

# Solano County Health & Social Services Department



Mental Health Services  
Public Health Services  
Substance Abuse Services  
Older & Disabled Adult Services

Eligibility Services  
Employment Services  
Children's Services  
Administrative Services

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August 14, 2009

Honorable Ramona Garrett  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Avenue  
Fairfield CA 94533

Re: County Responses to FY2008/2009 Solano County Grand Jury Report titled "In-Home Support Services"

Dear Honorable Presiding Judge Garrett:

The Grand Jury report of June 15, 2009 on In-Home Support Services (IHSS) highlighted aspects of the program that are common to underfunded State programs with complicated regulations and certain bureaucratic elements because of California's size and varied jurisdictions. The Department of Health and Social Services (H&SS) is tasked with providing the IHSS assistance program for County residents pursuant to Federal and State code with limited and now significantly reduced resources. H&SS is committed to providing an IHSS program that enables clients to remain in their homes instead of being placed in expensive convalescent or other board-and-care facilities.

However, certain Grand Jury recommendations require additional financial resources while the County is currently not funded to the appropriate level of the cost of doing business for its IHSS program. As a direct result of the grand jury findings, H&SS is analyzing the need for policy and procedural changes and or legislative remedies to facilitate some of the Grand Jury recommendations to ensure a more efficient and accountable program.

The H&SS departmental response to the Grand Jury Findings and Recommendations in the above mentioned report have been provided in accordance with Section 933.05 of the California Penal Code.

**Finding 1a** - According to California Department of Health & Social Services standards, Solano County is seriously deficient in its monitoring of In-Home Support Services. The absence of annual reassessments of a significant proportion of In-Home Support Services cases may lead to problems such as clients not receiving reported services and other undetected fraud.

**Response to Finding 1a** - The Health and Social Services Department agrees with the finding. In FY2007/08 the Solano County's IHSS program did not meet the State's compliance standard for annual reassessments. Per State requirements, H&SS submitted a compliance plan with corrective actions in July, 2007 and files quarterly State

reports which reflect significant improvements from the FY2007/08 reported compliance level. The Department made a concerted effort to increase the number of timely reassessments and as a result has achieved an 82 percent compliance level in June 2009 and anticipates maintaining or improving that rate on an ongoing basis.

Timely reassessments are important for a number of reasons. H&SS' greatest concern is the health and safety of IHSS recipients as well as the authorization of the appropriate number of hours. If a recipient needs more hours authorized, usually staff will receive a call at the time of the increased need which usually occurs before the annual reassessment is done. Additional funding is needed to meet the increasing demands of the IHSS program and of an aging population that is in need of these services.

**Finding 1b** - The State of California pays Solano County In-Home Support Services providers approximately \$33,000,000 annually through an In-Home Supportive Services system controlled and monitored by Solano County Health & Social Services. The State relies on Solano County for an accurate reporting of monies due to providers of In-Home Support Services. The mechanism for reporting hours worked by In-Home Support Services providers is the California Department of Health & Social Services form filled in by the provider and validated by the client. While most In-Home Support Services providers may be scrupulously honest about reporting actual hours worked, the insufficient nature of the form and the lack of review provided by annual reassessments in a significant number of cases leaves the door wide open for fraudulent reporting. In any situation where monitoring is employed to ensure that laws and regulations are followed, monitoring is not intended for the vast majority of law-abiding citizens. It is intended for people who will take advantage of weaknesses in the system. For example:

- Some providers have more than one client and the form contains no safeguards against duplicate reporting of hours because the reporting form is specific to a client and providers may have multiple clients, hence the submission of multiple forms.
- In some cases, the client may not remember the specific days/hours worked by the provider and/or the client may be of advanced age and not be competent to keep track of such details.
- In many cases the provider is a family member of the client, which may influence the validation process.
- There have been cases discovered where the client is no longer alive and the provider has ended the relationship with the client but has continued to report hours worked.

The State requires annual review of In-Home Support Services cases for a reason. If those reassessments are neglected by Solano County, abuses arising from the above circumstances may go undetected.

**Response to Finding 1b** - The Health and Social Services Department agrees with the finding and supports the fraud prevention reform effort, including a revision of the timesheet which will in the future require a signature under penalty of perjury, and

fingerprinting for all providers and recipients. Though the responsibility and control over the current timesheet lies with the State Department of Social Services, H&SS continues to work with its statewide advocacy groups to encourage additional accountability through legislative and regulatory changes.

As recommended in the May 7, 2007 Grand Jury Report, H&SS formed a Fraud Prevention Task Force and that group has continued to meet since May, 2007. Although, the initial unannounced visits pilot project was terminated, the Task Force has continued on with its work. The Task Force, with the participation of H&SS' Special Investigations Bureau (SIB), undertook a pro-active approach to implement an "early fraud preventative program". The Task Force identified six target groups, including providers who work 300 or more hours per month, for SIB staff to conduct unannounced verification visits. To the best of our knowledge, Solano is the only County to implement such a program.

Flyers announcing the unannounced visits are given to recipients at intake and reassessment home visits, during orientation, and are included in the IHSS enrollment packets as well as articles published in the Public Authority quarterly Newsletter that goes to all recipients and providers. Alerting providers and recipients to the unannounced visits was an important part of the fraud prevention plan.

