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MENDOCINO COUNTY IN-HOME SUPPORT SERVICES PROGRAM

The In-Home Support Services Program (IHSS) provides services to low-income elderly and disabled people who would be unable to remain safely in their homes without this support. The program is administered by Adult Services, Department of Social Services (DSS). DSS began administration of this program approximately 12 years ago. Prior to IHSS, the Remedy Company contracted for the program. The program is funded by Federal funds (51.7%), State funds (31.4%) and Mendocino County funds (16.9%). IHSS maintains an In-Home Service Provider Registry, which screens applicants who want to become providers (caregivers) from the general public. The recipient (client) is given names from this provider registry. The client hires the provider and is the employer. The provider is the employee and Mendocino County is the payee. Time sheets are submitted by the provider to the DSS clerk and checks are issued to the provider.

Mendocino County has three service areas, Ukiah, Willits and Fort Bragg, to assist the clients. Each service area has one or more Social Workers (SW) assigned to a caseload of clients. Each area also has one or more Home Care Coordinators (HCC) and a nurse, to assist the SW, who is responsible for eligibility and assessment of the client's needs. HCC is responsible for informing client and providers about their duties, responsibilities and rights. The nurse is responsible for assessing the client's paramedical needs and assisting them in obtaining services.

Reason for Investigation

The Grand Jury received a citizen's complaint.

Method of Investigation

The Grand Jury interviewed the Deputy Director for DSS Adult Services, an In-Home Support Services Provider, a Case Manager and two Home Care Coordinators.

Documents reviewed: IHSS Registry, IHSS Handbook, IHSS Provider Application (Mendocino County DSS 910A and 909B), Criminal Conviction Procedure (Mendocino County DSS 944), Reference Check and Home Care Assessment forms and Social Services Standards for IHSS Program.

Relevant Law

Welfare & Institutions Code Sections 10553, 10554, and Chapter 939, Statutes of 1992; Welfare & Institutions Code Section 14132.95.

Findings

1. Providers usually work for more than one client.

Response (Social Services): Agree.

Response (Board of Supervisors): The Department and Board of Supervisors agree.

2. Time sheets are signed by the client and given to the provider. Currently, there is no provision to cross-check with the client the number of hours submitted by the provider unless a gross irregularity is noted. Currently, there is no validation of the client's signature.

Response (Social Services): Agree in part. Blank timesheets are given initially to the provider. They are to be completed and signed by the provider before being given to the client.

Response (Board of Supervisors): Agree in part. According to the Department, blank timesheets are given to the provider who is responsible for filling them out and signing them prior to giving the time sheet to the client.

Recommendation

A system should be put in place to avoid fraud on time sheets, which should include regular verification of client signatures.

Response (Social Services): Systems are currently in place to avoid fraud. At the Client Orientations the client is instructed to never sign a blank timesheet, to review the timesheet before submitting, and only sign if they agree with the number of hours listed and the days worked noted by the provider. We inform the client that by signing the timesheet the client is verifying that the provider has worked the hours and days listed.

There is a system in place to crosscheck signatures. Every client that goes on the IHSS program signs a signature card. These cards are kept where they are easily accessible by payroll staff, social workers, home care coordinators, etc. there is a random matching of signatures done, as well as additional matching of signatures if a timesheet has any questionable markings on it.

Response (Board of Supervisors): The Board shares the concern about the importance of detecting fraud and agrees with the response of the Department. Clients are advised to review the timesheets prior to signing and are instructed to never sign a blank time sheet. Every client has a signature card on file that is available for review by Social

Services staff. The Department reports that random checks are done, as well as a check of any questionable or unusual timesheets.

Time Frame for Implementation: System revisions to be implemented by April 2001.

Findings

3. Eligibility for services is determined annually. Home Care Coordinators visit the client every six months unless they are notified of a change in his or her medical condition or needs.

Response (Social Services): Agree in part. Home Care Coordinators deal with situations that come up regarding provider issues on as needed basis. However, if there is a change in a client's medical condition or needs, it is the social worker who will be contacted and who will contact the client, complete a home visit, contact other agencies, etc.

Response (Board of Supervisors): The Board agrees with the Department's response. Home Care Coordinators deal with situations that come up on an as needed basis. However, it is social workers who contact the client and conduct a home visit if there is a change in a client's needs or medical condition.

4. It often takes up to five weeks to obtain approval for a client to get any change in hours of service.

Response (Social Services): Disagree. Reassessments are done on an 'as needed basis.' It does not take five weeks for changes to occur. If hours need to be readjusted, regulations allow the social worker to a phone reassessment if it is an immediate need, to be followed up by a home visit. The usual time to do a change, if it is not an emergency, would be a week to ten days.

