



Council on Aging (COA) Public Authority Registry Consumer Removal Policy

A primary goal of the Public Authority is to help In-Home Supportive Services (IHSS) consumers be effective and successful employers of their provider(s). We encourage you to develop a positive working relationship with your provider(s). Problems may arise that pose unsafe or uncomfortable working situations for IHSS consumers. This document outlines the rules that must be followed when using the COA Public Authority Registry to assist with finding providers and serves as notice to the IHSS Consumer. If you need assistance in reading or understanding this document, please call the Public Authority Registry staff at: (408) 350-3251 or if you are out of the area code (1-800) 510-2020. Staff will obtain translation assistance if English is not your primary language.

General Policy

1. The COA Public Authority (PA) reserves the right to restrict or suspend consumer use of the Registry.
2. Complaints concerning a consumer can be made verbally or in writing to Public Authority staff. The PA staff will document all complaints and the outcome in the dated notes section of the consumer's profile of the database used by the PA. Response to complaints will depend on the nature and degree of the problem.
3. The consumer shall be advised of the content of the complaint, of any action taken to suspend, restrict or remove them from the Registry, and of the appeal procedures.
4. Prior to taking any action regarding denial or restriction of Registry services, the PA staff will attempt to resolve the situation by consulting with the consumer, the provider, and the consumer's IHSS Social Worker, as well as the PA Director and others as needed.
5. Any official actions taken by the County IHSS program with problem consumers are separate and apart from actions which may be taken by the PA Registry to protect providers or Registry staff.

Minor Offenses – A Consumer may be excluded from accessing the Registry after three (3) complaints of minor offenses that have been reported by one or more sources within a one year period and which have been deemed reasonable and valid by PA Registry staff. A consumer will not be eligible to access the Registry for a period of one (1) calendar year from the date of exclusion.

- Discourtesy, rudeness or inappropriate behavior toward the Independent Provider (IP) or Registry staff, e.g. yelling, demanding immediate action when this is not possible, belittling staff or IPs, etc
- Repeated pattern of not following through with Registry process, e.g. canceling interviews without notifying scheduled providers, not being available when provider arrives for scheduled work hours, giving provider lists and phone numbers to other persons, etc.
- Making inappropriate remarks or actions towards a provider that may be considered racist or sexual in nature.
- Remarks or actions that could be considered discriminatory and/or threatening.
- Refusing to sign legitimate timesheets.
- Refusing to pay required share of cost or advanced pay.
- Unwarranted and excessive interference and demands from family members or anyone else.
- Insisting that a provider perform tasks not authorized by the IHSS Social Worker, such as
 - performing services for anyone other than the authorized consumer such as a family member
 - demanding to be driven to unauthorized locations and/or beyond a five (5) mile radius of the consumers residence for shopping (unless authorized by IHSS)
 - caring for pets

Major Offenses – A Consumer may be excluded from accessing the Registry after **one** (1) major offense complaint that has been deemed valid by Registry staff and which may also be corroborated by other sources (IHSS Social Worker, other IP complaints, Adult Protective Services (APS), etc.). A consumer will not be eligible to access the Registry for a period of one (1) calendar year if a major offense is committed and substantiated.

- Theft, forgery, dishonesty or misrepresentation related to being the employer of a provider, e.g., refusing to provide or submit required IHSS paperwork needed to initiate provider payroll process; insisting the provider work less hours than are authorized then claiming the total hours in order to “split the check”

- Inappropriate contact with the provider's family
- Sexual harassment or sexual abuse
- Physically abusing or assaulting provider or knowingly putting the provider in jeopardy of physical danger
- Displaying a firearm or other dangerous weapon in a threatening manner
- Possession, use and/or offering illegal substances

Consumer Removal Procedures

The COA Public Authority will review the nature of the complaint with the complaining provider and follow up with the consumer. A written record of the discussion will be maintained in the dated notes section of the database used by the Public Authority in the consumer and IP profiles.

- The Public Authority maintains the right to have sole responsibility for evaluating the situation and determine what action to take, if any.
- If the complaint is determined to be valid by the Public Authority staff the consumer will be removed from the Registry for one (1) calendar year from the date of exclusion.
- The consumer will receive notification of his/her removal from the Registry within ten (10) working days following final determination.
- The consumer will be informed of his/her right to appeal the decision.
- The consumer may appeal this action to the COA Public Authority Director whose decision is final.
- After the one year suspension of services from the Registry, and the client is removed for the second time, regardless of the infraction, the consumer may appeal. **If the appeal for the second removal is denied, removal from the Registry is final.**

Notice of potential policy violation and the offense committed will be given to the Public Authority Director upon discovery. Registry staff may also be required by law to contact APS and/or local law enforcement if a crime has been committed.

Removal from the Registry does not impact IHSS services or authorized hours in any way. IHSS consumers may hire anyone they choose that has been determined eligible to pay as an IHSS provider according to state regulations.

If you are uncertain about your rights and responsibilities, please contact a member of the Registry staff or an IHSS social worker. Thank you for your understanding and cooperation in this very important matter.