



CDCAN REPORT

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CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

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*California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California. To reply to this report write: **MARTY OMOTO** at martyomoto@rcjp.com WEBSITE: www.cdcan.us TWITTER: www.twitter.com - "MartyOmoto"*

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California Budget Crisis:

State Controller Questions State and County Oversight of IHSS Worker Payments

Senate Budget Committee Hearing on Governor's Special Session

Proposed Cuts to IHSS, SSI/SSP & Other Human Services Set for Feb 2 from 1 to 4 PM

SACRAMENTO, CALIF (CDCAN) [Updated 02/01/10 2:55 PM (Pacific Time)] - State Controller John Chiang released today a review that he said showed evidence of "lax state and county oversight" of In-Home Supportive Service (IHSS) payments involving IHSS workers (providers) or recipients listed as deceased, that may have cost the State more than \$11 million in 2008. (A copy of the 6 page pdf file letter from the Controller's office to the director of the California Department of Social Services is available on the CDCAN website at www.cdcan.us)

It is not certain how the State Controller's review will influence the ongoing implementation of new IHSS worker (provider) requirements – some which are the subject of litigation – that were meant to address fraud and abuse. It is also not certain how the review will impact the Governor's special session proposed budget reductions to the IHSS program, including a proposal that would eliminate nearly 90% of the existing IHSS caseload of over 460,000 children and adults with disabilities, mental health needs, the blind and seniors from eligibility for any service under IHSS.

Senate Budget Hearing on IHSS and other Proposed Special Session Cuts

The news comes the day before the first budget hearing during the 2010 legislative session to focus specifically on the Governor's proposed special session cuts to In-Home Supportive Services (IHSS), federal and state grants (SSI/SSP or Supplemental Security Income/State Supplemental Payment grant program) to the lowest income people with disabilities, the blind and seniors, and other human services, scheduled for Tuesday afternoon, February 2, from 1:00 to 4:00 PM, at the State Capitol in Room 4203.

Additional balcony seating is available through the 5th floor entrance and the hearing will be televised via Cal Channel.

The final agenda for the hearing is not expected to be available until Tuesday morning, according to the Senate Budget and Fiscal Review Committee.

As previously reported, the Senate Budget and Fiscal Review Committee will focus primarily on the Governor's special session budget proposals, meaning proposals he wants the Legislature to consider and pass before March 1, 2010 that would allow – in most cases – actual implementation to occur as early as June 1, 2010. The Senate budget committee said that other proposals or issues dealing with the 2010-2011 State Budget might be included on the agenda.

Controller Questions Department and Counties on Oversight of IHSS Payments

The State Controller, who is a Democrat and one of the 8 independently elected state constitutional officers, said that “this report questions the actions taken by the California Department of Social Services – the state agency that oversees statewide the IHSS program - and individual counties to ensure IHSS payments are properly validated and monitored.”

The State Controller's report recommends that the California Department of Social Services develop “comprehensive policies and procedures” for counties to follow to determine the validity of payments and improve case file tracking. In addition, the report recommends the state agency conduct periodic field visits to ensure county compliance.

Department of Social Services Says New Instructions Going to Counties

The State Controller's office, in discussing the report with the Department of Social Services was told that the department was in the process of drafting a new instructions to the counties – probably in an “All-County Letter” – that will address how to better handle death match investigations.

The State Controller also noted that a new State computer system linking various state agencies, the Controller and the Social Security Administration also is expected to reduce the number of payments made to deceased IHSS workers (providers) and recipients.

State and County Involved In IHSS Worker Payments

* The IHSS program is administered by the California Department of Social Service. The program provides services such as housecleaning, meal preparation, shopping and personal care to keep eligible persons with disabilities, the blind and seniors in their homes instead of more expensive nursing homes or board-and-care facilities.

* IHSS worker (provider) timesheets are processed by each county and sent to the California Department of Social Services, which in turn, submits the claims for payment to the State Controller's Office daily.

* The Controller's office pays them within one day, but then performs post-payment validation procedures that include running the names of providers and recipients through death files. Inconsistencies are then reported to the CDSS, which forwards the

information to each county for verification. Individual counties are responsible for following up on any questionable payments and recouping dollars spent inappropriately.

Fresno and San Diego County Payments Reviewed

As samples, the State Controller reviewed Fresno and San Diego counties, where \$464,000 and \$538,700 in what his report called “questionable payments”, that were made that year in cases involving IHSS providers or recipients whose names and Social Security numbers were listed in the Social Security Administration Death Master File or the California Department of Public Health’s Vital Statistics Death File.

Surveying case files in San Diego and Fresno counties, the State Controller report found “inadequate documentation” showing what action, if any, had been taken by the counties to ensure the validity of payments provided to providers and recipients listed in state and federal death files.

In late December, Fresno County was one of at least 45 counties that have been or will be awarded a total of \$26.5 million in funding to help in efforts to reduce fraud in their county In-Home Supportive Services (IHSS) program Fresno received \$740,000 and San Diego was set to receive \$1,365,381 to combat fraud and abuse.

The State Controller’s report found that:

- * Of the 129 case files surveyed in the two counties, eight or 6% could not be located by the counties.
- * 74 or 57% lacked evidence that the county had checked into the validity of the IHSS payments involving providers or individuals on death lists;
- * 16 or 12% lacked evidence showing the county took appropriate action to resolve the discrepancies.
- * The survey by the State Controller also showed counties were slow to take action to stop payment or recoup overpayments even when evidence suggested the payments were fraudulent.
- * In one case, according to the State Controller report, Fresno County referred a case involving a deceased recipient to the county fraud investigation unit on February 9, 2009. As of June 2009, the county was continuing to submit claims for services provided to this apparently dead recipient.

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CDCAN**1225 8th Street Suite 480 - Sacramento, CA 95814**

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California