

In-Home Supportive Services Task Force  
Meeting Minutes  
IHSS Rancho Office  
October 15, 2009

By: Michelle Cooper - District Attorney's Office

**Members Present:** Jeff Rose, District Attorney's Office; Bernadette Lynch, Public Authority; Michele Bach, Office of County Counsel; Jackie Coleman, Disability Rights CA; Anne Israel-Connolly, Area 4 Agency on Aging; Deidre Kolodney, Elder Death Review Team; John Marvich, IHSS Consumer; Betty Perry, Older Women's League; Cordia Wade, Adult and Aging Commission

**Also in attendance:** Lisa Barrows, STEP Program; Denise Blackmon; Marni Cotta-Warren, Public Authority; Joe Crude, Creative Living Options; Cristi Kerr, Student Intern; Kristen Lyall, IHSS Advisory Committee; Morgen Pierce; David Rydquist, Alta Regional; Joan Schmidt, Creative Living Options; Rick Simonsen, Public Authority; Floridalma Valencia, IHSS

**Introduction:** Jeff Rose and Bernadette Lynch chaired the meeting. Jeff opened the meeting by welcoming Bernadette Lynch as the new co-chair of the task force. She has taken over the position previously held by Bert Bettis. The attendees then introduced themselves. Bernadette reminded the members that they are guided by the Comfort Agreement; it was displayed, but not read aloud. Jeff asked if the members had reviewed the September minutes. Deidre Kolodney motioned to accept the minutes as written. Jeff seconded the motion and the minutes were accepted.

**IHSS Updates:** Bernadette Lynch discussed the losses and changes to IHSS due to budget cuts. IHSS is also reeling from changes at the state level to the IHSS program. The new state budget has changed eligibility for in-home support services. Consumers who have a Functional Index Ranking of 1.99 or lower will be eliminated from the program. Consumers who have an index ranking below 4 in certain task areas (domestic related areas such as shopping, laundry, meal preparation etc...) will lose hours. The state was to send out letters to those consumers being eliminated or losing hours that would be received by October 15, 2009. At the time of the meeting, Bernadette was unsure as to whether those letters had in fact gone out. A Temporary Restraining Order was issued to stop the filing of those notices. About 2,400 consumers were to be cut and 9,000 consumers would be losing hours. Due to budget cuts, there are 6,500 uncovered cases at IHSS. IHSS is trying to come up with a new plan to deal with that.

New laws for IHSS providers have gone into effect and as of November 1, 2009, every provider, new and current, must be finger printed, identified, receive orientation on the issue of fraud, sign a declaration under penalty of perjury, that they know the information presented to them at the orientation and sign a new provider enrollment form. Between November 1, 2009 and July 1, 2010, there will be 20,000 current providers that have to go through the new process. There are about 300 to 500 new providers every month and

they will not be paid until they have gone through the new process. The current providers have until July 1, 2010, to complete their enrollment. The orientation process will be covered by Public Authority. New providers will receive the orientation in a classroom setting. The orientation is a 37 minute Power Point presentation with a talk over. Current providers have the option to attend the classroom presentation, pick up a computer disk and watch on their own (the disk must be returned at which time they would sign the declaration), or pick up a packet of the hard-copy materials and return to sign the declaration. The orientation will be provided in Spanish, Armenian, Chinese and English. The Public Authority is working to get single translators for other languages.

Deidre Koldney asked how the losses of services to 2500 existing IHSS clients will impact Adult Protective Services. Bernadette responded that IHSS is losing 2,500 clients to cuts in the program and that a large number of those clients are expected to be referred to Adult Protective Services. IHSS is strategizing what to do about the uncovered caseloads, and the IHSS 2,500 clients losing services. Cases involving clients age 70 or older have been made a priority. Of those 2,500 cases 217 clients are over the age of 80. The State has already changed the computer system to reflect the reduction in hours to clients. The system is frozen so that the hours cannot be changed. There are particular concerns for clients who are over the age of 80 and are set to be eliminated from the program.

Deidre Koldney asked if there are any discussions at the State level regarding the Functional Index and the function assessment tool. Bernadette confirmed there is no further discussion.

The Public Authority has talking points for all of its staff on the Functional Index reductions, share of cost buy-out reductions, and on the new provider enrollment process. They have put together a comprehensive list of referral and resource material that will be posted on the website for clients and staff.

Lisa Barrows asked if supportive living agencies that do their own background checks and fingerprinting can provide their documentation to IHSS. Bernadette confirmed that further discussion on that is needed.

Lisa also asked if a provider will have to be fingerprinted every time they change clients. Bernadette confirmed providers only need to be fingerprinted once and attend the orientation once. However, the provider will need to go through part of the enrollment process when taking on a new client, including the DOJ background check. Marni Cotta-Warren confirmed that the Form SOC-426 (initial provider enrollment form) only has to be completed once, unless the provider stops working for a period of 12 months or more. The form SOC-426(a), which connects the recipient to the provider has to be completed for each new assignment.

Lisa Barrows asked how this new process will affect alternate signers of timecards. Bernadette confirmed that the new process should not affect the alternate signers.