It should be noted that H&SS does not receive funding from the State for these activities, but staff will be looking at the additional State funding approved by the Governor and Legislature to see if it can be used to offset these County costs and provide more resources. Pursuant to H&SS policies and procedures, if criminal fraud is suspected, complaints regarding abuse of IHSS funds by providers or by both the provider and the recipient will be referred to both the California Department of Health Care Services and the State Bureau of Medi-Cal Fraud and Elder Abuse in the California Department of Justice.

As stated before, H&SS acknowledges its lack of compliance with the annual reassessments of clients, which is instrumental in preventing fraud, and has increased its compliance rate in subsequent years. H&SS' continued dedication to increasing its compliance rate of annual reassessments will assist with any fraud prevention and monitoring necessary to maintain an effective IHSS program

**Finding 1c** - The explanation for the lack of In-Home Support Services annual reviews provided by Solano County Health & Social Services to the State do not appear, for the most part, to be specific to Solano County. They mainly address problems facing all California counties. However, when deficiencies in annual reviews in Solano County In-Home Support Services is compared to the deficiencies in annual reviews in comparable counties (with comparable caseloads and comparable numbers of staff assigned to perform annual reviews), Solano County stands out as having the worst level of performance.

**Response to Finding 1c** - The Health and Social Services Department agrees with the finding. Solano County's performance level in FY2007/08 was lower than the comparable counties indicated in the Grand Jury's Background and Summary report. As stated earlier, the FY2007/08 compliance level reported to the State has improved significantly over the past 24 months. With inadequate funding and amid ongoing State and local budget cuts,

the IHSS program and its staff have dedicated their efforts to improving their performance level during the last two fiscal years.

**Recommendation 1** – Solano County Health & Social Services needs to acknowledge that the problems it faces are also faced by other counties and that those counties are performing better and, in some cases, much better, in keeping up with required annual assessments. Solano County In-Home Support Services needs to take a different approach, dig deeper and perhaps look in different directions to discover why they are deficient. Compliance with State standards may require more than just procedural changes and requests for more resources. It may require changes in management policy and a recognition of what is, and what is not acceptable in terms of levels of performance.

**Response to Recommendation 1** – The recommendation has been implemented with the development and submission of the State compliance plan in July, 2007. H&SS has made significant improvements and is continuing to develop strategies to improve compliance with annual reassessments. In FY2008/09 changes were made that have resulted in an 82 percent compliance level. In FY2009/10, Solano County anticipates that it will no longer be required to submit a compliance plan and quarterly reports.

**Finding 2** – Due to the inadequacy of the time sheet and the system for reporting provider hours, the County is not able to adequately track clients with more than one provider, nor can it determine the number of hours submitted for a provider for each calendar day. This leaves an opening for unscrupulous providers to claim more hours than actually worked. The mechanism in place that triggers a review when a provider claims 300 hours or more in any month may not be at the level necessary to detect excessive reporting of hours.

**Response to Finding 2** – The Health and Social Services Department partially disagrees with the finding. The IHSS payrolling system is able to track recipients with more than one provider. Multiple providers may work for a recipient; but, the system does not allow for more than the authorized hours to be paid for each recipient. Time worked is reported for each calendar day on the timesheet. The Department continues to seek strategies to further strengthen safeguards against fraudulent time reporting in the system and looks forward to implementing the new fraud prevention activities approved by the State Legislature in July, 2009.

**Recommendation 2** – Solano County Health & Social Services should work with the California Department of Health & Social Services to develop a tracking system that will help to prevent fraudulent reporting of hours. Improvements to the timesheet could allow for a more accurate tracking system. The computer payroll system should be able to cross-reference providers and clients in order to prevent overlapping reporting of hours. In addition, Solano County Health & Social Services should work with the State Department of Health & Social Services to readjust the level of reported hours triggering a review to a more realistic level. It would seem appropriate that a review would be in order if, for example, the provider reported more than 160 hours in a given month.

**Response to Recommendation 2** – The recommendation has not yet been implemented, but will be implemented in the future. In 2008, the State acknowledged the need to

upgrade the existing 25-year old Case Management, Information and Payrolling Systems (CMIPS) for the IHSS program to ensure a more efficient and effective system for Counties. The current computer payrolling system does prevent more than the number of authorized hours being paid each pay period. The CMIPS II upgrade of the IHSS state-wide payrolling system will include more fraud prevention features when it is implemented in Solano County in 2010. Solano County is partnering with the State in the development of the upgrade and will be a pilot county.

I trust the information provided adequately responds to the Grand Jury's Findings and Recommendations. I would also like to thank the Grand Jury for its evaluation of the IHSS program in H&SS' Older and Disabled Adults Services Division. I personally want to acknowledge the hard work and dedication of the IHSS social workers and support staff to increase their compliance rates and for all their work to better the lives of some of Solano County's most vulnerable residents.

Sincerely,

Patrick O. Duterte  
Director, Health and Social Services

Cc: Donna Fields, Deputy Director Older and Disabled Adult Services  
Michael Johnson, County Administrator  
Board of Supervisors  
Grand Jury