

THE CONSUMER CONNECTION

COA Public Authority Services



GOVERNOR'S PROPOSED BUDGET CUTS FOR IHSS

On January 10, 2011 Governor Brown put forward his proposed budget for the next fiscal year that begins July 1, 2011. The State is facing a \$25.4 billion budget deficit that the Governor and legislature must address. This article will address only IHSS proposed cuts however, if you would like to see the full budget proposal it can be downloaded from the state website at: <http://www.ebudget.ca.gov/>.

As you are already aware your IHSS hours were reduced by 3.6% effective February 1, 2011. This was approved in the previous budget cycle and is currently scheduled to expire June 30, 2012. However, the Governor's January budget proposes to make this reduction in hours permanent. Additionally he is proposing the following cuts to the IHSS program:

- 8.4% across the board cut to IHSS service hours - this is in addition to the 3.6% reduction in hours mentioned above. This will result in a combined reduction in IHSS hours of 12%.
 - Consumers who are at risk of institutionalization may submit a supplemental care application and the hours may be restored if the county approves the application.
- Eliminate domestic and related services
 - Minors with able and available parents would no longer receive hours for domestic and related services unless the parent could provide medical verification of his/her inability to provide those services. Exceptions would be allowed as per current regulations for shared housing.

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- o Shared Housing—Eliminate domestic and related services for all consumers who live with someone else (even if the consumer does not live with their IHSS provider). Exceptions would be allowed as per current regulations for shared housing.
- Physician Certification required to get IHSS - a medical evaluation would be required as part of the eligibility process to “ensure services are needed to avert out-of-home placement.” This would be required for all new consumers and for existing consumers upon re-assessment.
- Eliminate funding for IHSS Advisory Committees - this would remove the mandate for Advisory Committees (AC) and would become optional. Counties could opt to maintain an AC and fund their activities with 50% federal match; the state would not provide any funding. If this mandate is removed it is feared that most counties would opt to eliminate Advisory Committees which is the only provision for consumers to have a voice in IHSS.

Another important component of the Governor’s budget proposal is to call a special election and place an initiative on the ballot to extend the current increased taxes, due to expire in the end of June, for an additional five years. The Governor states he is attempting to take a more balanced approach to the huge deficit by proposing budget cuts as well as increased revenues. This is a very different budget cycle than in years past. It is on an accelerated path, the Governor is pushing for the legislature to approve the cuts by March 1st in order to meet the timeline for putting a special election in place for June. If this is successful any cuts that are approved by the legislature would become effective July 1, 2011. We are facing the most devastating economic environment in recent history and everyone is being impacted one way or another. If you have concerns about these proposals you can go to the IHSS Coalition website to obtain up to date information on IHSS and what advocates are doing in response to the proposed cuts. The web address is: www.ihsscoalition.org.

EXPANDED LIST OF DISQUALIFYING CRIMES

Currently all IHSS providers are required to undergo a Department of Justice criminal background check. As you may recall in November of 2009 was the beginning of implementation of the new enrollment requirements and the DOJ check is part of that. Early in 2010 a lawsuit was successful in reducing the number of disqualifying crimes to three however with the passage of the current budget an expanded list was adopted. Effective February 1, 2011 the new expanded list became effective for all new providers. This now works in a two tier system as described below:

There are two tiers of disqualifying crimes:

- Tier One is the current list of disqualifying crimes as specified under Welfare and Institutions Code 12305.81 (a): 1) Fraud against a government health care or supportive services program; 2) A violation of subdivision (a) of Penal Code (PC) section 273a (specified abuse of a child); or 3) A violation of PC section 368 (abuse of an elder or dependent adult). Federal law prohibits exceptions or expungements.
- Tier Two is the expanded list of crimes and contains the list of “Serious and Violent” felonies as defined under Proposition 36. There are no misdemeanors on the list. Expungements and dismissals will be honored (meaning those crimes are NOT grounds for termination by a county/Public Authority).
 - o Appeal Rights: Any IHSS provider with a disqualifying felony conviction under the expanded “Serious and Violent” felonies list may appeal to be reinstated as a provider by:

