



**SOLANO COUNTY GRAND JURY
2012-13**

IN HOME SUPPORTIVE SERVICES

In-Home Supportive Services

2012-13 Solano County Grand Jury

I. SUMMARY

The Grand Jury investigated the Solano County In-Home Supportive Services program. We identified several areas of concern:

- Suspected fraud
- Training of investigative staff
- Timesheet deficiencies

The Grand Jury identified the lack of a permit process for private in-home care providers in Solano County.

II. INTRODUCTION

The In-Home Supportive Services (IHSS) program is a State-sponsored, county-administered, program within the Department of Health and Social Services that provides assistance to low-income recipients who are 65 years of age or older, legally blind, a disabled adult, or a dependent disabled child and unable to care for themselves safely in their homes. The Solano County IHSS program has approximately 3,000 recipients who receive personal care and/or domestic services from care providers. Recipients and care providers are overseen by IHSS staff.

After reviewing prior Grand Jury reports, the 2012-13 Grand Jury elected to review In-Home Supportive Services in Solano County to determine whether prior concerns had been addressed. The prior concerns identified were:

- Solano County did not meet California Department of Social Services' standard of 90 percent for conducting annual reassessments of recipients.
- The timesheet used by the State did not track overlapping hours worked per calendar day if the caregiver worked for multiple recipients. (See Attachment A)
- Fraudulent activity exists and is not aggressively investigated.

III. METHODOLOGY

- Reviewed prior Grand Jury reports on In-Home Supportive Services
- Interviewed Solano County In-Home Supportive Services' staff
- Toured the In-Home Supportive Services' office
- Reviewed and examined State-mandated timesheets
- Interviewed Solano County Public Authority
- Interviewed Solano County Welfare Fraud Manager

IV. STATEMENT OF FACTS

In-Home Supportive Services (IHSS) authorizes assistance with activities of daily living, such as housecleaning, meal preparation, laundry, grocery shopping, personal care, and transportation for the physically impaired, as well as protective supervision for the mentally impaired. This program allows people to remain safely at home who might otherwise be required to reside in assisted-living or nursing-care facilities.

Funding for IHSS comes from Federal, State, and County programs. The fiscal year 2012-13 budget is IHSS approximately \$49 million. Solano County's contribution was approximately \$8.6 million.

There are two ways an IHSS recipient can obtain a care provider. A recipient can select a person of their choosing, including a friend or relative as their care provider. As an alternative, the Solano County Public Authority (PA) maintains a registry of preapproved care providers. There are approximately 250 care providers registered with the PA. IHSS care providers in Solano County are paid \$11.50 per hour and are eligible for medical benefits.

All in-home care providers in the IHSS program must complete an application, present a government-issued identification card, and original Social Security card to the Solano County Department of Health and Social Services. Care providers must also complete a Live Scan process (fingerprinting and criminal background check) and attend an orientation conducted by the Solano County Department of Health and Social Services. The orientation is primarily focused on the administrative requirements of the IHSS program. According to staff, care providers receive minimal or no training on how to care for recipients.

Conviction of specified crimes disqualifies applicants from becoming IHSS care providers. If the care provider is found to have a criminal conviction that does not disqualify them, the potential recipient is notified of the care provider's conviction. If the recipient approves the hire of the care provider, a waiver must be signed acknowledging that the recipient was made aware of the care provider's past criminal conviction.

An IHSS social worker conducts an initial assessment of a recipient's medical and/or personal care needs. The social worker uses a State-mandated formula to determine the total number of service hours (not to exceed 283 per month) to be provided. The State of California requires that social workers must re-evaluate at least 90 percent of all recipients annually to meet the State compliance rate. This re-evaluation involves a review of the recipient's care and needs. As of November 2012, the Solano County compliance rate was 82 percent.

Due to staffing, not all recipients are seen annually. The IHSS staff stated that some recipients should be visited more frequently to ensure that authorized services are adequate or are being provided. The Solano County Health and Social Services has a volunteer/student intern program in place that could provide services to recipients. According to staff, IHSS does not currently have any volunteers or student interns. Staff indicated they do not recruit any volunteers or student interns due to lack of staff resources that could support such a program.

To document work hours, a care provider completes a State-mandated bi-monthly timesheet listing the number of hours worked per day for each recipient. At the end of a pay period, both the care provider and recipient sign the timesheet. Completed timesheets are mailed to Solano County IHSS office where they are reviewed and the total hours for the pay period are recorded in the payroll system. Only the total hours worked during the period is entered into the State payroll system. The Grand Jury learned signatures were no longer being checked by IHSS staff for authenticity.

Timesheet concerns identified by previous Grand Juries have not been resolved. Specifically, timesheets do not track overlapping reported hours worked per calendar day if the care provider worked for multiple recipients on the same date.

