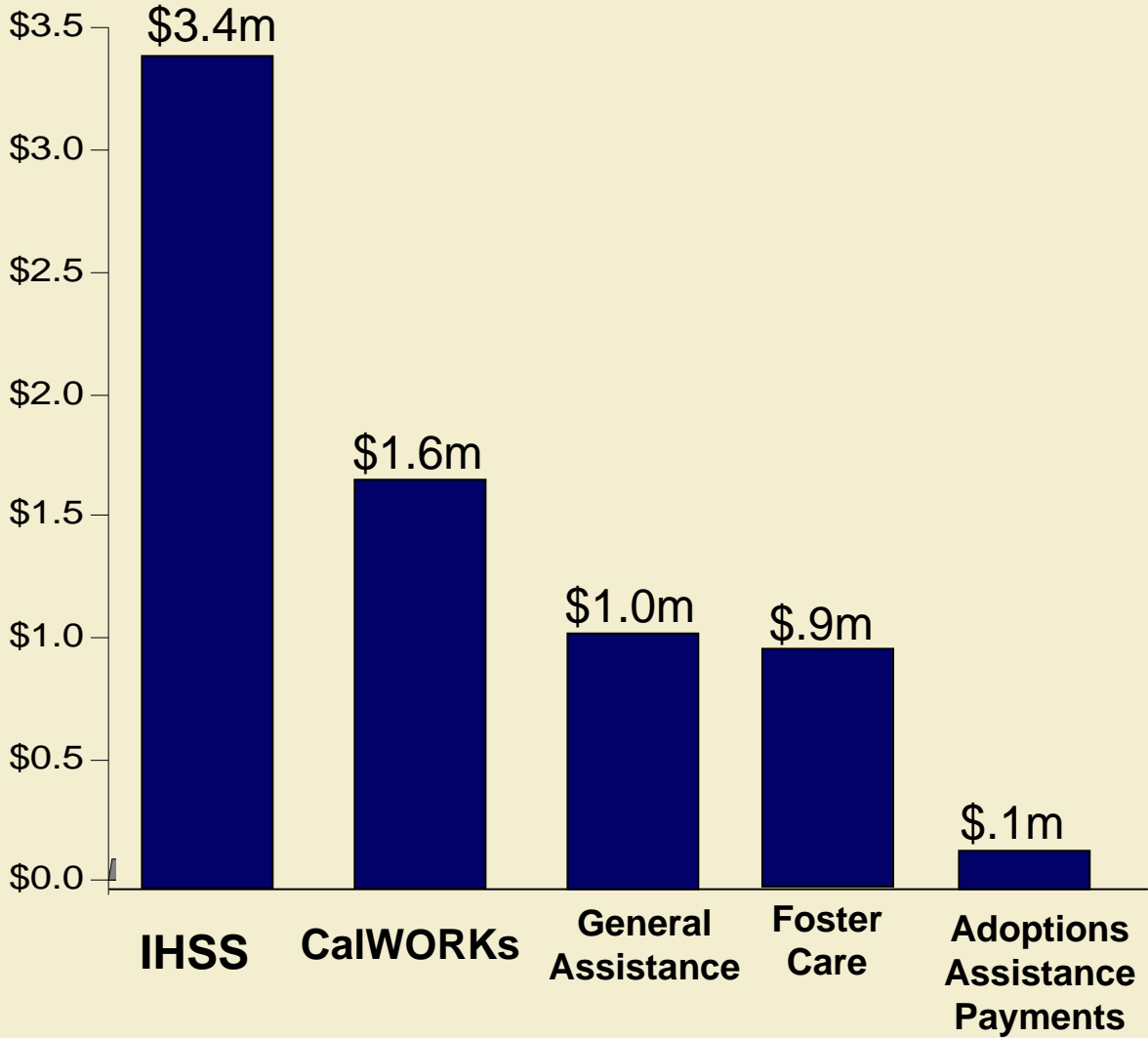
Total Program Costs-Public Assistance

Total \$161.6 million

In Home
Supportive
Services
\$59.9million

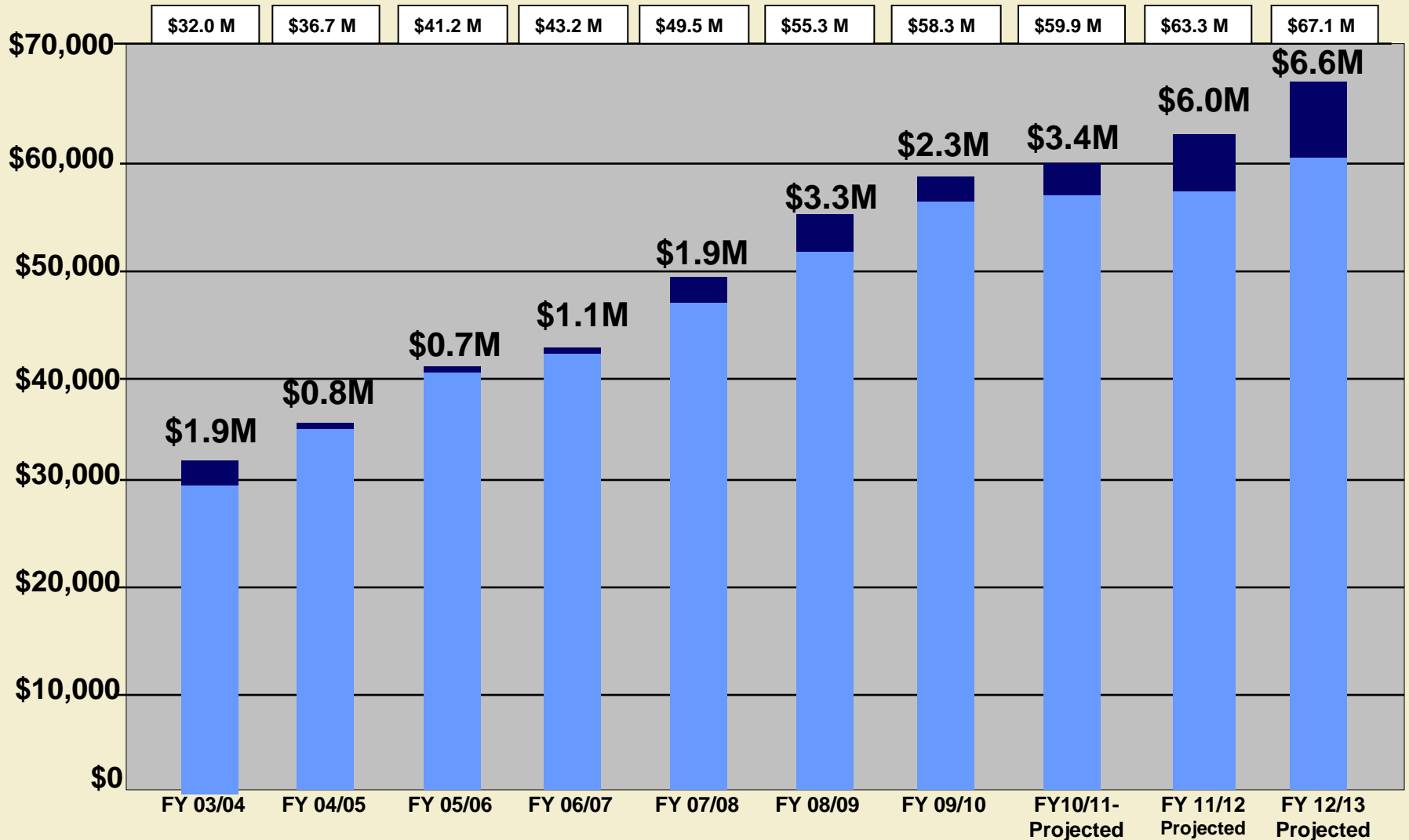


General Fund Cost- Public Assistance



Cost of IHSS Wages and Benefits

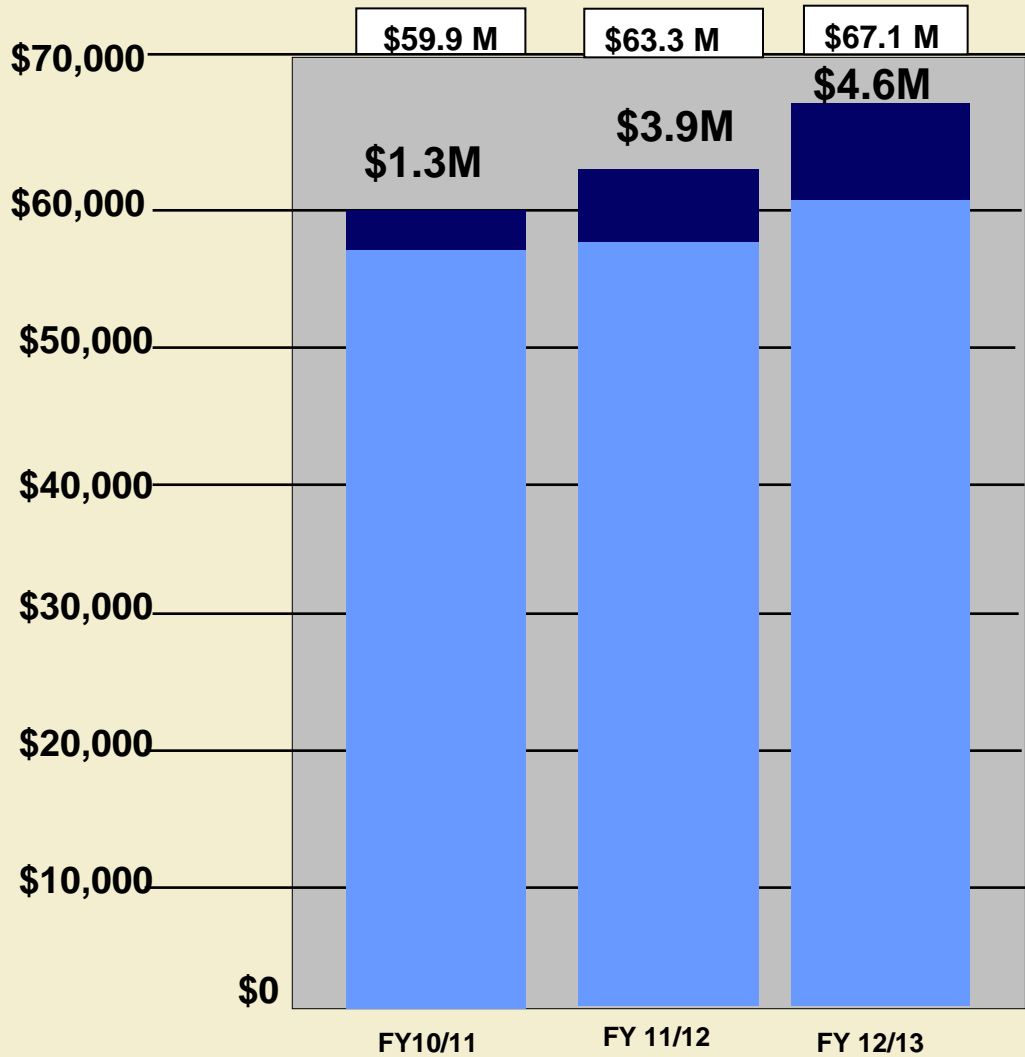
Fiscal Years 2003/2004 through 2012/2013 as of August 2010



