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What In-Home Supportive Services Recipients Should Know About Unannounced Home Visits

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Home visits have always been part of the assessment or reassessment process for IHSS services. IHSS social workers do these home visits. In 2009, California law was amended requiring the California Department of Social Services (CDSS) to establish a stakeholder group to develop protocols for state and county roles and responsibilities for implementing integrity and fraud prevention measures in the IHSS program. The stakeholder group developed the Uniform Statewide Protocols for Program Integrity Activities in the IHSS Program (Protocols). One of the measures addressed in the Protocols is the program integrity unannounced home visits (UHV). This publication discusses UHVs.

UHVs are different from counties' unscheduled visits for non-UHV reasons such as: needs assessment, reassessment, or safety and welfare checks.¹ Unscheduled visits for those purposes do not need to adhere to the program integrity UHV rules summarized in this publication.² Check with your county about its unscheduled visits procedures.

UHVs are also different from home visits that the county does as part of its quality assurance program. "QA home visits" are conducted by county

¹ All County Letter 13-83, p.3. - ([Return To Main Document](#))

² *Id.* - ([Return to Main Document](#))

quality assurance staff, not the case worker or his/her supervisor.³ For more information about the differences between quality assurance and UHV activities, see All County Letter No. 10-39.

1. Can county welfare department officials come to my home unannounced?

Yes.⁴

2. When can county welfare department officials come to my home?

Program integrity UHV staff cannot do random visits.⁵ In other words, there needs to be some “articulable program integrity concern”⁶ such as suspected fraud. CDSS will generate lists of recipients who meet UHV criteria, and distribute those lists to the program integrity county contacts.⁷ List recipients are based on “some concern about the receipt or quality of recipient’s services, recipient’s services, recipient’s wellbeing, or other program integrity concerns.”⁸ Counties may also add names to the UHV list

³ See Cal. Dep’t of Soc. Serv. Adult Programs Div., In-Home Support Services (IHSS) Quality Assurance/Quality Improvement (QA/QI) Policy Manual, 6 (2013); MPP section 30-702 was added to implement California Welfare and Institutions Code section 12305.71. – [\(Return to Main Document\)](#)

⁴ WELF. & INST. § 12305.71(c)(3)(B). Note: counties can still conduct unscheduled visits to the home to conduct a needs assessment, reassessment, safety and welfare check or any other purpose that is not an UHV. – [\(Return to Main Document\)](#)

⁵ ACL 13-83, p.4 - [\(Return to Main Document\)](#)

⁶ [Cal. Dep’t of Soc. Serv. Adult Programs Div., In-Home Support Services \(IHSS\) Uniform Statewide Protocols, ii \(2013\)](#), - [\(Return to Main Document\)](#)

⁷ ACL 13-38, p. 4. – [\(Return to Main Document\)](#)

⁸ *Id.* – [\(Return to Main Document\)](#)

for the same reasons.⁹ The County will conduct UHVs for recipients on those lists.¹⁰

3. What is IHSS fraud?

State law defines “fraud” with respect to the IHSS program as the “intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person.”¹¹ Note that this definition does not include unintended actions or mistakes.

4. What is the purpose of UHV?

The purpose of an UHV is to make sure that the services you have been authorized meet your needs at the level that allows you to remain safely in your home.¹² It is also used to verify information in your file.¹³ Lastly, it is an opportunity for UHV staff to remind you of the IHSS program rules, requirements, and the consequences for not following them.¹⁴ A consequence can be losing your IHSS.¹⁵

5. Who conducts these unannounced visits?

Trained county IHSS staff conduct the UHV.¹⁶ Because counties are required to assign designated, trained staff to conduct UHVs, it is possible

⁹ *Id.* – [\(Return to Main Document\)](#)

¹⁰ *Id.* – [\(Return to Main Document\)](#)

¹¹ *WELF. & INST.* § 12305.8(a); ACL 13-83, p.11. Fraud also includes acts defined as fraud under state and federal law. – [\(Return to Main Document\)](#)

¹² ACL 13-83, p. 3. – [\(Return to Main Document\)](#)

¹³ IHSS Uniform Statewide Protocols, *supra* note 6, at 6. – [\(Return to Main Document\)](#)

¹⁴ *Id.* – [\(Return to Main Document\)](#)

¹⁵ *Id.* – [\(Return to Main Document\)](#)

¹⁶ *WELF. & INST.* §§ 12305.71(a), (c)(3)(B).; IHSS Uniform Statewide Protocols, *supra* note 6, at 5; ACL 13-83, at p.4. – [\(Return to Main Document\)](#)

that UHV staff is also your County IHSS Social Worker.¹⁷ The county can request that law enforcement accompany UHV staff.¹⁸