MER NECTION



PUBLIC AUTHORITY REGISTRY

The Registry assists IHSS consumers by providing a list of qualified independent care providers (IPs). The consumer then interviews, selects, hires and supervises the IP. The Registry maintains a pool of experienced IPs who have attended a Registry Orientation, and have been interviewed by a member of our staff. Their references, both work and personal, along with a California Department of Justice criminal background check are also part of our screening process. In addition to helping consumers understand their IHSS authorized tasks and times allotted per task, the Registry also provides tips and guidance to consumers so they understand their responsibilities which is essential to ensure a long lasting, productive and respectful consumer/IP relationship. We also refer consumers to other agencies as the needs require. We're here to help! You can reach us at (408) 350-3251.

URGENT CARE REGISTRY

The Urgent Care Registry (UCR) is the safety net for qualified IHSS consumers whose care provider is unable to provide needed care because of a personal emergency or illness and if the consumer has no family member or other resource to call on. An IHSS consumer generally qualifies for UCR assistance if he/she has been authorized more than 50 hours per month by IHSS. Please keep in mind that the "50 hours" is used as a guide line and the UCR will evaluate each request based on needs and circumstances. UCR will not provide general domestic services or transportation to medical appointments. IP vacations will also not be covered by UCR. The service will assist with, but not limited to, bathing, personal hygiene, and possibly meal preparation. Ensuring the well being and safety of the consumer by filling the temporary needs is the goal of the UCR. We're accessible from 6:00am to 10:00pm, seven days a week by calling (408) 590-0834.

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1. Reinstatement through consumer approval: Any provider who is terminated due to a Tier Two conviction must be notified by the county of their right to be reinstated upon approval of their IHSS consumer. **Consumers have an absolute right to approve the provider they select no matter what kind of convictions are on the DOJ record** (for Tier Two convictions only). There is no county discretion to override the consumers' choice. This reinstatement applies only for the individual consumer who has reinstated that provider; if the provider wants to work for an additional consumer, that consumer also must request the exception.
2. General Exception Process: Any provider may appeal first to the CDSS Provider Enrollment Appeals Unit to be reinstated upon showing evidence of rehabilitation. The CDSS Appeals Unit must consider each appeal on its own merit. Any provider who has not been reinstated by the CDSS Appeals Unit may go to a higher level appeal to an Administrative Law Judge.

The use of the expanded list of disqualifying crimes is **prospective** - meaning that any provider who has been determined eligible for payment is **not** subject to a new clearance based on the expanded list of crimes. Any provider who currently has an appeal on file with the CDSS Provider Enrollment Appeals Unit (because they were terminated by a county/Public Authority) may attempt to be reinstated by securing approval from their consumer or by using the General Exception process.

To Report Abuse

CALL 1-800-414-2002

(Local) (408) 975-4900

Adult Protective Services

24 hours a day - 7 days a week



PUBLIC AUTHORITY
SANTA CLARA COUNTY



COA Public Authority Services

2115 The Alameda
San Jose, CA 95126

- (p) (408) 350.3206
- (f) (408) 296.8340
- (e) info@publicauthoritysantaclara.org
- (w) www.publicauthoritysantaclara.org

IMPORTANT PHONE NUMBERS:

- COA Public Authority Services:** Call for information concerning provider benefits, Eco Pass, training or other services of the Public Authority **(408) 350-3206**
- COA Public Authority Services Registry:** Call if you want to join the Registry or to report any changes if you are already listed on the Registry. **(408) 350-3251**
- IHSS Social Services:** Call for information regarding authorized hours and services or to speak with a social worker. **(408) 975-4899**
- IHSS Payroll:** Call for any payroll matters **(408) 975-4899**
- UNION SEIU Local 521:** Representing providers. Call for information about the Union & payroll deductions **(408) 678-3300**
- Adult Protective Services 24-hour Hotline:** Call for help if you or someone you know suspect abuse of a senior or dependent adult **(408) 975-4900**
. **1 (800) 414-2002**
- Council on Aging Silicon Valley Information and Assistance:** Call to obtain information on available services in Santa Clara County **(408) 296-8290**
. (In county only) **1 (800) 510-2020**