Federal and State Funds
 County General Fund

IHSS Wages and Benefits

County General Fund Fiscal Years projected through 2010/11- 2012/13 as of August 2010 (\$9.38/hr)



Federal and State Funds
 County General Fund projected

IHSS Wages and Benefits

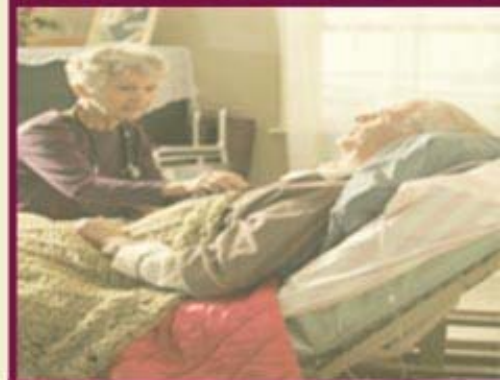
FY 10/11		FY 11/12
\$3.4 million	General Fund	\$6.0 million
\$2.0 million	FMAP	\$ 0
\$5.2 million	Realignment	\$5.2 million
\$49.3 million	Federal/State	\$52.1 million
\$59.9 million	Total	\$63.3 million

Program Integrity



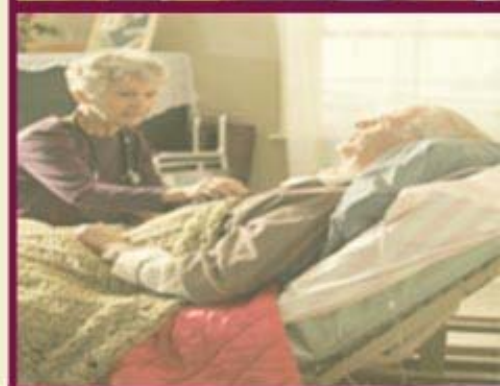
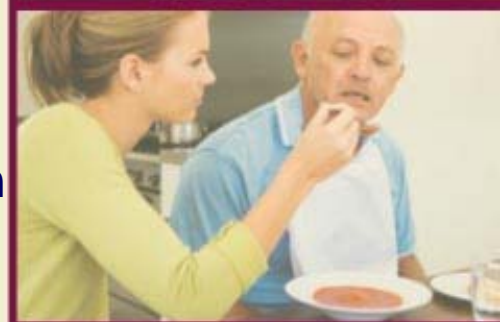
Approach to Ensuring Program Integrity