Response (Board of Supervisors): The Board disagrees based on information submitted by the Department. Reassessments are done on an as needed basis. Emergencies can be handled by a social worker over the phone, followed up with a home visit. Non-emergency reassessments normally take a week to 10 days.

Recommendations

1. The processing time for obtaining approval for a change in hours of service should be within two weeks.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board agrees with this recommendation and believes it is already the standard practice.

Time Frame for Implementation: Already implemented.

2. The client should be seen as often as the situation warrants.

Response (Social Services): Agree. It is agreed that clients should be seen as often as the situation warrants. However, with caseloads of 150 to 200 clients each, case managers are not always able to perform home visits as often as they would like to. We do meet the requirements of the regulations in terms of home visits annually and then Social Workers prioritize the needs of their clients and perform additional home visits as permitted, due to workload. When additional home visits would be beneficial to a client the case manager often times refers the Home Care Coordinator or Vocational Assistant as part of the IHSS Supported Individual Provider Program (SIPP) to check on the condition of the client in the home.

Response (Board of Supervisors): The Board agrees that this should be the goal. While the regulations only require annual visits by a social worker, the Department often sends Home Care Coordinators or Vocational Assistants to check on the condition of clients. The Board approved an additional Home Care Coordinator position in the Fiscal Year 2000-01 budget.

Time Frame for Implementation: Compliance with regulations already implemented.

Findings

5. Fingerprinting is not currently required for providers to be placed on the IHSS Registry. If a client requests that the provider be fingerprinted, the client must pay for the service.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board agrees that this accurately reflects State regulations, however the Board has directed the Department to implement more stringent standards. (See response to recommendation

6. Currently, in Mendocino County only the HCC does a background check when the provider discloses a past criminal history.

Response (Social Services): Disagree in part. Background checks are a standard part of the process of screening and orientation for providers going on the registry. This includes checking references, a face-to-face interview and completion of an application.

Response (Board of Supervisors): Based on information from the Department, we disagree in part. Background checks, which include checking references, a face-to-face interview, and review of an application, are a standard. However, clients do have the option to hire persons, frequently family members or acquaintances, who are not on the Registry.

Recommendation

The Mendocino County Board of Supervisors should make fingerprinting and background checks mandatory. These should be paid for by Mendocino County and processed by the California Department of Justice for all current and future providers. All clients must be notified of the results.

Response (Social Services): Agree. The Board of Supervisors has requested the Department to implement a fingerprinting program and require all IHSS providers on the registry to participate in that program. In response to the Board's request the Department has prepared for implementation of the fingerprinting process and has applied for an establishment of an account with the Department of Justice. We recently received word from the Department of Justice that they have denied our application because the Department is not the official employer of IHSS providers. We will be reporting this information back to Board of Supervisors for further direction. The procedure that we have developed includes a waiver for the client to sign if in fact they did not wish to have the IHSS provider fingerprinted.

Response (Board of Supervisors): The Board of Supervisors strongly agrees with this recommendation. In fact, the Board appropriated the funds and directed the Department to implement a mandatory fingerprinting program for all providers on the registry. In response, the Department filed an application for an account with the Department of Justice to run fingerprint checks. Unfortunately Mendocino County's application was denied because the County is not the employer of record – technically the client is. We are discussing possible resolutions to this roadblock – up to and including special legislation.

Time Frame for Implementation: IHSS provider fingerprinting to be implemented as soon as State approval is achieved, no later than January 2003.

Finding

7. Clients can hire any provider they choose and this person is not required to fill out an application nor have a background check.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

Recommendation

If a client wants to hire a provider with a criminal background, the client should be requested to sign a waiver stating that he/she has received the background information and wishes to hire the person anyway.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this recommendation.

Time Frame for Implementation: Revision of current procedures to be implemented by April 2001.

Findings

8. Orientation, which covers services and time sheets, is usually done when providers are first employed or listed on the IHSS Registry.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

9. IHSS recruits providers to be placed on the registry from the general public by means of advertisement in newspapers and flyers. They also recruit through Job Alliance and Welfare to Work.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

10. No training of providers is given or required by the IHSS Program. IHSS has no follow-up monitoring procedures for new providers.

Response (Social Services): Disagree.

Response (Board of Supervisors): Based on information supplied by the Department, the Board disagrees with this finding. (See answer to recommendations listed below).

Recommendations

1. The IHSS program should work in cooperation with the local educational institutions to provide training programs for providers. At a minimum, providers should be trained in CPR and Basic First Aid.

Response (Social Services): Agree. The IHSS State regulations do not require “trained” providers, nor is there State funding to provide training. Mendocino County Adult Services has offered training for IHSS providers in the past by utilizing trainers/speakers who do not charge any fees, by utilizing IHSS staff, such as the Registered Nurses and Adult Services plans to continue to provide such training. Mendocino County Adult Services cannot make it mandatory to have providers attend trainings for those providers who are privately hired.

