Kings County Human Services Agency
In-Home Supportive Services Fraud Investigations Plan

Kings County IHSS Overpayments/Underpayments

In-Home Supportive Services (IHSS) overpayments/underpayments discovered outside the Quality Assurance process have not historically been tracked. Quality Assurance is required to report the number of overpayments detected as a Quality Assurance/Quality Improvement (QA/QI) activity. The current QA/QI Quarterly Report (SOC 824) does not have a line item for underpayments. All overpayments are tracked only in the fact that the collection efforts are monitored. The County presently reviews provider timecard processing, monitors the jail report, and Medi-Cal acute hospital and skilled nursing payments. It also depends on recipient involvement, anonymous reporters, Social Worker assessments, and QA home visits. The County will continue this process in an effort to reduce the occurrence of overpayments/underpayments. Depending on the required method of tracking underpayments, Kings County will develop a policy to address this issue once more specific guidelines are submitted by the State.

Fraud Referrals/Outcomes

The Special Investigations Unit is housed in and managed by the Kings County Human Services Agency. The Special Investigations Unit is a California Peace Officers Standards and Training (P.O.S.T.) certified law enforcement unit presently having the primary responsibility for program integrity associated with the CalWORKs and Food Stamp programs. Investigators are responsible for the investigation of and submittal of completed crime cases to the Office of the District Attorney for determination of appropriate charges.

In determining the methodology for its Fraud referral policy, the Kings County Human Services Agency will investigate referrals of criminal conduct pursuant to California Penal Code Sections 72, 118, 470, 487, and 550. A formalized policy and procedure for determining the Fraud referral policy will be completed with the collaboration of the Kings County Human Services Agency (IHSS and QA Programs), Kings County Special Investigation Unit, Kings County District Attorneys Office, and the Department of Health Care Services.

The Policy and Procedure will set forth a common goal, which will specifically determine which cases will be identified as fraudulent and help insure program integrity. The IHSS Program of the Kings County Human Services Agency will be the primary source of IHSS Fraud referrals due to the nature of their work and the contact they have with the clientele. The Kings County Human Services Agency will also establish an IHSS Fraud tip hotline that will be routed to the Special Investigations Unit.

When DHCS assumed investigative jurisdiction over IHSS Fraud cases, Kings County developed a policy and procedure for referring cases to DHCS for investigation. As part

of the plan, County IHSS staff were required to assess cases to determine if intentional deception or misrepresentation was made by the recipient or provider. If the assessment determined that the actions were not intentional, the County would proceed with the overpayment collection process (for cases in which an overpayment was identified as being $500 or less). During the onset of this policy, the County would forward Fraud referrals to DHCS. As a result of DHCS having a minimal number of investigators, no criminal prosecutions have resulted in Kings County.

Fraud referrals made to DCHS by Kings County in which criminal dispositions were not identified have been processed, at minimum, as an overpayment issue. Although these actions resulted in no criminal prosecutions, the Agency did attempt to ensure that restitutions were made. Having a Fraud Investigator assigned to complete IHSS Fraud investigations would allow the IHSS Program to divert away from this mentality.

Once the Fraud allocation is approved for Kings County, uniformity in documenting suspected fraud and program integrity will be achieved in the IHSS Program by: 1) Initiating a new Program Policy and Procedure that will establish uniform guidelines in which suspected Fraud referrals are assessed and submitted for criminal investigation (see attachment for Kings County IHSS Fraud Referrals). 2) The assignment of a Human Services Fraud Investigator to investigate all suspected Fraud cases.

The Special Investigations Unit will collect data on all referrals including the number received, the number completed, and the number pending assignment. The Special Investigations Unit will also maintain statistics on the number of convictions, the amount of restitution ordered by the court, fines and penalties assessed and collected, the basis for the conviction and the type of fraud committed.

Collaboration and Partnerships with District Attorney's Office (DAO)

The Kings County Special Investigations Unit and IHSS Program will routinely consult and cooperate with the Kings County District Attorneys Office on all Fraud Investigations. As a collaborative, each partner agency will have the opportunity to cross train and share informational knowledge pertaining to Fraud Investigation/Detection/Prevention. The Special Investigations Unit will also act as the primary liaison between the Human Services Agency and the Kings County District Attorneys Office.