- ➔ Social Workers assess need and eligibility for IHSS
- ➔ Quality Assurance (QA) conducted by Social Work staff
- ➔ Investigation practices are consistent across all public assistance programs
- ➔ Investigation is designed to ensure integrity in the IHSS program so those who truly need the services receive them.



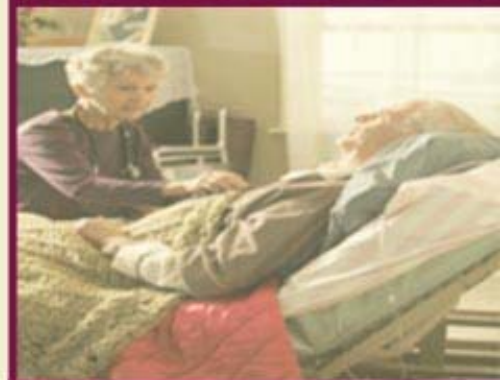
Approach to Ensuring Program Integrity

- ➔ Sworn staff are peace officers, unarmed and wear plain clothes
- ➔ SIU staff are trained in investigations and IHSS program
- ➔ SIU conducts unannounced home visits in a professional and respectful manner
- ➔ Staff ask permission to enter the home, and only enter if given permission



IHSS Fraud Regulation -

AB 19, signed into law by the Governor on July 28, 2009, and added to Budget Trailer Bill ABX 4 for state funding, in Sept. 2009 states:

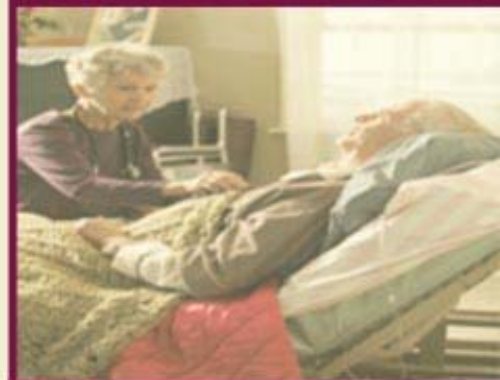


IHSS Fraud Regulation -

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Counties shall also have the authority to investigate fraud in the provision or receipt of in-home supportive services

pursuant to the protocols developed in subdivision (b). The department, the State Department of Health Care Services, and counties, including county quality assurance staff, shall work together as appropriate to coordinate activities to detect and prevent fraud by in-home supportive services providers and recipients in accordance with federal and state laws and regulations, including applicable due process requirements, to take appropriate administrative action relating to suspected fraud in the provision or receipt of in-home supportive services, and to refer suspected criminal offenses to appropriate law enforcement agencies for prosecution...



2009-10 State of California Budget Message

IHSS Anti-Fraud Reform

Targeting IHSS to the Neediest Consumers

Reduced funding for Public Authority Administrative Rates



Statewide IHSS Fraud Plans

- ➔ Funding for IHSS Anti-Fraud activities per State Budget Act of 2009
- ➔ County plans required to access funding to implement program integrity proposals
- ➔ Stanislaus County approved and submitted a proposed plan in November 2009
- ➔ 45 counties, including Stanislaus County, were approved for IHSS Anti-Fraud Funding based on the plans they submitted

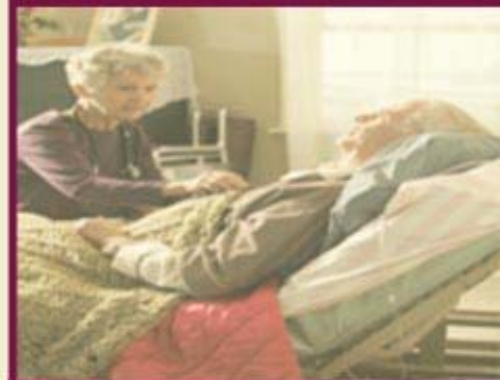


Statewide IHSS Fraud Plans

- ➔ Individual County plans vary; common practices include home visits, staffing assignments, and methods of investigations
- ➔ 18 counties, including Stanislaus County, conduct investigations at the Social Services department