Currently, the Department is working with Mendocino College to develop a training program for IHSS providers in which providers would be able to earn college credits for their participation in the training. It is our hope to have this implemented by Spring Semester 2001. In the meantime, the Department is planning provider training this fall in all three major locations-Greater Ukiah, North County and on the Coast-to IHSS providers, as well as, any other caregivers in the following subjects: Personal Care and IHSS Payroll Training. These trainings will be free of charge to any caregivers that wish to attend.

Response (Board of Supervisors): The Board and Department agree with this recommendation. Reference is made to the Department’s response.

Time Frame for Implementation: IHSS Provider training to be implemented by June 2001.

2. A new provider should have a follow-up review in three weeks.

Response (Social Services): Every new IHSS client is visited within 2 weeks of his or her going on the IHSS program. This is a follow-up for both new clients and new providers to make sure they understand the program, do's and don'ts, completing timesheets, etc.

For ongoing clients who hire providers, with difficult or complex cases, there is often follow-up by phone or home visit by the HCC to make sure that the provider is showing up, doing the work, etc. To follow-up on every new provider hired would require more staff than we now have.

Response (Board of Supervisors): The Board and Department agree with this recommendation. Reference is made to Department's response.

Time Frame for Implementation: Compliance with current policy already implemented.

Findings

11. The handbook, published by the Adult Services unit of Mendocino County DSS, is given to the clients and providers outlining their rights, responsibilities and duties.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

12. The current handbook does not contain a publication date.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

Recommendations

1. The published handbook should be reviewed periodically and revised as needed.

Response (Social Services): Agree. The IHSS Handbook currently is reviewed on a regular basis and revised as needed. The Department

will make certain that the handbook has the most recent revision date printed in it.

Response (Board of Supervisors): The Board and the Department agree with this recommendation. The IHSS Handbook is reviewed and revised as needed on a regular basis. The Department appreciates the suggestion of including the most recent revision date on the handbook and will incorporate this suggestion with the next printing.

Time Frame for Implementation: Handbook revision to be implemented by June 2001.

2. DSS should give each client a "quick reference sheet" compiled with his/her physician's name, case manager name, Home Care Coordinator name, nurse and provider name and their phone numbers. The 24-hour Crisis Hotline and 9-1-1 should also be listed. This information is critically needed in emergency situations.

Response (Social Services): Agree. The Department will look into providing clients with a quick reference sheet as recommended by the Grand Jury.

Response (Board of Supervisors): The Board and Department agree with this recommendation. The Department will begin developing a quick reference sheet for clients.

Time Frame for Implementation: Reference sheet to be implemented by October 2001.

Findings

13. Providers are covered under State Workers Compensation.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding.

14. Providers are paid minimum wage.

Response (Social Services): Agree.

Response (Board of Supervisors): The Board and Department agree with this finding, although a 3% raise was approved by the Board effective January 1, 2001.

Recommendation

Mendocino County should explore ways to augment the wages and benefits for providers.

Response (Social Services): Agree. The Department fully agrees with the recommendation of the Grand Jury, that we explore ways to increase provider wages. In fact, this year in the Governor's budget he is allowing some additional funding for a 3% wage increase for IHSS providers above current minimum wage. The Department is currently in budget negotiations with the County and it is our recommendation to implement this 3% wage increase. In addition, recent legislation that was passed is requiring all counties to establish an "employer of record" by the year 2003. The employer of record must be other than the IHSS client and the primary purpose of the bill is to provide a vehicle for collective bargaining for wages and benefits for IHSS providers. The Department, under the direction of the Board of Supervisors, is currently working with the Mendocino County Health Planning Council to establish an IHSS Advisory Committee as required by law. This committee will make recommendations to the Board of Supervisors regarding the future structure and IHSS mode of delivery, which could also have an impact on the amount of the wages and benefits for providers.

Response (Board of Supervisors): The Board and Department agree with this recommendation. A 3% pay raise was approved for IHSS providers effective January 1, 2001.

Time Frame for Implementation: Increase of 3% above minimum wage to be implemented January 2001.

Comment

The Grand Jury would like IHSS to inform clients about the Ukiah Police Department's "Are You Okay"(RUOK) Program. This program is set up so that if the client registers, and meets the requirements, the police department will check on his/her welfare at designated intervals. This is a program that would be beneficial to all communities.

Response (Social Services): Agree. Social Workers and Home Care Coordinators can hand out pamphlets/brochures at home visits if the materials are provided for them. This would only be appropriate in

communities where the “Are You Okay?” program is offered. It is not a countywide program.

Time Frame for Implementation: Distribution of material is to be implemented by April 2001.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Department of Social Services