

**IHSS Public Authority Advisory Board Meeting**  
**May 18, 2010**  
**MINUTES**

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**Members Present:** Bharat Desai, JoAnn Disbrow, Cindy Faulkner, Kai Lu, Richard Patterson, Janie Whiteford, Theresa Wright

**Members Absent:** Sondra Corday, Jim Ramoni (ex-officio), Elissa Young

**COA Staff Present:** Leticia Sabadin, Mary Tinker

**Guests Present:** Daisy Chu, Policy Aide from Supervisor George Shirakawa's Office, Ellen Rollins, Potential AB Member

**Approve Minutes:** March minutes were approved as written.  
April minutes were not available for review and will be placed on June agenda for approval.

**Announcements & Public Comment:**

- Bharat Desai announced a program for seniors at the Indian Community Center in Cupertino. Scheduled for the first Monday of every month this program focuses on seniors and offers special discussions and problem solving sessions. They have various guest speakers. Some topics for discussion offered are:
  - Politics
  - Financial Advice
  - Technology/Computer
  - Food services for seniors and nutrition advice

Bharat invited AB members to come by and visit the center sometime.

**CAPA Report:** CAPA met April 22<sup>nd</sup> in Sacramento.

The new Program Integrity and Fraud Prevention stakeholder workgroup met on April 26. There were panel presentations given on Quality Assurance activities and describing how this is done in Santa Cruz and San Diego Counties; another was on Fraud Investigation and helped the group understand how investigations are conducted and differences between large versus small counties. Mary Tinker provided a presentation on the provider enrollment process. Due to substantial questions and discussion with all presentations there was no time left to break out into the smaller workgroups. Additional meetings are scheduled for May 6<sup>th</sup> and 27<sup>th</sup> where the sub-

groups will begin their work on developing protocols for unannounced home visits, targeted mailing/data mining and social worker trainings.

CAPA continues its participation with the IHSS Coalition in preparing for the upcoming budget battle to preserve as much of IHSS as possible. They have also been involved in Senate and Assembly Subcommittee hearings regarding various aspects of the recipient fingerprinting and preparations for implementation.

CAPA has been reviewing the 1115 Waiver and has one member who participates on the Advisory Committee appointed by the State. This could have a huge impact on IHSS and how it is delivered in the future. There is also interest in seeing how the new Health Care Reform Act will impact long term care and IHSS consumers.

**CAPA's Legislative Priorities are:**

**AB 1763** (Lieu) – Providers would receive a certificate upon clearing a background check, which would be valid for providing services in other counties. CAPA supports if amended. Submitted a support in concept letter.

**AB 1801** (Yamada) – CDSS would continue to convene a stakeholder group beyond 2010 which would make recommendations on program quality and funding. UDW sponsored. CAPA Supports, submitted letter of support.

**AB 1970** (Fong) – In declared emergencies, shelter operators could work with the PA registries to provide IHSS services in the shelters. Being amended and working out issues regarding how it would work. CAPA supports in concept and provided a letter of support.

**AB 2274** (Beall) – Anticipating the new Medi-Cal Waiver, this bill allows for IHSS to be provided through entities named in the Section 1115 waiver. CAPA Supports, sent letter of support.

**AB 2374** (Nestande) – Spot language deferring implementation to 2011 of a voluntary five-county pilot to expand IHSS participation. Removes requirement that the pilot be limited to consumers who are severely impaired. CAPA has Watch position.

**ARC 151** (Ma) In-Home Supportive Services – This proclamation would declare the intent of the Legislature to ensure the preservation of home care services to the elderly, blind and disabled through IHSS. CAPA Supports

**SB 886** (Florez) – Authorizes use of “electronic timekeeping” to verify provider completion of tasks. This is being worked on by stakeholders and the author, needs work. CAPA is working toward amendments with other stakeholders, CWDA.

**SB 891** (Liu) – In- Home Supportive Services: needs assessment. This bill would require the department and the State Department of Health Care Services to jointly convene a stakeholder review process, as specified, to obtain information and comments regarding imposition of a tax

on payments received by IHSS providers and the potential for increased federal financial participation as a result of these tax revenues, and alternatives to the state's methodology for deriving a functional index score for IHSS consumers. CAPA supports in concept.