Stanislaus County Fraud Investigation and Program Integrity Plan Approval



Correspondence No. 1
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Enclosure B

COUNTY RESPONSE CENTER AND
SUBMITTED WITH PLAIN

Stanislaus County Fraud Program
and will submit a

Board of Supervisor Approval
Approved on November 24, 2009 by the County Board of Supervisors
Name of Approver: Jim DeMartini

Signature 

✓ Name of County District Attorney Representative: Birgit Fladager
County District Attorney Representative Telephone #: 209-525-5550
Email Address: Birgit.Fladager@standa.org

✓ Name of County Welfare Department Representative: Christine C. Applegate
County Welfare Department Representative Telephone #: 209-558-2500
Email Address: Applegatec@stancounty.com



Caseload and Hearings from FY 09/10

- **Social Work case management activities**
 - 6,241 average authorized IHSS cases that require annual redeterminations
 - 2,370 applications are processed annually; 50% are denied at intake for not meeting eligibility requirements



Caseload and Hearings from FY 09/10

- **Fair Hearing Requests Filed - 102**
 - 52 were withdrawn prior to the hearing (51%)
 - 29 county's action was upheld (28%)
 - 11 granted in part to claimant and in part to county (11%)
 - 6 granted to the claimant (6%) of which 2 are linked to SIU investigations
 - 4 pending decisions (4%)



Issue/Response

Issue:

Funding of the Fraud Unit

Response:

The 2009 State Budget allocated funding for county IHSS Fraud programs and that is continued in this years' budget from what we understand. The full cost of this program is \$421,051 and the County share of that cost is \$64,256. This funding is **ONLY** for fraud investigation – it is not available to supplement case management or other program costs.



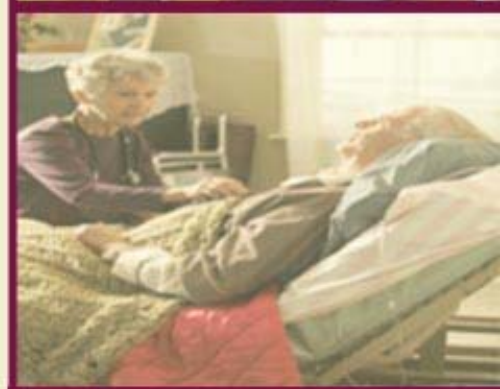
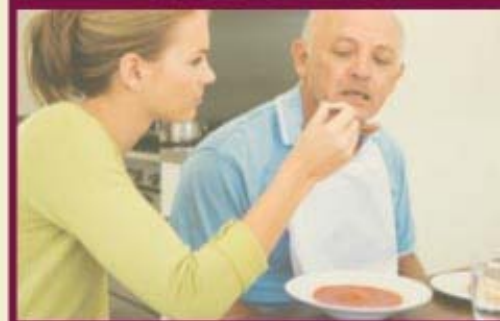
Issue/Response

Issue:

Impact of Wage Reduction on IHSS Recipients and Providers

Response:

If wages were lowered, there have been concerns that providers would end up on public assistance themselves. It is impossible to know if this is true. If wages are lowered, this does not affect the number of hours of service that recipients receive – they would still be eligible for the same number of hours as their assessed need.



Issue/Response

Issue:

Impact of Wage Reduction on IHSS Recipients and Providers

Response cont:

There are trained, ready providers on the IHSS Registry that are available for recipients should they need a new provider or emergency care. The registry has over 200 providers willing to provide in-home care and given the high unemployment in Stanislaus County it is anticipated that the demand for placement on the registry will remain high for years to come.



Issue/Response

Issue:

Why would the County lower the salaries of workers; don't these workers save the State and County money by performing these jobs in people's homes?

Response:

Statewide the IHSS program is less costly than nursing home care for all eligible recipients. The State does not fund the full cost of the IHSS program, but mandates program eligibility. Counties are responsible for both wage negotiations and funding the growing cost with dramatically diminishing local revenues. The State does not fully fund this mandated program cost.



Issue/Response

Issue:

Money paid to IHSS workers goes back into the County's economy so why reduce the salaries?

Response:

The IHSS program cost exposure is the fastest growing *Program* expense to the County General Fund. There are insufficient local revenues to support all programs.

Wage negotiations are delegated to the County Public Authority by the State. Wage reductions are being implemented in all sectors of employment. All county employees are experiencing wage reductions in Fiscal Year 10/11 through FY 11/12.



Issue/Response

Issue:

How are the Counties funding their IHSS programs?