The Kings County Human Services Agency will look to enhance the scope of the already established Adult Multi-Disciplinary Team (MDT) that meets on a quarterly basis. Invited participants to the MDT include: Kings County IHSS Staff, Kings County QA Staff, Kings County Special Investigations Unit, Kings County DA's Office, Department of Health Care Services, Kings County Public Authority, Kings County Health Department and other vested organizations within the Community. The expanded purpose of the MDT will be to help collaborate on the most difficult Fraud cases; complete a training needs assessments, Program policy needs and Prevention efforts.

Collaboration and Partnerships with California Department of Health Care Services (DHCS) and the California Department of Social Services

The Kings County Special Investigation Unit and IHSS Program will routinely consult and cooperate with the DHCS on Fraud Investigations that have been referred by the County or are under joint investigation with the County. As a collaborative, each partner agency will have the opportunity to cross train and share informational knowledge pertaining to Fraud Investigation/Detection/Prevention. The Special Investigations Unit will also be responsible for completing the MC609 form and forwarding it to DHCS.

As referenced previously, the existing Adult MDT will be expanded to include collaboration on the most difficult Fraud cases, complete a training needs assessments, Program policy needs and Prevention efforts.

Mechanism for Tracking/Reporting

The Kings County Human Services Agency in collaboration with already mentioned entities will track fraud referrals on a monthly basis and will also commit to report outcomes to CDSS. The KCHSA will use past practices in tracking and reporting all IHSS referrals in addition to any referrals forwarded to the CDHS Investigator for investigation.

County's Current and Proposed Anti-Fraud Activities

In attempting to deter Fraud within the Community, the Kings County Human Services Agency will seek to aggressively increase it's efforts in the areas of Fraud Prevention and Detection. The following plan is being established in order to address these areas:

- Establish an IHSS Fraud tip hotline. The hotline will be routed to the Kings County Special Investigation Unit and will be marketed to the general public as well as organizations that have interaction with clients and providers associated with the IHSS Program. The Kings County Human Services Agency will also update it's public website in order to market this number to the public.

- Develop IHSS Fraud Prevention Flyers and Posters, which will enlighten and inform the Community about IHSS Fraud. The flyers and posters will also contain the IHSS Fraud tip hotline. Flyers will be distributed to IHSS recipients, providers and various organizations by IHSS and Public Authority Staff. Posters will also be set up for public view in the Kings County Human Services buildings.

- Actively seek to secure training that will address Fraud Detection, Fraud Investigation, and Prosecution. Kings County Human Services Agency in partnership with the MDT partner agencies will be expected to provide cross training and information sharing in order to enhance the collaborative's expertise in this field.

The current anti-fraud measures include anonymous phone calls to the Agency, Social Worker referrals, the death match (use of names or SSN of deceased), information from the Ad Hoc tool i.e. Provider 300+ list (providers claiming more than 300 hours per month), recipients who have not had a provider for more than 60 days, etc.

Proposed anti-fraud measures will include the above as well as unannounced home visits (by social workers and the Compliance Officer), information from partnering agencies (i.e. Health Dept nurses).

The County will also research other possible error rate studies.

County Proposed Budget for Utilization of Funds

With the proposed allocation, the Kings County Human Services Agency will utilize these funds to pay for .50 Welfare Fraud Investigator II and .25 Department Specialist III. **See Enclosure A.**

Should additional funding become available, in order to function at optimal levels and dedicate the required resources to combat Fraud within the Community, the Human Services Agency would request funding that would provide for 1.0 FTE Welfare Fraud Investigator II and .50 Department Specialist III. Depending on the exact nature and scope of IHSS Fraud that is being committed (some estimate as high as 25%), Kings County could have well over 700 Fraud cases.

Description of how the County will Integrate Other Program Integrity Efforts within the Plan

Kings County Human Services Agency has case management responsibility over approximately 1700 active IHSS cases. Cases of suspected Fraud originating in IHSS, will be staffed with the referring Social Worker and the IHSS Supervisor or County Compliance Officer. The IHSS supervisor will be responsible for approving, documenting and routing all Fraud referrals (see attached form) to the Welfare Fraud Investigation Unit. All Fraud referrals received by the Welfare Investigation Unit, will be screened by the Supervising Investigator. The Supervising Investigator will determine if there are sufficient criminal elements in the referral to support a Fraud investigation. In collaboration with DCHS, the Supervising Investigator will determine which referrals will be assigned to the Welfare Fraud Investigator and which referrals will be submitted to DCHS for investigation.

The Kings County Special Investigation Unit and the IHSS Program are housed in the same building. This will allow for increased communication and overall collaboration between the two partners. Information sharing and cross training will be able to be completed on a daily basis. IHSS staff and the Welfare Fraud Investigator will have direct accessibility to each other, which will streamline all aspects of the process.

