



# Consumer Handbook

## HIRING AN IN-HOME CARE PROVIDER



Dear Consumers;

The IHSS Public Authority Advisory Board welcomes all new IHSS consumers, all current IHSS consumers, and all consumer family members and friends to the IHSS Program. We understand how complicated the IHSS system can be and are hopeful that this Consumer Handbook, along with the Consumer Training Materials offered by the IHSS Public Authority, will answer many of your questions and concerns.

The Public Authority Advisory Board feels strongly that a knowledgeable consumer can advocate for themselves, or with the help of family and friends, to effectively utilize the IHSS system to stay safely and comfortably in their own homes. This Consumer Handbook has the goal of helping you understand the IHSS system, and how you can assist in making it work for you.

The Public Authority Advisory Board makes recommendations to the Public Authority Governing Body, (the Santa Clara County Board of Supervisors), on all issues relating to IHSS and personal care / home care assistance. We are in essence the voice of the consumer and take our role as consumer advocates very seriously. We welcome your comments, suggestions and input regarding the IHSS system in Santa Clara County.

Enjoy the Consumer Handbook and we look forward to meeting your training needs in various ways throughout the year.

Sincerely

Janie Whiteford  
Advisory Board Member

---

# Hiring Your Independent Provider

## The Hiring Process

As a result of your current situation, you may have become used to others making decisions for you. Doctors, family members, and close friends at one time or another have probably all influenced an important decision you had to make. That's why it's important to choose an independent provider (IP) that respects not only you, but also your right to make your own decisions.

## Family Member As Your Independent Provider

You may have a family member or a friend that you are considering as your IP. This can work well in some cases, but you need to be aware of the pros and cons of this situation.

The pros are somewhat obvious. Conceivably, this would be someone who genuinely cares for and loves you, the assumption being they will care more about your needs and comfort. There is already a built in relationship and trust. There could be an element of fun if this is a close friend with whom you spend social time, etc.

The cons, however, may be a little less obvious. Intimacy changes the employee/employer relationship. There are many factors you will need to consider if you are thinking about "hiring" a friend or relative.

- It may be difficult to view your friend or family member as a "service provider", someone who is there to take care of your needs.
- Feelings of resentment may develop for one or both of you.
- If issues do arise, how would you handle these? Would you be comfortable taking on the role of disciplinarian with this person if the service was unsatisfactory or would you find yourself accepting a lower standard of care?
- If you ultimately felt the relationship was not working, would you be comfortable "firing" this person?

You may never have to face these situations but they certainly must be considered before making a final decision. In the end, while some "intimate" consumer/IP relationships are successful, more frequently they do not work.

---

## There Are several Ways To Locate An Independent Provider

- IHSS Public Authority Registry at 408-350-3251
- Newspaper or the internet (either run your own ad advertising your need for an IP or check the “Jobs Wanted” section where people can run ads for jobs they want)
  - Internet sites where you can post jobs or search for caregivers include:
    - [www.care.com](http://www.care.com)
    - [www.sfbay.craigslist.org/sby](http://www.sfbay.craigslist.org/sby) (try searching in the resumes section for “ in home caregiver”
    - [www.indeed.com](http://www.indeed.com)
- Church bulletins or bulletin boards
- Nursing schools
- Word of mouth

### IHSS Registry

IHSS Public Authority Services by Sourcewise operates a registry that assists eligible consumers in locating suitable home care IPs. REMEMBER this is a referral service and not an employer. You as the consumer need to understand that the IP is your employee and they work for you. You are responsible for all aspects of the relationship, including hiring, training, supervising and, if necessary, terminating the IP. You may contact the IHSS Registry at 408-350-3251.

All IPs in the Registry are required to complete an application, attend a 4 hour orientation and training session, submit to an in-person interview, and provide at least two references. They must complete the enrollment process which includes a Department of Justice background check.

The Registry then catalogs all the information on a potential IP, for example: experience; primary, and if applicable, secondary language; available working hours and references. All this information is used to refer consumers to the best possible IP candidates.