6. Do I have any rights when county welfare department officials come to my home?

Yes. County welfare department officials must identify themselves, show photo identification, and wear badges.¹⁹ You can ask for identification and you can ask for a telephone number to call the county to verify the identity of the UHV staff. If the county cannot verify the identity or the UHV staff has no identification, you can deny entry and it will not be counted towards the three attempts to which you are entitled to before further action is taken.²⁰

If you allow UHV staff to enter your home, UHV staff must tell you why he/she is there. UHV staff can ask questions about services and the quality of the services.²¹ They will also go over program rules and the consequences of not following them.²² They can look at “plain view” areas of your home – meaning for example, that they cannot look in closets or closed drawers.²³

UHV staff must act professionally.²⁴ The unannounced home visit, calls, and letters should be in the documented primary language of the recipient.²⁵ If not, you can request an interpreter, free of charge.²⁶

¹⁷ ACL 13-83, p 4. – [\(Return to Main Document\)](#)

¹⁸ IHSS Uniform Statewide Protocols, *supra* note 6, at 10. – [\(Return to Main Document\)](#)

¹⁹ *Id.* at 7. – [\(Return to Main Document\)](#)

²⁰ *Id.* – [\(Return to Main Document\)](#)

²¹ *Id.* at 8. – [\(Return to Main Document\)](#)

²² *Id.* – [\(Return to Main Document\)](#)

²³ *Id.* The county needs a search warrant to search your home. – [\(Return to Main Document\)](#)

²⁴ *Id.* at 6. – [\(Return to Main Document\)](#)

²⁵ ACL 13-83, p. 5. – [\(Return to Main Document\)](#)

²⁶ *Id.* at 7. – [\(Return to Main Document\)](#)

You must be treated with courtesy and respect and with respect for your rights and the rights of all persons involved. Mass or indiscriminate home visits are prohibited. Any interviews with you or possible witnesses must be conducted without threats, duress, force, false showing of authority, or other misrepresentation.

The county must conduct all investigations in compliance with due process of law. The county may not infringe upon your constitutional rights or the constitutional rights of anyone else. Search of your home or removal of physical items of evidence of fraud is not allowed without either a valid search warrant or your permission after you have been fully advised of your rights.

7. What if I am unable, unavailable, or unwilling to participate in an UHV?

UHV staff will follow-up with at least two more visits, at least two phone calls, and send a letter over the next 45-60 days.²⁷ The letter, which can be mailed or left in an obvious location where you will likely see the letter,²⁸ must explain the reasons for the UHV visit and loss of services if they substantiate fraud.²⁹ The letter must also state that unsuccessful attempts were made to contact you by phone or at home.³⁰ UHV staff can also decide to contact you in other ways.³¹ If, after all this, UHV staff cannot do an UHV, you will receive a NOA terminating your IHSS because you have

²⁷ IHSS Uniform Statewide Protocols, *supra* note 6, at 8. – [\(Return to Main Document\)](#)

²⁸ ACL 13-83, p.6. - [\(Return to Main Document\)](#)

²⁹ WELF. & INST. § 12305.71 (c)(3)(C); IHSS Uniform Statewide Protocols, *supra* note 6, at 8. - [\(Return to Main Document\)](#)

³⁰ IHSS Uniform Statewide Protocols, *supra* note 6, at 8.- [\(Return to Main Document\)](#)

³¹ *Id.* – [\(Return to Main Document\)](#)

failed to comply with program requirements.³² You can appeal with aid paid pending.³³

8. What can the county do if the county suspects fraud?

The county has to follow specific procedures related to fraud investigations.³⁴ First, the county must submit a report that is reviewed by designated county staff.³⁵ The designated county staff will either refer it to Department of Health Care Services for further investigation if suspected fraud is over \$500.00, or return it to the originating county agency for possible administrative action.³⁶ The investigating agency (either DHCS or the local county agency) can then forward the completed investigation for prosecution, or forward it to the originating county agency for possible administrative action.³⁷ See your county's website for more information about their fraud reporting process.³⁸

9. Where can I file a complaint if my rights are violated?

You can file a complaint with the county. You can also file a civil rights complaint with the CDSS.³⁹

10. What resources are available to me if I have further questions?

Disability Rights California provides free legal services, such as counsel and advice over the telephone, for people with disabilities. Call 1-800-776-5746. Your IHSS provider union may also be able to help you.

³² *Id.* - ([Return to Main Document](#))

³³ *Id.* at 9. – ([Return to Main Document](#))

³⁴ ACL 13-83, p.12. – ([Return to Main Document](#))

³⁵ IHSS Uniform Statewide Protocols, *supra* note 6, at 20-21. - ([Return to Main Document](#))

³⁶ *Id.* – ([Return to Main Document](#))

³⁷ ACL 13-83, p. 13. – ([Return to Main Document](#))

³⁸ IHSS Uniform Statewide Protocols, *supra* note 6, at 24. – ([Return to Main Document](#))

³⁹ See [File-a-Complaint](#) - ([Return to Main Document](#))

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