Response:

Each County funds the IHSS Program through a combination of Federal, State and County revenue.



Issue/Response

Issue:

Will the providers lose their health care benefits?

Response:

The County is currently in labor negotiations with the IHSS Provider's Union the United Domestic Workers. While the subject of Health Care benefits is under the purview of labor negotiations, we want to point out that we have worked hard with the union over the past 5 years to improve health benefits for IHSS Providers.



Issue/Response

Issue:

Key Purpose of the Fraud Unit

Response:

To insure program integrity in all cash aid programs by investigating possible fraud by recipients or providers, and to refer any criminal fraud findings to the District Attorney for prosecution. This safeguards the available funding for those truly in need of help.



Issue/Response

Issue:

IHSS Social Worker role vs Investigator Role

Response:

Social Workers assess needs for recipients, and do reassessments to change service hours when needs change. **Social Workers** also make referrals to the Fraud Unit if information doesn't match up and there is a suspicion of fraud in a case. **Investigators** actually do the investigation – not an assessment or medical determination – a verification of the facts of the case to determine whether aid is correct, or fraudulent.



Issue/Response

Issue:

IHSS Social Worker role vs Investigator Role

Response cont:

The Social Worker role and Investigator role are unique and do not overlap. There is no duplication in effort – program integrity has three levels in the IHSS program with the initial Social Worker assessment and ongoing reassessment, with random Quality Assurance case reviews to check application of regulations and accuracy, and with referrals to IHSS Fraud Investigators for suspected recipient or provider fraud.



Issue/Response

Issue:

Fraud Investigator Training and Qualifications

Response:

Investigators are POST certified, (Peace Officers Standards & Training) taking ongoing Law Enforcement Training courses throughout their careers to maintain their certification, and also have training from IHSS Social Work staff on IHSS assessment, dealing with elderly and dependent adults, and on regulation for the IHSS program. Social Workers in IHSS and Fraud Investigators are cross trained so that they understand each other's roles and responsibilities. Fraud investigators do NOT make medical determinations in cases, they check facts by asking questions and observing.



Issue/Response

Issue:

Authority of Fraud Investigators

Response:

All Welfare Fraud Investigators **POST** certified, trained and sworn law enforcement agents. They are authorized to investigate fraud in all Welfare programs – CalWORKS, Food Stamps, General Assistance, Child Care and In Home Supportive Services. The authority for these investigations comes from the State of California, the Board of Supervisors and the CSA Director. There have been Welfare Fraud Investigators in all aid programs since their inception – for many decades.



Issue/Response

Issue:

IHSS Fraud Investigation State Guidelines

Response:

The State Department of Social Services was tasked by the Legislature to call together Stakeholders for the IHSS Fraud Program to develop consistent statewide guidelines for IHSS Fraud. They anticipate they will complete this within 1 – 2 years. However, County Welfare Fraud Plans for IHSS were already approved in 45 counties allowing counties to follow normal welfare fraud investigation procedures as they had before 2004 to investigate IHSS Fraud as well as fraud in other aid programs.



Issue/Response

Issue:

Safety of Welfare Fraud Investigators

Response:

The Investigators do cold calls on homes in some very dangerous neighborhoods. These are the same neighborhoods that the Sheriff and Police regularly go into with many backups to do drug sweeps, handle gang activity, etc. The Investigators wear bullet proof vests for their own protection. At this point, they are not armed, but that is at the discretion of the CSA Director. When Welfare Fraud is done by District Attorney Investigators, most of them are armed at all times. This is a decision, we regularly review in terms of officer safety first and foremost. The Investigators wear plain clothes and are both male and female. They carry a badge for identification to prove their authority for the investigation.



Issue/Response

Issue:

Fraud Investigation Procedures

Response:

The Investigators use standard state approved procedures on all welfare fraud investigations.

- They make home visits, identify themselves and why they are there, ask for permission to enter and only enter if granted permission.
- Once in a home, the investigators ask a series of questions to verify information provided by the recipient in the case. They match answers against what is in the file.



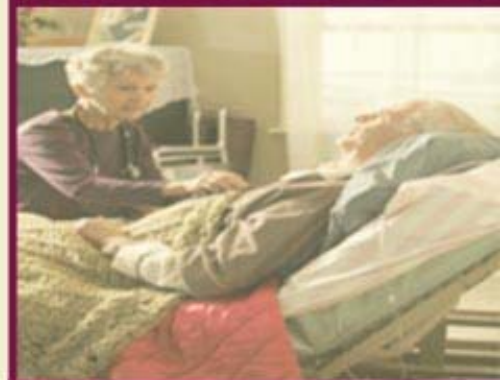
Issue/Response

Issue:

Fraud Investigation Procedures

Response cont:

- They ask direct questions about household composition, or who lives in the home, and related questions if a disability is involved, to verify accuracy of what's listed in the case.
- They also ask for proof of who's living there by having the household member show them belongings of the people living in the home.