As referenced previously, the existing Adult MDT will be expanded to include collaboration on the most difficult Fraud cases, complete a training needs assessments, Program policy needs and Prevention efforts.

Annual Outcomes Report

The Kings County Human Services Agency will provide the annual report by August 1 of each year identifying all activities in respect to IHSS. The KCHSA will wait for the format to be provided by CDSS to all participating counties in January 2010.

KINGS COUNTY
In-Home Supportive Services
Budget Proposal 2009-2010

Attachment A

Proposal 1

		Personnel Services	Cost
	0.5	SIU Investigator II	**$46,529.92**
	0.25	Department Specialist	**$14,781.44**
Total			**$61,311.36**

Proposal 2

		Personnel Services	Cost
	1	SIU Investigator II	**$93,059.84**
	0.5	Department Specialist	**$29,562.88**
Total			**$122,622.72**

KINGS COUNTY
In-Home Supportive Services
Budget Proposal 2009-2010

Attachment A

Budget Category/Line Item	Cost
Laptop Computer with Wireless Service (1) Laptop computer and associated software assigned to SIU in the field	**$2,750.00**
Training/Travel/Collaboration Travel for investigations, meetings and program training	**$2,780.00**
Fraud Prevention Office Supplies/Flyers/Posters	**$1,900.00**
Equipment Investigator Surveillance and Safety Equipment	**$7,500.00**
Total	**$14,930.00**

Attachment A

IHSS Fraud Investigations and Program Integrity Staffing Recommendations

Kings County Human Services Agency recommends the following minimum staffing level to carry out the proposed functions:

.50	Welfare Fraud Investigator II
.25	Department Specialist III

In researching the proposed caseloads and investigator responsibilities, Kings County Human Services would recommend the following optimal staffing level of:

1	Welfare Fraud Investigator II
.50	Department Specialist III

IHSS POLICY AND PROCEDURE
FRAUD REFERRALS

I. County IHSS staff shall assess cases for potential fraud. Fraud may be detected through routine home visits, recipient or provider statements, QA activities, anonymous reports, review of payroll records, etc.

II. County staff shall assess if intentional deception or misrepresentation was made by the recipient or the provider. If it is determined that intentional deception or misrepresentation has not occurred proceed with overpayment collection process.

III. If County IHSS staff or the County Compliance Officer are unable to rule out intentional deception, a fraud referral will be submitted using form 90-8794 to the Special Investigations Unit. IHSS staff will be required to staff all suspected fraud referrals with the IHSS Supervisor and or Compliance Officer, prior to submitting them to the Special Investigations Unit.

IV. IHSS staff completing the 90-8794 will be required to keep one copy of the referral in the IHSS case file and forward one copy to the Compliance Officer.

V. Once a review/investigation of the referral is completed by the Special Investigations Unit, a feedback form will be sent back to the IHSS Social Worker indicating the action taken. All fraud referrals submitted to DHCS for investigation, will be completed by the Special Investigations Unit.

VI. County IHSS staff will make the appropriate accommodations to allow the Special Investigations Unit, DHCS and DA's Office to review any information contained in the IHSS case file under review. Copies of the file will be allowable.

Enclosure D

County: KINGS

Overpayments identified by County QA		04/05	05/06	06/07	07/08	08/09
	Total Amount per Fiscal Year:	$2,411.34	$2,666.61	$533.71	$1,022.57	$10,564.18
	Number of Instances:	3	3	3	5	5
Breakdown of Causes	Provider:	0	0	0	0	0
	Recipient:	3	3	3	5	5
	County Error:					
	Unknown Error:					
	Unknown:					
	Other:					

Underpayments identified by County QA		04/05	05/06	06/07	07/08	08/09
	Total Amount per Fiscal Year:	0	0	0	0	0
	Number of Instances:	0	0	0	0	0
Breakdown of Causes	Provider:					
	Recipient:					
	County Error:					
	Unknown Error:					
	Unknown:					
	Other:					

Fraud Referrals/Outcomes		04/05	05/06	06/07	07/08	08/09
	Number of referrals to DHCS:	0	0	10	10	8
	Number handled locally by DA:	0	0	0	0	0
	Number of convictions	0	0	0	0	0
	Court Ordered Restitution:	0	0	0	0	0
	Amount of funds involved in the convictions:	0	0	0	0	0
	Amount of funds recovered:	0	0	0	0	0
	Amount of funds pending recovery:	0	0	0	0	0
	Basis for the Conviction:	0	0	0	0	0
Individuals Responsible	Recipient:			6	9	5
	Provider:			4	1	3
	County Staff:					
	Other:					
	Unknown:					