Rosalind Garner (on behalf of William Geiger) asked if providers with a criminal record that was cleared will be disqualified as providers. Jeff Rose indicated that there is nothing in the statute indicating there would be a waiver on this issue. Rick Simonsen confirmed that there is an appeal process at the state DSS level.

Joan Schmidt, who runs a supportive living agency, thanked the Task Force for having the monthly meetings and offered her assistance to the Task Force.

Cristi Kerr asked who would be absorbing the cost of the background checks. Bernadette confirmed that the providers will pay the cost. The minimum cost in Sacramento County is \$42.00.

Cordia Wade asked for clarification on the deadline for the new orientation process. Bernadette confirmed that the state sent out an informational letter to all providers and clients of the changes to the orientation and enrollment process. A copy of this letter was passed out to the members.

**Public Comment:** There was no public comment.

**Quality of Care Presentation:** Cordia Wade gave the presentation on Quality of Care on behalf of the workgroup. The presentation notes are attached to the minutes. Cordia then responded to questions from the Task Force.

Jeff asked if the sub-committee had other recommendations that were not included in the presentation, particularly in relation to SB 1104: Quality Assurance in IHSS. Cordia confirmed that SB 1104 was voluminous but she did not have anything further to add. Deidre Kolodney confirmed that the committee discussed consumer responsibility regarding the provider's tasks. Bernadette added that the SB 1104 includes many more requirements that were not mentioned in the presentation.

Cordia expressed her personal concern for clients who are not able to communicate to their employees what the tasks are. Floridalma Valencia explained that a family social worker is assigned to assist those clients in properly communicating the task requirements to the provider. Kristie Kerr mentioned that in the orientation the social worker encouraged providers to obtain a list of appropriate tasks.

**Public Comment:** Joan Schmidt asked for a clarification of the definition of "contractors". She explained that through the Lanterman Act, supportive living services agencies plan and coordinate services for developmentally disabled individuals that enable such individuals to make appropriate decisions about their care. Jeff asked for a description of the services that the SLS agency provides. Joan explained that they provide the same services as IHSS. Deidre Kolodney asked who covers the cost differential. Joan explained the Alta Regional does that. Clients must come through Alta Regional. Bernadette added that a new law requires that by 2011, a notice will go to provider telling them what the number of hours are and what the tasks will be.

**Self-Direction of Care:** Marni Cotta-Warren and Anne Israel-Connelly gave the presentation on the Self-Direction of Care on behalf of the workgroup. The presentation notes are attached to the minutes. They then responded to questions from the Task Force.

Deidre Kolodney commented that the issue of self-direction of care really is an issue of freedom vs. safety and right of the client to make the choices even if others see those choices as being bad choices. Marni commented that they see clients at the registry who consistently make bad choices even after being counseled by IHSS staff. Jeff commented that there is a difference between bad choices and dangerous choices. He commented that there has to be distinctions drawn as to how much choice a person has.

There was also discussion on the issue of language barriers as they relate to self-direction.

Marni commented that there is a lot of community support for self-direction. There are many agencies in the community that support a consumer's ability for self-direction.

Kristen Lyall commented that there is a need for basic training for young consumers on how to hire and fire their providers. She stated that young people need additional training in the area of self-direction when transitioning from the care of their parents to independent living. Kristen commented that she deals with many of those issues herself.

**Public Comment:** There was no public comment

Anne passed out a flyer to the attendees of the meeting regarding the County Board of Supervisors Meeting scheduled for October 20, 2009, at 2:30 pm where a presentation was going to be made on additional cuts to the Senior Nutrition Program. 25 meal sites that are serving meals five days a week are being cut to 16 meal sites serving meals 2-3 days a week. Jeff asked for clarification on the number of senior receiving hot meals daily and those receiving frozen meals. Bernadette asked if there was a waiting list. Anne suspects that there is. Cordia Wade asked if there are any organizations trying to get microwaves to individuals who need them. Anne stated there is no organized effort.

**Functional Index Presentation:** Floridalma Valencia gave a presentation on Functional Index. She stated the Functional Index Score is a cumulative score made up of the rankings an individual receives in each of the 11 functional areas that are evaluated. Rankings are applied by IHSS Social Workers. Social Workers use the Annotated Assessment Criteria to evaluate an individual's capacity to perform certain IHSS tasks safely. The assessment criteria were developed in 1988. The latest revision was made in 2007. A copy of the assessment criteria and a document explaining the calculation was passed out to the group.

Floridalma defined each of the rank levels from 1 to 5. She stated that if an individual's functioning varies throughout a given month, the ranking reflects the functioning on reoccurring bad days. Floridalma discussed how individuals are ranked on various domestic services such as doing laundry and all the tasks that go along with doing

laundry. An individual can not receive services for a particular task without first being ranked.

Jackie Coleman commented that the Sacramento Bee published an article just before the meeting that a judge had granted a Temporary Restraining Order on the cuts to IHSS that are to go into effect on November 1, 2009.

Cordia Wade asked how often an individual is reassessed. FloridaIdalma stated that social workers are mandated to see clients every 12 months.

**Other Business:** Jeff Rose reminded the members that they will break up into new subcommittees at the next meeting. He asked that everyone come to the meeting with two subcommittees in mind.

The meeting was adjourned.

The next meeting is scheduled for Thursday, November 19, 2009.