**SB 998** (Liu) – Bill sponsored by Disability Rights California requires, among other provisions, that all Medi-Cal patients referred by hospitals to a nursing home receive an assessment of their long-term care needs before the nursing home can be reimbursed for services.

**SB 1062** (Strickland) – Bill requires CORI recipients to convey the report to applicants who don't clear the DOJ check.

**Programs Report:**

Benefits Administration: There were 7,095 IPs enrolled in the Valley Health Plan and 7,583 IPs enrolled in the Dental/Vision plans during the month of April. There continues to be a decline in the number of IPs enrolled in all three benefit plans. There were 15 IPs who requested voluntary disenrollment from benefits.

Staff issued 2999 Eco Passes during April bringing the total issued this calendar year to 8,617.

CURRENT IP Enrollment Sessions: Sessions were held all day on Tuesday and Wednesday of each week in April. As of April 30, 2010 provider enrollment counts are as follows:

Number of NEW providers processed in April: 390

Number of existing providers processed in April: 3347

Number of IPs completely processed to date: 6676

Number of IPs partially done: 2330

Number of IPs who we have information for but nothing is in CMIPS yet: 819

Fingerprint Processing:

- Bad print job need to redo: 30
- Pass: 8112
- Failed: 18
- Delay: 74
- Have results but need to read and make determination on: 1591

**Total to date: IPs that have completed the enrollment is 11,439.**

Registry Services: There are 482 active IPs on the registry. The Registry completed 29 new consumer intakes, 34 matches and provided 246 interventions. The Urgent Care Registry authorized 11 hours of service for the month of April.

Provider Training: The Public Authority offered nine classed during April training 306 IPs.

The number of requests for information regarding the Job Development fund continues with a total number of 16 inquiries in April. There were 4 applications submitted for this month.

Mary reported that the Governor's May Revise is dramatically different than his January budget proposal as it pertains to IHSS. Mary reminded the group that the January proposal was to reduce the program by approximately 92 percent. The reduction method in the January proposal was to limit IHSS services to consumers with the highest level of need using the functional index score (FIS) as the indicator, anyone with a FIS less than 4 would lose service all together. It also proposed reducing state participation in wages to \$8 and \$0.60 per hour for health benefits. However, the May Revise proposes to reduce IHSS general fund spending by \$637.1 million in fiscal year 2010 - 2011 and \$750 million in subsequent years. The Governor did not indicate how the savings would be achieved but that the Administration would convene a stakeholders group to develop specific IHSS cost containment measures in time for July 1 legislative enactment to achieve this same level of savings.

The state is still involved in litigation regarding previous attempts to limit State participation in wages and service levels. Mary stated she anticipates CAPA, CWDA and the unions will be participating in the stakeholders group, but we really do not know at this point.

Other proposed cuts include total elimination of CALWORKS, raising fees on co-pays for Medi-Cal as well as limiting services such as only permitting 6 prescriptions per month with no over the counter drug coverage.

Mary reported that she continues to participate in the IHSS Program Integrity and Fraud workgroup. They are working on developing draft protocols for un-announced home visits, targeted mailings and data mining and social worker training.

The recipient fingerprinting pilot programs are still underway in a few counties however the Senate and Assembly subcommittees both rejected the Administrations request for spending authority. In order for state staff to spend allocated funds they have to receive spending authority by the legislature which was not done for this project. Both subcommittees put forward language of their intent to repeal the requirement for all IHSS recipients to be fingerprinted and for fingerprints of recipients and providers to be on timesheets in 2011. Mary reminded the group that the full Senate and Assembly still need to approve repealing these new mandates and it would require the Governor's signature as well. This will need to be watched closely.

Mary gave an update on fraud and mentioned that as people may recall last year the Governor stated that fraud in IHSS was rampant across the state and this was the impetus for the new enrollment process and the recipient fingerprinting. For example some people overstate their needs for service, or providers submit time for hours not worked but so far it doesn't appear that it is a rampant as the Governor claimed. Up until this fiscal year, there were only two Fraud Investigators for the entire state of CA. IHSS has hired more fraud investigators in order to accommodate the number of fraud claims. Mary also mentioned that for example in Sacramento there are over 22,000 IHSS cases and only 19 fraud cases have been found, clearly not 25 percent of cases.

