

Solano County Health & Social Services Department



Mental Health Services
Public Health Service
Substance Abuse Services
Child & Adult Resources and Services

Patrick O. Duterte, Director

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June 4, 2013

Grand Jury
REC'D JUN 3 2013
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Honorable Paul Beeman
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA. 94533

Dear Judge Beeman:

Regarding: County Responses to FY 2012-2013 Solano County Grand Jury Report

The Health & Social Services Department is in receipt of the 2012-2013 Grand Jury Report entitled "Solano County Health & Social Services Department, In-Home Supportive Services" dated April 5, 2013. The following is submitted in response to the findings and recommendations of the report.

First Findings and Recommendations

- **Finding 1** – Department of Health and Social Services State-mandated reassessment rate was 82 percent, failing to meet the required 90 percent State compliance rate.
- **Recommendation 1** – Department of Health and Social Services In-Home Supportive Services Unit comply with State required 90 percent compliance rate for reassessments.

Response to First Findings and Recommendations

- **H&SS Response to Finding 1:** The Department partially agrees. In the 2008-2009 Grand Jury report, the 2007-2008 compliance rate was reported to be 69%. Since that time, the department has made great strides in increasing the IHSS compliance rate. In 2011, the average rate of compliance was 88% and in 2012 it was 86%. The 83% compliance rate noted in the report only occurred once during the last two years. There were nine months in 2011 where the compliance rate was over 90%, two months were as high as 93%.
- **H&SS Response to Recommendation 1:** The Department agrees. A 90% compliance rate continues to be the goal of the department. Continued performance at this level has been

challenging due to staffing cuts that were imposed several years ago and the intermittent use of time-limited extra help staff. Extra-help staff can only work approximately 900 hours each year, after which time they are replaced with new temporary staff who need to be trained again. To overcome this limitation and to provide a more consistent labor resource, the department was recently authorized to add a full time social worker to this program. Additionally, the Department is re-examining work process in an effort to increase program efficiency.

Second Finding and Recommendations

- **Finding 2** – Department of Health and Social Services In-Home Supportive Services Unit does not utilize the volunteer/student intern program.
- **Recommendation 2** – Department of Health and Social Services In-Home Supportive Services Unit utilize the volunteer/student intern program and actively recruit volunteers.

Response to Second Findings and Recommendations

- **H&SS Response to Finding 2** – The Department agrees. The Department does not have a volunteer or internship program.
- **H&SS Response to Recommendation 2** – Department disagrees. The IHSS program is an eligibility program and assessments must be done by county staff, therefore volunteers cannot perform this function. Also, each recipient is awarded In-Home Supportive services hours that are used to pay for tasks that are performed by IHSS providers. In many instances, providers visit a recipient daily to perform needed tasks and in other instances they may visit only a few times a week. Providers may alert the social worker if there are any significant concerns about a recipient. The maximum number of service hours that may be authorized is 283 per month. After the initial assessment, recipients are reassessed for service hours annually. There are some events that trigger an early reassessment of their service hours, e.g., discharge from the hospital, entering hospice and a significant change in the recipient's health condition. In addition to providers, recipients may be seen by public health nurses and/or members of the Program Integrity Unit (PIU).

Third Finding and Recommendations

- **Finding 3** – There is no internal process to annotate or monitor In-Home Supportive Services care providers who falsify timesheets.
- **Recommendation 3** –Department of Health and Social Services create a database of care providers who falsify timesheets. The database would alert the In-Home Supportive Services social workers of individuals who need to be monitored more closely.

Response to Third Findings and Recommendations

- **H&SS Response to Finding 3– The Department disagrees.** The County is not the employer of record and IHSS recipients are free to hire any provider who passes the background check requirements and the department is unable to disqualify any provider from the program unless he or she has been prosecuted for a barred activity. There is a mechanism in place that will alert PIU staff if a provider has had a previous complaint of suspected fraud.

- **H&SS Response to Recommendation 3** – The Department disagrees. The PIU staff currently maintains a log which tracks all complaints of suspected fraud. The log notifies the worker if there was a previous complaint of falsified timesheets or other fraudulent activity.