KINGS COUNTY
IN-HOME SUPPORTIVE SERVICES
REFERRAL FOR ACTION ON SUSPECTED FRAUD

Date:

Aid Type:

Allegation(s):

- ☐ Provider not working the hours
- ☐ Recipient or Provider incarcerated
- ☐ Recipient in hospital/nursing home
- ☐ Recipient deceased
- ☐ Other (specify):
- ☐ Unreported changes in household
- ☐ Recipient demanding provider share check
- ☐ Overstated needs
- ☐ Misrepresented income

Case Number (10 digit):

Recipient Information	Name:	SSN:
	Address:	DOB:
	City, Zip	Gender: Select ☐ Male ☐ Female
	Phone: ( )-	

Provider Information	Name:	SSN:
	Address: ☐ Same as Recipient	DOB: Gender: Select ☐ Male ☐ Female
	City, Zip	
	Phone: ( )-	

COMPLETE ADDITIONAL REFERRAL FORMS IF RECIPIENT HAS MULTIPLE PROVIDERS INVOLVED IN SUSPECTED FRAUD

GROUNDS FOR SUSPECTED FRAUD:

In the present case there are reasonable grounds to suspect that, on the basis of the false statements on the documents listed in the Statement of Reasons, or made verbally to the Social Worker and recorded in the case record, recipient/provider attempted to receive or did receive aid and/or payment of IHSS benefits fraudulently for the periods of time, for the specified sums and involving the items noted below.

Suspected Fraud Committed By:	☐	Recipient	☐	Provider	☐	Both

Statement of Reason of Suspected Fraud (include known dates and possible monetary amounts):

Social Worker Signature		Worker No.:		Date:		Phone:	

Supervisor Approval:		Date:		Phone:	

Enclosure B

COUNTY RESPONSE COVER PAGE – MUST BE FULLY COMPLETED AND SUBMITTED WITH PLAN AND DATA

Kings County is requesting participation in the Enhanced Anti-Fraud Program and will submit a Plan and Data as described above, by November 1, 2009.

Board of Supervisor Approval
Approved on October 27**, 2009, by the County Board of Supervisors**
Name of Approver: Joe Neves, Chairman

Signature Joe Neves

Name of County District Attorney Representative: Ron Calhoun
County District Attorney Representative Telephone #: 559-582-3211 ext. 2395
Email Address: Ron.Calhoun@co.kings.ca.us

Name of County Welfare Department Representative: Peggy Montgomery
County Welfare Department Representative Telephone #: 559-582-3211 X2200
Email Address: Peggy.Montgomery@co.kings.ca.us

Budget Justification
Kings County's Fraud Funding Plan for FY 2009-10

Budget Section	Total
A. Personnel Costs (includes employee benefits)	$ 61311
B. Operating Expenses	$ 2,750.00
C. Equipment Expenses	$ 7,500.00
D. Travel/Per Diem and Training	$ 3,281.00
E. Subcontracts and Consultants	$
F. Other Costs	$ 1,402.00
G. Indirect Expenses	$
Total Expenses	$ 76,244.00

A. Personnel Costs (including employee benefits)	Total Budget
Title: Welfare Fraud Investigator II 0.5 FTE **Salary Calculation:** FY Salary ($36,351.50) + Benefits ($10,178.42) **Duties Description:** Conducts IHSS fraud investigations; locates and interviews persons; obtains and presents facts and evidence to support administrative action or prosecution. Prepares and executes search warrants and felony arrests for IHSS investigations. May act in a liaison capacity between the Human Services Agency and the District Attorney's office and County Counsel's office for the prosecution of all IHSS investigations; testifies in court; enters and retrieves numerical and narrative data from automated computer systems for activity of all IHSS investigations.	$ 46,529.92
Title: Department Specialist III 0.25 FTE **Salary Calculation:** FY Salary ($11,548.00) + Benefits ($3,233.44) **Duties Description:** Assigns all IHSS referrals for investigation to the IHSS Investigator; reviews and prepares fraud cases for submittal to the District Attorney's office for prosecution of IHSS fraud; reviews, records, files all activity for IHSS investigations; works closely with the IHSS Investigators and assists with the clerical aspects of all IHSS investigations; develops/maintains/administers files, records, logs, data bases, and manuals of all IHSS investigations; maintains statistics, prepares reports, enters and retrieves data from automated systems of all IHSS investigations.	$ 14,781.44
Title: **Salary Calculation:** **Duties Description:**	$
Title: **Salary Calculation:** **Duties Description:**	$
Title: **Salary Calculation:** **Duties Description:**	$