However, the consumer must be aware that the IHSS/Public Authority makes no guarantee or recommendations with regard to the character, criminal history, or work experience of any of the IPs on its Registry and, as such, assumes no liability for any actions resulting from the referral of an IP.

---

## Removal From The Registry

### Consumers

A consumer can be refused service through the Registry for “just cause”. Some examples are:

- Sexual harassment of an IP, which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates a hostile or offensive work environment.
- Inappropriate conduct and a pattern of poor/illegal management practices
- Criminal behavior

**Remember:** Your IP has the right to a safe, professional, work environment.

### Providers

An IP can also be removed from the registry, causing their name to stop going out on lists to consumers, for certain behaviors and actions. These include but are not limited to:

- Repeatedly arriving late or not showing up for work
- Failure to do the tasks authorized and agreed to at the time of hire
- Abuse and harassment of any kind
- Being under the influence of alcohol or illegal drugs while working
- Falsifying timesheets
- Theft or intentional damage of a consumer’s property



---

## Screening And Interviewing Your Potential IP

The screening process is the first and arguably most important step in choosing your IP. By first screening a potential candidate, you can obtain information about the IP, their ability to meet your needs as well as particulars about their personality, attitude, and potential compatibility. See Appendix A for more information.

We recommend a three step screening process:

- 1) A Telephone Interview
- 2) Face-to-Face Meeting/Interview
- 3) Reference Check, if not hiring from the Public Authority Registry

### **The Telephone Interview**

This step can save valuable time and will help to identify IPs that may or may not be suitable for your needs. In the telephone interview, you run the show. Introduce yourself as both the recipient of their services and also as the one responsible for hiring and managing the IP.

It is important to remember that you are not attempting to hire them over the phone. The goal of the telephone interview is to determine whether or not you want to proceed with the next step in the hiring process, the face-to-face interview.

Some of the topics you will want to cover in the telephone interview are:

- The specific tasks you will expect them to perform.
- Any special needs/requirements you may have.
- How they plan to get to and from work (do they own a car or are they dependent on public transportation?)

You should also use the telephone interview as an opportunity to gather



information about the prospective IP. Below are some examples of questions you may wish to ask:

- Would you have a problem performing any of the tasks in the job description?
- What days/hours are you available? (be sure they coincide with the times you need them)
- What type of caregiving services have you performed in the past?
- Are you a smoker?
- Are you allergic to pets?

The telephone interview will also allow you to determine the IP's grasp of English (or whatever your primary language may be) and whether or not the two of you will be able to effectively communicate. If, after the telephone interview, you feel you may want to hire this IP, the next step is to arrange a face to face interview. Provide them with your phone number and ask them to call ahead of time if they're going to be late or need to cancel the appointment.

### **The Face-to-Face Interview**

Your first decision when arranging the face to face interview is where it will take place. If you have safety concerns you may wish to conduct the meeting away from your home. You can meet in a local restaurant or perhaps your building's community room. You may also want to have a friend or relative present during the interview.



Again, as with the telephone interview, you run the show. Be friendly but businesslike. Begin the interview by providing the prospective IP with a written list of the required tasks and/or contract. Much of what you will discuss will be a repeat of the telephone interview with extended explanations and detail. Don't be afraid to ask questions and probe further if you're unclear about a

---

particular response. Look for consistency in their answers in comparison to the telephone interview (see appendix for sample contract and consumer interview checklist)

Of particular importance is the clarification/agreement of the schedule you need them to work. You also should obtain following information:

- Confirm any tasks they are unwilling to perform.
- If you will be requiring them to drive you to medical appointments ask to see their valid California Driver's License and proof of current car insurance.
- If you are not hiring them from the Public Authority Registry, ask for their work references.
- Proof of training or certification.
- Proof of a negative TB test, if this is important to you.
- Specify the length of time the IP will be considered "on probation".
- Advise them that their involvement in any criminal activities or arriving for work under the influence of alcohol or drugs will be grounds for immediate termination.

Trust your instincts. You have to decide if you will feel safe with this person in your home.