AB members are interested in seeing a "cost benefit" analysis done for fraud, and not sure if this could be provided for them, possibly Jim Ramoni can provide this information?

Janie asked about the 18 failed background checks in Santa Clara County. Janie wants to know if these people are family members, is there any way to get these statistics? Mary said she would find out.

Cindy asked about the disqualification of a provider, what are they looking for with the background checks. With these three results an IP will automatically have a failed status:

- Child Abuse
- Elder or Dependent Adult Abuse
- Fraud against a government health care or supportive service program

Total to date: IPs that have completed the enrollment is 11,439. Santa Clara County has over 15,000 IPs. At this point, we may be able to meet the June 30<sup>th</sup> deadline, even though there are still over 3,000 more enrollments to be done.

Mary expressed appreciation for SEIU Local 521 and their assistance in accomplishing this daunting task. The union will be providing additional “ROBO” calls to IPs who still have not completed their enrollment process. The deadline is still June 30<sup>th</sup>. The PA is also sending out a last batch of notices targeting only IPs who need to complete their enrollment process.

Mary mentioned that PA department is very busy, and the primary focus is to get every IP enrolled in the new process. She stated that for example; Clyde who is the Registry Coordinator is focusing primarily on getting all of the DOJ rap sheets reviewed and recorded. This is very time consuming but it should be subsiding in the near future.

Mary left for jury duty.

**California IHSS Consumer Alliance Report (CICA):** Janie announced that she is attending the Assembly Budget Sub-Hearing on May 19<sup>th</sup> in Sacramento.

Janie spoke about the Disability Capital Action Day on May 26<sup>th</sup> and wanted to find out who was attending. At this point the only attendees from the AB are Janie Whiteford and JoAnn Disbrow. Other participants attending are Ellen Rollins. Janie mentioned the training that is being offered by CICA on May 25<sup>th</sup>. She also mentioned that she will be attending both days, going back and forth to Sacramento each day.

Ellen Rollins mentioned that there will be a transportation bus provided by SVILC for this trip.

Theresa Wright asked Janie if there would be a video taken and/or webcast done and then posted on the CICA website and Janie said she would look into this.

Janie announced that there will be a CICA Central Regional Meeting scheduled for June 18<sup>th</sup> in Oakland. All are welcome and encouraged to attend. The agenda is as follows:

- Introductions
- Discussions on IHSS Fraud
  - Mary Tinker, Santa Clara County IHSS Public Authority
  - Laura West, Sacramento District Attorney’s Office
- Lunch provided by SEIU Local 521 and SEIU International

- Discussions on 1115 Waiver
- Open Forum and Issues Regarding Networking
- Closing Remarks

More information to follow as it becomes available and an update will be provided at the June meeting.

Janie reported that she is a member of the Santa Clara County 1115 Waiver Taskforce and that they are strongly advocating for this waiver. The taskforce has goals and program priorities and are trying to figure out what will happen when the waiver expires August 30<sup>th</sup>. IHSS, Medi-Cal and Medi-Care also gets funding from the 1115 Waiver.

**Report from Social Services Agency:** No report, Jim Ramoni is on vacation.

**Town Hall Meeting Discussion:** Janie reported that the ad-hoc committee is still working on an agenda for the June 25<sup>th</sup> Town Hall Meeting. Some of the agenda items already decided on are budget cut discussions and a legislative update. This meeting is for IHSS consumers and providers. Janie stressed that it is vital that consumers be seen and heard and this town hall meeting provides a great opportunity to voice opinions.

The location of the town hall meeting is Vine Street in San Jose. Leticia will email time and location details soon.

Janie reported that this event will be co-sponsored by the Advisory Board and SEIU Local 521. The Union (Rebeca) has agreed to split the cost of the facility rental fee for the June 25<sup>th</sup> Town Hall Meeting. Janie stated that the fee for the community hall rental will be approximately \$800.00. Janie asked the AB members if they were in agreement with splitting the cost (\$400.00) and expensing it through the AB1682 funds. There was consensus of the members to co-sponsor and pay half of the facility rental fee for the Town Hall meeting.

**Next Meeting:** The next meeting of the Advisory Board is scheduled for **Tuesday, June 15, 2010** from **11:30-1:30PM** at 2115 The Alameda, San Jose, CA 95126.