Title: Salary Calculation: Duties Description:	$
Total Personnel Costs:	$ 61,311.00

B. Operating Expenses	Total Budget
Title: Portable Laptop Computer with Wireless Service Description: Portrable laptop with wireless service will be used in the field by Welfare Fraud Investigator to complete reports and access internet service to assist with investigations.	$ 2,750.00
Title: Description:	$
Title: Description:	$
Total Operating Expenses:	$ 2,750.00

C. Equipment Expenses	Total Budget
Title: Safety Equipment Description: Radio/Holder, Weapon/Holster, Ballistic Vest, Baton/Holder, Pepper Spray/Holder, Handcuffs/Holder, Flashlight/Holder.	$ 6,500.00
Title: Video Camera Description: Portable video camera for surveillance use.	$ 1,000.00
Title: Description:	$
Total Equipment Expenses:	$ 7,500.00

D. Travel/Per Diem and Training	Total Budget
Title: Training/Travel/Collaboration Description: The Kings County Human Services Agency and other vested partner organizations will actively seek to secure training that will address Fraud Detection, Fraud Investigation, and Prosecution. This funding will be used to cover financial expenses associated with training registrations, travel and per diem expenses for the Welfare Fraud Investigator and District Attorney's Office. Funding may also be used to support quarterly collaborative meetings with vested partner agencies.	$ 3,281.00
Title: Description:	$

Title: Description:	$
Total Travel/Per Diem and Training:	$ 3,281.00

E. Subcontracts and Consultants	Total Budget
Title: Description:	$
Title: Description:	$
Title: Description:	$
Total Subcontracts and Consultants:	$

F. Other Costs	Total Budget
Title: Fraud Prevention Description: The Kings County Human Services Agency will also develop IHSS Fraud Prevention Flyers and Posters, which will enlighten and inform the Community about IHSS Fraud. The flyers and posters will also contain the IHSS Fraud tip hotline. Flyers will be distributed to IHSS recipients, providers and various organizations by IHSS and Public Authority Staff. Posters will also be set up for public view in the Kings County Human Services buildings. Funding will also be used to cover any potential IT costs associated with website updates.	$ 1,402.00
Title: Description:	$
Title: Description:	$
Title: Description:	$
Title: Description:	$
Total Other Costs:	$ 1,402.00

G. Indirect Expenses	Total Budget
Title: Description:	$

Title: **Description:**	$
Total Other Costs:	$

Enclosure D

County: KINGS

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	Unknown Error:					
	Unknown:					
	Other:					

Underpayments identified by County QA		04/05	05/06	06/07	07/08	08/09
	Total Amount per Fiscal Year:	0	0	0	0	0
	Number of Instances:	0	0	0	0	0
Breakdown of Causes	Provider:					
	Recipient:					
	County Error:					
	Unknown Error:					
	Unknown:					
	Other:					

Fraud Referrals/Outcomes		04/05	05/06	06/07	07/08	08/09
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	Number handled locally by DA:	0	0	0	0	0
	Number of convictions	0	0	0	0	0
	Court Ordered Restitution:	0	0	0	0	0
	Amount of funds involved in the convictions:	0	0	0	0	0
	Amount of funds recovered:	0	0	0	0	0
	Amount of funds pending recovery:	0	0	0	0	0
	Basis for the Conviction:	0	0	0	0	0
Individuals Responsible	Recipient:			6	9	5
	Provider:			4	1	3
	County Staff:					
	Other:					
	Unknown:					

ENCLOSURE D

Utilization of County DA for Fraud		04/05	05/06	06/07	07/08	08/09
	Documented referrals to DA	0	0	0	0	0
Outcomes	Accepted:					
	Rejected:					
	Pending:					
	Completed Investigation					
	No Fraud:					
	Restitution Action:					
	Referred for Prosecution:					
	Criminal Charges Filed:					
	No Charges Filed:					
	Convictions:					
	Acquittals:					
	Dismissals:					
	Pending Investigation:					
	Restitution					
	Court Ordered:					
	Restitution Action:					
	Fines					
	Prosecutions Completed					
	Convictions					
	Misdemeanor					
	Felony					