Fourth Finding and Recommendations

- **Finding 4** – The State-mandated timesheets did not track overlapping recorded hours worked per calendar day if the care provider worked for multiple recipients.
- **Recommendation 4** – Department of Health and Social Services create a process to detect the posting of overlapping work hours by care providers to eliminate overpayment.

Response to Fourth Findings and Recommendations

- **H&SS Response to Finding 4** – The Department agrees. The Department uses a State mandated timesheet and it does not track this information.
- **H&SS Response to Recommendation 4** – The Department disagrees. The Department is using a State mandated timesheet and it is not possible to capture this information. The timesheet only captures the total number of hours of service that were provided per day and not the times of day that services were provided. Thus, there is no ability to identify when hours are overlapping. The department will pass along the Grand Jury recommendations to the state.

Fifth Finding and Recommendations

- **Finding 5** – The staff assigned to the Program Integrity Unit receive no formal training in fraud detection techniques.
- **Recommendation 5** – Department of Health and Social Services ensure that Program Integrity Unit staff receives adequate training in fraud detection, investigation, and interviewing

Response to Fifth Findings and Recommendations

- **H&SS Response to Finding 5** – The Department disagrees. The PIU staff have been trained by a Welfare Fraud Investigator from the Special Investigation Bureau (SIB). They have received one-on-one training in the office and in the field. Additionally, PIU personnel meet at least monthly with an SIB investigator to review their activities. Recently fraud investigation staff in the unit have become members of the California Welfare Fraud Investigators Association (CWFIA) and are scheduled to attend the annual CWFIA conference in October 2013.
- **H&SS Response to Recommendation 5** – The Department agrees. The PIU is an integral part of the department's efforts to prevent fraud in the IHSS program. The Department will continue to provide members of the team with needed training.

Sixth Findings and Recommendations

- **Finding 6** – Department of Health and Social Services staff do not verify signatures of recipients and care providers on In-Home Supportive Services timesheets.

- **Recommendation 6**—Department of Health and Social Services periodically verify signatures on In-Home Supportive Services timesheets.

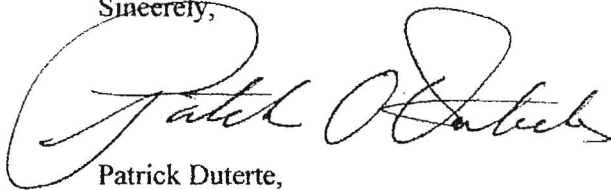
Response to Sixth Findings and Recommendations

- **H&SS Response to Finding 6:** The Department agrees. Prior to the implementation of CMIPS II, there was no consistent process in place to verify the signatures of recipients or care providers on submitted timesheets.
- **H&SS Response to Recommendation 6.** The Department agrees. The new Case Management Information and Payrolling System (CMIPSI) was implemented on March 4th, 2013 in Solano County. CMIPS II automatically selects 2% of all times sheets processed statewide to send back to the county of jurisdiction for signature verification.

The Department appreciates the issues raised by the Grand Jury regarding potential fraud in the IHSS program; the Department and BOS are concerned as well. The State is responsible for the investigation of fraud in the IHSS program, and therefore does not provide any funding to counties for IHSS fraud prevention or investigation. However, Solano County has voluntarily implemented fraud prevention/detection via the PIU. Our goal in implementing the program was to ensure that recipients receive the services that they are entitled to so that they may continue to live independently in their own home. When fraud is detected, it is reported to the State Department of Health Services (DHS) and DHS determine which cases it will refer to the District Attorney (DA). The DA, in turn, identifies those cases that it will prosecute.

The Department is proud of the work done by the PIU and considers it to be an unqualified success. During the last two years the program has generated over \$5 million in savings. Additionally, many of the processes and techniques used by the program have been selected and used by the State in its own fraud prevention activities. Fraud identification and prevention are important activities and fortunately, Solano County has a solid and robust program in place.

Sincerely,



Patrick Duterte,
Director, Health and Social Services Department
Solano County

Cc: Aaron Crutison, Interim Deputy Director, CARES
Birgitta Corsello, County Administrative Officer
Clerk of the Board of Supervisors
Grand Jury Office