Issue/Response

Issue:

Fraud Investigation Procedures

Response cont:

•If there is an IHSS assessment of hourly tasks needed, the investigators will verify if those are the tasks needed according to their disability – i.e. inability to cook, or to clean, or to dress unassisted. They are referring to the Social Worker's Hourly Task Guideline assessment – *verifying information, NOT making a medical assessment.*



Issue/Response

Issue:

Concern and Protection for the Recipient during Investigations

Response:

CSA staff provide Adult Protective Services, and the Social Workers and the Investigators are trained in how to recognize and deal with adult abuse and neglect. It is the role of the Community Services Agency to support and protect all elders, dependent adults and children when it comes to risk assessment, protection and safety for these vulnerable populations.

It is our policy to ensure there is no coercion, no threatening behavior and the Investigators act with professionalism and respect for all involved.



Issue/Response

Issue:

Fraud Investigation Effects on Recipients

Response:

The Investigators are trained in how to deal with elderly and dependent adult recipients. They do not coerce, frighten, or intimidate recipients or others. They ask direct questions until they can verify the information they need. Social Workers make the final determination for any changes in hours of service.



Issue/Response

Issue:

Treating Recipients and Providers as Criminals

Response:

Just like your bank, your insurance company and any retail establishment seek ways to prevent fraud and theft, so government has a responsibility to protect the taxpayer's money so that the truly needy can be served. The purpose of the fraud investigations is to investigate cases where there is conflicting information, or suspicion that fraud is occurring.



Issue/Response

Issue:

Treating Recipients and Providers as Criminals

Response cont:

If there is a misunderstanding, or confusion that caused the conflicting information, the staff handle this by sorting out the problem. However, if there was an intent to receive benefits for which the recipient was not eligible, then criminal fraud is found. This is a felony and is referred to the District Attorney's office.



Issue/Response

Issue:

Discrimination or Targeting Particular Groups

Response:

The County is governed by all federal and state laws prohibiting discrimination in any government program. There is regular training for all staff on Civil Rights, discrimination, and diversity to understand different cultures better.



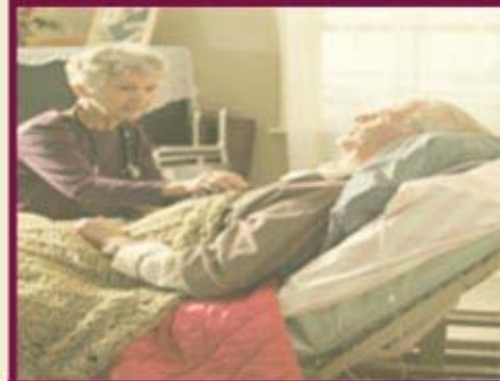
Issue/Response

Issue:

Discrimination or Targeting Particular Groups

Response cont:

There is no targeting of particular groups – referrals are investigated when fraud is suspected based on the facts of the case and whether there is conflicting, missing or mismatched information. If certain cultural groups have had cases investigated, that probably means that they represent a significant percentage of the caseload and would have some cases pulled on any random draw.



Issue/Response

Issue:

Recipient Hours Being Cut

Response:

Recipient hours are based on need for services as assessed by the Social Worker through the Hourly Task Guideline. Whether the hours increase or decrease is determined by a trained Social Worker. Recipients always have the right to appeal a decision to an Administrative Law Judge through a Hearing Process.



Issue/Response

Issue:

Where are complaints for IHSS Fraud filed

Response:

Complaints against specific Welfare Fraud Investigators can be filed on a form used for all Peace Officer complaints by calling the Chief of the Special Investigations Unit – to date, there have been none filed. Complaints against the program in general can be filed with the CSA Director – to date, none have been filed.

Questions may be directed to (209) 558-2500.



Issue/Response

Issue:

IHSS Fraud Statistics are Inflated

Response:

The only statistics available are for the first 6 month pilot period. Fraud referrals come from Social Workers or the public.

Additionally, cases are randomly selected for review. In the initial 6 month period 187 cases investigations were completed. 142 of the 187 cases were found to have fraud.