It is important to remember that IHSS care providers are not managed by an agency, they are independent care providers. As you are interviewing them to determine if you want to hire them, they are also determining if they want to accept a job if offered by you.

## Reference Check

If not hiring an IP from the Public Authority Registry, this step in the screening process will provide you with valuable information about the applicant. When you contact the references, ask them to confirm the information provided by the applicant with regard to the tasks they have performed, salary, length of employment and, if applicable, reasons for termination.

Be very specific when verifying the tasks the applicant has performed. For instance, assisting someone in and out of the bathtub and actually giving them a

---



bath are two very different tasks. If you will require your IP to have experience performing a specific task, confirm that they do in fact have the experience.

Be sure to ask the right questions. Sometimes, applicants may use the names of friends for former employers. Again, this reiterates the need to ask very specific questions in order to determine if a reference really was a former employer. The types of questions you should ask are:

- What tasks did the applicant perform for you and how often?
- What sort of work schedule did you arrange with the applicant?
- How long did the IP work for you and, if they are no longer working for you, why did their employment end?

By asking questions only a former employer would be able to answer, you avoid being fooled into accepting a fraudulent reference.

### **Criminal Background Check**

All IHSS care providers must pass a Department of Justice (DOJ) criminal background check in order to receive pay from the IHSS program. This involves having their fingerprints taken and sent to the DOJ for processing.

Arrests that resulted in a conviction of a Tier 1 or Tier 2 crime within the past 10 years will cause the provider to fail the background check, making them ineligible to be enrolled as a care provider or to receive payment from the IHSS program.

Tier 1 crimes include elder, adult dependent, and child abuse, and Medicare or Medicaid (Medi-Cal) fraud. There are no exceptions which would make it possible to hire a person with a Tier 1 criminal record.

There are some instances, such as in the case of a family member, in which a consumer may wish to hire a person who has a Tier 2 crime in their background check. In this case, there may still be an option for the consumer to hire that individual by signing a Provider Waiver (SOC 862).

- For a complete list of possible Tier 2 crimes please click the following link or copy and paste it into your browser's search bar and view pages 29 - 41: <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2012/12-22.pdf>
- To learn more about the background check, please click the following link or copy and paste it into your browser's search bar: <https://oag.ca.gov/fingerprints>

## Decision Time:

### Hiring You Independent Provider

We recommend completing the interview and reference check steps as outlines for at least 2-3 people before making a job offer. By interviewing several possible candidates, you have sufficient time to complete reference checks if necessary. This also provides the opportunity to find a better applicant later in the process.

Rank your applicants in order of preference, eliminating those you do not wish to hire. Make an offer to your first choice and wait until they accept or reject the job before moving on to your other choices.

When making an offer be sure to review the following items with the applicant:

- Exact job description and expected duties (never assume your IP knows how you want something done. It is your responsibility to train your new IP. See *Managing Your IP Handbook*.)
- Work schedule (days and times)
- Job Agreement (Appendix B)
- Probationary period
- Actions that will result in termination

*“Whatever he does in this world I had a hand in helping him get there and I am extremely proud of that.”*

-Helena  
IHSS IP

Once an applicant has accepted the position, notify the other applicants that the position has been filled. You may wish to ask them if you can retain their names/numbers for possible emergency or relief work. Immediately contact your Social Worker and ask them to send you a Recipient Designation of Provider form (426A). If you found your IP through the Public Authority’s Registry, please also notify the Registry of your hiring decision.

Make sure both you and your IP properly sign and date the 426A form. Carefully follow the instructions in the enrollment packet as any mistakes can delay your IP’s paycheck.

# Appendix A

## Sample Interview Checklist

### **BEFORE THE TELEPHONE INTERVIEW**

Be prepared to describe the following:

- What days and what times do you need or want the IP?
- What are the total hours you need the IP to work each week?
- What date do you need someone to start working?
- What tasks do you need done? (That you have been authorized for.)
- Describe any special care, special equipment, or special diet that you require.
- If lifting or transfers are required: Describe your weight and describe whether you are able to bear any weight.
- Remember that your medical information is confidential and ONLY YOU can disclose this information to the provider. It is recommended this is not disclosed this soon in the process if at all.
- Inform the care provider if you have an IHSS Share-of-Cost (SOC). If you are unfamiliar with this term or have questions about SOC, please contact the Public Authority Registry.

