



CDSS

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TO: IHSS PROGRAM MANAGERS
IHSS PUBLIC AUTHORITY DIRECTORS

SUBJECT: CDSS WEBSITE – IHSS UPDATES

The California Department of Social Services (CDSS) recently issued its first county newsletter called *CDSS Quarterly*. This newsletter provided some details about upcoming In-Home Supportive Services (IHSS) events and activities; however, we also wanted to take the opportunity to share some additional information regarding the IHSS reforms.

Court Decision in February Limits Provider Ineligibility to 3 Crimes

As stated in the *CDSS Quarterly*, based on the ruling of the Alameda County Superior Court in the Beckwith, et al. v. Wagner court case, crimes that make an individual ineligible to be an IHSS provider are limited to a conviction (misdemeanor or felony), or incarceration within the last 10 years following a conviction for the following crimes (WIC 12305.81):

1. Fraud against a governmental health care or supportive services program
2. Abuse of a child
3. Abuse of an elder or dependent adult

However, the safety of IHSS recipients is of paramount concern and because other crimes, in addition to the three above, could jeopardize the safety of IHSS recipients, CDSS is proposing Trailer Bill Language (TBL) that would exclude IHSS providers using a list of crimes similar to those used to screen providers working in Residential Care Facilities for the Elderly (RCFEs).

The Senate Office of Oversight and Outcomes (SOOO), launched by the California Senate pro Tem in 2008 with the goal of enhancing legislative oversight to increase accountability, provide transparency, and expose fraud, waste, and abuse, has reviewed aspects of the IHSS program in two of its recent reports. In 2009, SOOO reported on the *IHSS Quality Assurance Initiative*, followed by “*A Primer on IHSS Fraud and Suggestions for Curbing It.*” In March of this year, SOOO reported on the criminal background clearance processes of CDSS and the California Department of Public Health, as they relate to prospective workers in RCFEs and Certified Nurse Assistants,

respectively. In that report, entitled "*Dangerous Caregivers: State Failed to Cross-Check Backgrounds, Exposing Elderly to Abuse Workers*," SOOO recommended that the Legislature consider the following: "Enact legislation allowing the Department of Social Services to exclude IHSS workers if they have been subject to administrative actions in other health care or social service occupations." Administrative actions can be taken on much less serious (and non-criminal) offenses than the three enumerated crimes currently used for disqualifying an individual applying to work as an IHSS provider.

In addition, CDSS is also proposing statutory changes that address process issues regarding the fingerprinting of IHSS providers. For more specific information on the TBL, Rationale for Proposed Changes, and the Proposed List of IHSS Exclusionary Crimes, please go to:

<http://www.cdss.ca.gov/agedblinddisabled/PG2268.htm>

Recipient Fingerprinting

As stated in the *CDSS Quarterly*, WIC 12305.73 requires that starting April 1, 2010, IHSS recipients be fingerprinted during assessments/reassessments. Although the Legislature has taken action in recent budget subcommittee hearings to eliminate this requirement, until a final budget is enacted with such statutory changes, this requirement remains in current law.

In April, some IHSS recipients in Sacramento and San Diego volunteered to participate in the fingerprint imaging process to test the new mobile fingerprint imaging devices. During May and June, Nevada, Merced, Mariposa, and Los Angeles counties also have volunteered to test these devices. Information gathered from this testing will help CDSS determine which device meets the needs of the IHSS population and help in the development of fingerprint imaging protocols and exemptions to be shared with counties and other stakeholders.

The State Office of Systems Integration (OSI) Statewide Fingerprint Imaging System (SFIS) will be contacting your county soon to begin scheduling IHSS office site assessments to establish best locations for the networked workstations for this new system.

For more information on the Recipient Imaging process and timeline, the following documents can be found at: <http://www.cdss.ca.gov/agedblinddisabled/PG2132.htm>

- Recipient Fingerprint Imaging Implementation Timeline
- Recipient Fingerprint Imaging Pilot, Social Worker Questionnaire
- Pilot Participant Request Form
- Pilot Project Recipient Information

Fraud Stakeholder

The Fraud Prevention and Program Integrity workgroups are underway. The IHSS Program Integrity/Fraud Prevention Workgroup 2010 Timeline and IHSS Program Integrity/Fraud Prevention Workgroup Proposed Timeline can be found at:
<http://www.cdss.ca.gov/agedblinddisabled/PG2170.htm>

Additional Information

The following includes additional information on a couple of important areas of IHSS administration:

- **Description of Quality Assurance (QA) Activities**
[http://www.cdss.ca.gov/agedblinddisabled/res/pdf/Leg_Hearing_IHSS_QA_Fraud_Prevention\(5-4-10\).pdf](http://www.cdss.ca.gov/agedblinddisabled/res/pdf/Leg_Hearing_IHSS_QA_Fraud_Prevention(5-4-10).pdf)
- **Litigation Summary as of April 26, 2010**
[http://www.cdss.ca.gov/agedblinddisabled/res/pdf/IHSS_Litigation_Summary\(4-26-10\).pdf](http://www.cdss.ca.gov/agedblinddisabled/res/pdf/IHSS_Litigation_Summary(4-26-10).pdf)
- **Provider Enrollment Information**
<http://www.cdss.ca.gov/agedblinddisabled/PG2196.htm>
- **Provider Appeals Process when Denied Enrollment**
<http://www.cdss.ca.gov/agedblinddisabled/PG2197.htm>

For additional IHSS program information, go to: www.cdss.ca.gov/agedblinddisabled. If you have questions regarding any of this information, please call the Adult Programs Branch at (916) 229-4000 or send an email to IHSS-QA@dss.ca.gov, or APBpolicy@dss.ca.gov.

Sincerely,

Original Signed by Eileen Carroll

EILEEN CARROLL, Chief
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c: CWDA