Issue/Response

Issue: IHSS Fraud Hearings

Response:

Only a handful of cases have been appealed by recipients in the Hearing process for disagreeing with the county action. Of those appealed most were withdrawn, dismissed or found in favor of the County due to the evidence provided in the hearing. The investigation evidence is used by the Social Worker in determining the action to be taken.



Issue/Response

Issue:

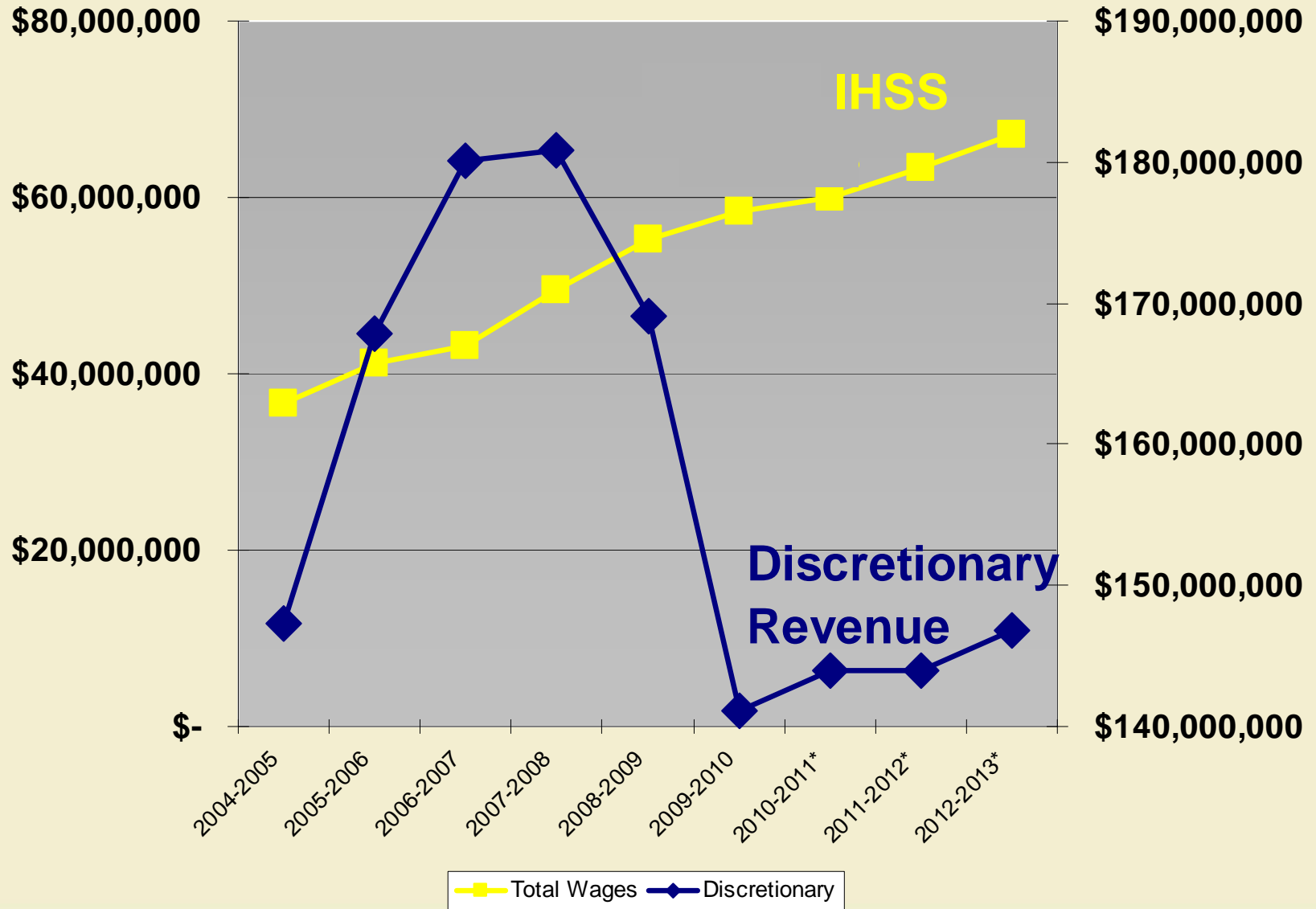
Will the IHSS program continue?

Response:

IHSS has been in place for several decades and barring State or Federal changes to the program, it will remain in place for years to come to serve those who truly need the services. The IHSS program is a valued safety net program to the community we serve.



Comparison of Discretionary Revenue & IHSS Costs



Stanislaus County

In Home Supportive Services

October 5, 2010

