



California's protection and advocacy system

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#5: Fact Sheet on California's Budget Cuts to Benefits Programs – August 13, 2009

In-Home Supportive Services (IHSS): Fingerprinting and Anti-Fraud Activities

The In-Home Supportive Services (IHSS) Program provides services¹ to persons who are over age 65, blind, or have a disability to enable them to remain safely in their home.²

How Has the Law Changed?

Effective on various dates in 2010 and 2011, counties will be required to take certain actions that are intended to prevent fraud and ensure that only eligible IHSS recipients receive services, and only those services to which they are entitled. These changes take the form of additional notices to providers, fingerprinting and criminal background check requirements, and home visits.

¹ IHSS services include non-medical personal care services, paramedical services, domestic services, related services, transportation services, protective supervision, heavy cleaning services, yard hazard clean-up, and teaching and demonstration. See <http://www.disabilityrightsca.org/pubs/547001Index.htm> for a more detailed description of the services.

² Welfare and Institutions Code §12300

Notice to providers

Providers of IHSS services will receive a list specifying the approved duties to be performed for each IHSS recipient under the provider's "care" and a complete list of supportive service tasks available under the IHSS program. This requirement will be implemented no later than December 1, 2011.

Fingerprinting and criminal background checks for providers

All providers will be required to go through a criminal background check process, including fingerprinting.

Timesheet fingerprints

Beginning April 1, 2010, fingerprints will be obtained from all IHSS applicants and recipients by the county at the time of the initial assessment or reassessment. An individual who is a minor or who is physically unable to provide fingerprints due to amputation or other physical limitations is exempt from any requirement to provide fingerprints. Beginning July 1, 2011, both the provider and recipient will be required to place an index fingerprint on each timesheet submitted to the county.

Additional timesheet changes

The new law establishes a civil penalty for time-sheet fraud. It also requires providers to sign an acknowledgement of eligible recipient services. Finally, it requires in-person verification of provider employment documents by a county worker.

Unannounced Visits

County social workers will be required to conduct unannounced home visits for certain high-risk IHSS cases.

Enhanced Fraud Detection and Prevention Changes

The new law provides an additional \$10 million for local anti-fraud investigations and activities. It provides additional positions at the California Department of Social Services and the California Department of

Health Care Services for anti-fraud activities. The new law also requires counties to train staff in additional fraud-prevention efforts. It also requires the county to issue targeted mailings in certain circumstances. Providers will be limited in their ability to receive a check at a post office (P.O.) box.

What Should I Do?

If you believe that these changes in the law are being applied incorrectly to you, or if you believe that they have been applied in a discriminatory manner, then you can file for a fair hearing by following the instructions on the back of your notice of action. You can also file a discrimination complaint (see instructions at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/pub13ada.pdf>).

Did Disability Rights California Oppose These Changes?

Yes, Disability Rights California opposed these changes. They were passed over our objections, and the objection of many other advocates.

We opposed these changes for the following reasons:

- These changes are unfair to IHSS recipients and providers. They add additional burdens to recipients and providers without providing any significant benefit to the state. The new procedures are expensive and time consuming and will therefore make it more difficult than ever for IHSS recipients to find qualified providers.
- Reports of IHSS fraud have been greatly exaggerated, so the changes that will be implemented, in addition to being an administrative burden for the counties, are not based on sound reasoning.
- These changes will be expensive and difficult to implement in a time when California is cutting needed safety net programs.
- The changes will not result in any cost-savings, except by imposing bureaucratic burdens that force people who qualify for IHSS to stop getting the services they need.