The Grand Jury learned that Department of Health and Social Services formed the Program Integrity Unit (PIU) to investigate fraud and ensure quality assurance. The unit is comprised of two higher-level social workers who receive no formal training in fraud detection. The Grand Jury's review found that PIU investigations focused mainly on the care being delivered to recipients rather than suspected fraud. Fraud in the IHSS program is pervasive. For example, the State of California recently provided a list of 500 recipients (over a three-year period) within Solano County who were in the hospital while their caregiver was receiving compensation. IHSS staff indicated there is no internal process to annotate or monitor care providers who falsify timesheets.

The Grand Jury also learned the PIU unit does not pursue fraud cases under \$1,000. During fiscal year 2011-12, three fraud cases over \$1,000 were referred to the State of California for possible prosecution. In this time period, no cases were forwarded to the Solano County District Attorney's office for prosecution.

There are approximately 4,800 care givers in Solano County. Of those, IHSS staff estimates approximately 1,800 are private pay in-home care providers that have no association with IHSS and are not paid through the IHSS program. Private in-home care providers are of concern because there is no requirement for background checks or care provider training. This puts the recipient at greater risk for possible fraud, abuse or neglect. (See comments)

V. 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.

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.

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.

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.

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 techniques.

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.

REQUIRED RESPONSES

Director, Solano County Health and Social Services Department

COURTESY COPIES

Solano County Board of Supervisors

COMMENTS

During the investigation of In-Home Supportive Services, the Grand Jury became aware that Solano County has no permit process for private in-home care providers. There has been an increase in Solano County of senior citizens requiring basic personal care and the demand is

growing. There is no fingerprinting, training, or licensing required for private in-home care providers. This can put a private client at risk for fraud, abuse, or neglect.

Napa County, in collaboration with its cities, enacted a care provider ordinance mandating that private in-home care providers have a permit. Napa County ordinance 5.60.010 defines a private care provider as “any person that provides personal and/or domestic services for compensation or any form of consideration for an elder and/or dependent adult.” Each care provider must pay a fee for an application and a background check. If a care provider does not have a permit, the punishment is a possible fine and/or a jail sentence. Background checks for the Napa County Caregiver Permit Program are managed by the Area Agency On Aging Serving Napa and Solano Counties. In-Home Supportive Services (IHSS) care providers are exempt from the permit requirement.

The Grand Jury encourages the Solano County Board of Supervisors and the Solano County cities to investigate the possible benefits of an ordinance to permit all private in-home care providers.

THE TIMESHEET MUST BE COMPLETED WITH THE HOURS YOU WORKED AND RETURNED TO THE COUNTY IHSS ADDRESS AS INDICATED ON YOUR TIMESHEET.

LA HOJA DE HORAS TRABAJADAS TIENE QUE SER COMPLETADA CON LAS HORAS QUE USTED TRABAJO Y DEBE SER REGRESADA A LA DIRECCION DEL CONDADO PARA IHSS

IHSS Timesheet																
Recipient Number 48-01235467 CROCKER BETTY 111 DOUBLE LAYER LANE FAIRFIELD CA 94533	1	Provider Number 891011 LEE SARA 111 DOUBLE LAYER LANE FAIRFIELD CA 94533	2													
Address Change Yes <input type="checkbox"/> Write new address on reverse side		Address Change Yes <input type="checkbox"/> Write new address on reverse side														
MARCH 2006 EMPLOYER SERVICE HOURS ARE 283.0															3	
Day of Month	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	4
Hours Worked																5
Fill in hours for each day worked and place total here. ↑ Llene las horas para cada día que trabajó y apunte el total aquí																
Share of Cost Liability		6	Other Liability		Provider Overpayment											
SW NO. SD3B DO. 01 SOLANO CO. ADJULT SERVICES-IHSS PO BOX 190 SUISUN CITY, CA 94585-190		48-01235467		X	RECIPIENT SIGNATURE DATE											
		891011		7	PROVIDER SIGNATURE DATE											
		After work has been completed, sign, date and mail to this address: Una vez que se haya completado el trabajo, firmese y envíese a esta dirección:														
"Do not sign unless you have read and understand instructions on reverse side" "No firme hasta que haya leído y entendido las instrucciones al dorso"																
This is to certify that the information contained in this form is true, accurate and complete, and that the provider and recipient have read, understand and agree to be bound by and comply with the statements, affirmations, and conditions contained on the back of this form. Por medio de la presente certifico que la información que contiene esta forma es verdadera, correcta y completa, y que el proveedor y la persona que recibe los beneficios han leído, entienden y están de acuerdo en someterse a, y cumplir con las declaraciones, afirmaciones y condiciones que contiene el dorso de esta forma.																