Some IP's will ask many questions. Some will ask only a few basic ones. The amount of information that IP's may give you, and want from you, will vary. You need to judge how much to say and how many questions to ask. You are the employer and you decide what is comfortable for you.

### **DURING THE PHONE INTERVIEW**

Make sure to ask and obtain answers to these basic questions:

- What is the IP's availability?
- How much experience does the IP have providing this type of service?
- What kinds of tasks does the IP have experience performing?
- Does the IP smoke? (If this is important to you)

- If you have pets, is the IP comfortable with dogs and cats in the house? Is the IP allergic to pets?
- What special skills or training does the IP have? (For example, CPR, CNA etc).
- Why does the IP like home care work?
- Ask the IP to describe his/her good qualities (like being a fast learner, dependable, hardworking, able to follow directions, etc.)
- Ask if the provider has any physical limitations that you should be made aware of.

If you are interested in hiring the IP after the phone interview, schedule a face-to-face interview. When you schedule the interview, remind the IP to be sure to bring:

1. Work references (names and numbers of past employers)
2. Any training certificates (if the IP has them)
3. Remember to give your name, address, and phone number to the IP.

If you are not comfortable conducting the interview in your home then suggest another location, such as a restaurant or community center, etc. Remember you can ask a family member or friend to assist or sit in on the interview with you.

### **FACE-TO-FACE INTERVIEW**

You and the IP will probably go over some of the same questions already covered over the phone, but perhaps in more detail. It is recommended you develop a written list of questions that are important to you. Be prepared ahead of the interview, this will help you to relax and remember to ask or discuss what is important to you in making your hiring decision.

Be sure to make clear what your expectations are regarding the tasks, the schedule, being on time, whether you have an IHSS Share-of-Cost, how you will provide training if the IP is expected to provide paramedical services or other services he/she is not familiar with.

---

# Appendix B

## CDSS In-Home Supportive Services (IHSS) Program

### IHSS Consumer and Provider Job Agreement

This job agreement will help explain job duties and work schedule. You can use this form to guide your discussion with your new provider.

Complete and sign this job agreement. Use it as a record of agreed upon responsibilities.



#### 1. This job agreement is between:

Consumer/Employer  
Print Name

&

Provider/Employee  
Print Name

#### 2. The consumer and provider agree to the following general rules.

##### The consumer agrees to:

- Assign and direct the work of the provider.
- Let the provider know ahead of time, whenever possible, when hours or duties change.
- Not ask the provider to do work for anyone other than him/her or do things that have not been authorized by IHSS.
- Sign the provider's timesheet on time if it correctly shows the hours that were worked.

##### The provider agrees to:

- Perform the agreed upon tasks and duties.
- Call the consumer as soon as possible if they are late, sick, or unable to work.
- Come to work on time (see hours of work on the back of this page).
- Keep personal calls at a minimum and not make long distance telephone calls using the consumer's telephone.
- Not ask to borrow money or ask for a cash advance.
- Give the consumer a two-week notice, whenever possible, before taking a vacation or leaving the job.

**3. The provider will be paid at the rate set by the county for IHSS providers.**

**4. The hours of work for this job are shown below.**

Changes in the scheduled days and hours are to be agreed upon by both parties, with advance notice. Some providers may need to work split shifts each day in order to meet the consumer's needs.

	MON	TUES	WED	THURS	FRI	SAT	SUN
Hours							
Hours							

**5. IHSS does not pay provider gas or transportation expenses.**

The consumer and provider, by signing this document, agree to the terms outlined above. If the agreement changes, both parties will initial and date the changes.

\_\_\_\_\_  
Consumer/Employer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Provider/Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

