



# Link2Care

## Winter 2009



**A Publication of the Stanislaus County  
Public Authority**



### Message from the Director

Even though the New Year is less than one month old, the IHSS Program is again in the crosshairs (see State Budget Update). Two items authorized in last year's budget, the New Provider Orientation and IHSS Program Integrity Effort are now underway in our county.

In last year's budget, the Governor estimated that there was up to 25% fraud in the IHSS Program statewide. The 2009 State Budget made monies available to counties to investigate allegations of IHSS fraud. On November 24, 2009, the Board of Supervisors authorized the Community Services Agency plan for Fraud Investigation. The IHSS Program Integrity Effort are designed to weed out the few "bad eggs" that are giving the IHSS program a bad name.

Some of you will be shortly receiving a survey about IHSS services. The survey asks for your input about IHSS and Public Authority services. If you receive one of the surveys please take a few minutes and complete the survey and mail it back in the postage paid envelope. We appreciate your input, especially now when drastic program reductions are being considered.

Finally, there are still openings on the IHSS Advisory Committee; we have 3 vacancies. We are in need of IHSS Consumers who will be willing to bring their talents, program knowledge and commitment to the Committee. The Committee's goal is to increase the services to all IHSS consumers and providers in the county. Call 558-4787 and an application can be mailed to you. Don't delay call today.

Jeffrey M. Lambaren  
Executive Director

### ***ALERT! THIS IS OUR LAST NEWSLETTER MAILING!***

Due to budget cuts, we will no longer be able to send out the newsletter in paper form. The newsletter will continue to be available online at [www.StanLink2Care.org](http://www.StanLink2Care.org). This website also has other useful information for IHSS Recipients and Providers. We appreciate your understanding as we go through this difficult fiscal year. Don't have internet access? The local library has free access, and can help you find our website.

**WWW.STANLINK2CARE.ORG**

## What happened to all the proposed program cuts?

Last summer, the State passed a budget proposing significant cuts to the IHSS program, including cuts to Recipient hours, Provider pay and other major changes to the program. So what happened to all the proposed changes? Many lawsuits have been filed as a result of the sweeping cuts proposed by the State. Most of these lawsuits have stopped the cuts temporarily, but decisions from the courts are still pending. Here is a brief overview of the proposed cuts, and the current status of the lawsuits pending:

### Cuts to Recipient Hours:

*Proposed Cuts:* The State proposed cuts to the Recipient hours based on the Functional Index - a score used by IHSS to help determine the level of independence a Recipient has. This score measures capabilities such as mental status, physical ability, and independence levels. In October of 2009, the State sent notices to Recipients and changed the payroll system to prevent the affected Recipients from claiming the additional hours. Altered timecards with the lowered hours were sent to IHSS Providers for the month of November.

*Overview of lawsuit:* According to the lawsuit filed, the proposed cuts would eliminate IHSS services for 40,000 Recipients, and cut hours for an additional 97,000. The plaintiffs in this lawsuit asked the federal court to issue an injunction to stop these IHSS cuts.

*Current Status:* On November 19, 2009, the court ruled in favor of the plaintiffs. This ruling required the State to reverse any cuts that had already been implemented, and to stop any cuts from taking place in the future. In addition, the State was required to notify all Recipients that their hours would not be cut, and to pay IHSS providers for any time worked for these Recipients by providing correct timecards. The State was also required to establish a toll free telephone number to answer questions or concerns about eligibility.

*Future Actions:* The State has requested a higher court reverse the district court decision and overturn the decision. The answering brief regarding this decision is due on January 26, 2010.

*What does this mean to you?* If the higher court reverses the lower courts decision, Recipients could potentially see a cut or elimination of their IHSS hours. This would also result in a loss of hours or pay for their IHSS Providers.

### Cuts to IHSS Provider Wages:

The State proposed a cap on provider wages at \$9.50 per hour - this does not affect Stanislaus County providers, because our current wages are \$9.38. Our office is not tracking the outcome of these lawsuits because our provider wages will not be affected - IHSS Providers in Stanislaus county received a raise on October 1, 2009.

### Background Checks and Disqualifying Offenses for IHSS Providers:

*Proposed Changes:* The State implemented new requirements for all IHSS Providers, in an effort to combat fraud. For these new requirements, and how the counties are helping providers to meet these requirements, please see the article on page three. One of the proposed changes includes a background check on every provider. The new policy states that all persons convicted of certain misdemeanors or any felony at any time would be disqualified from being an IHSS provider. This would include misdemeanor and felony offenses that occurred even 20, 30 or more years ago.

*(Continued on page 4)*

## The State Budget and You

“The Legislature will have to make very painful cuts to programs in order to balance this year’s budget.” *The 2010-11 Budget: Overview of the Governor’s Budget- Legislative Analyst’s Office 1/12/10*

The Governor estimates that for the 2010-11 Budget, the State has an \$18.9 billion deficit. In essence, the Governor has proposed two budgets; one is contingent upon getting more federal money and the second if the federal dollars do not materialize. Under the assumption that the federal government will give California \$6.9 billion dollars, the Governor is again proposing the reduction of IHSS services for all but the most severely impaired and a reduction in state participation for IHSS Provider wages. The Governor’s plan, with full federal funding, would reduce IHSS services to all IHSS Recipients whose functional index score is less than four (4). Additionally, the state would reduce its participation in IHSS Provider wages to \$8.00 per hour. If the \$6.9 billion dollars in federal money is not received, the Governor’s second budget calls for the total elimination of the IHSS program. While none of this has actually passed into law, either of the Governor’s proposals will drastically impact the IHSS Program.



We do not know what the future will hold, but we will be sure to keep you updated as we hear more about how the budget evolves and what impact it may have for the IHSS program.

## New Provider Orientation Requirements

In October 2009, all IHSS Providers received a letter from the State informing them of new eligibility requirements. These requirements included paperwork, background checks, fingerprinting and attending an orientation.

There are over 5,000 providers in Stanislaus County. The county has begun to schedule existing providers into orientation classes beginning January 21, 2009. Scheduling is being done by last name. **If your last name is toward the end of the alphabet, you will not receive your information packet for a few months.** Please be patient as the county begins to process all five thousand Providers through this process.

So what is the process? All IHSS Providers must attend an orientation in person. You must watch a short video and presentation, then sign paperwork stating you have attended and understand what is required of you as an IHSS Provider. You must also have an original (no copies!) social security card and picture ID to bring with you to orientation. Finally, you must have a background check and fingerprinting done at your own cost. **DO NOT get your background check or fingerprinting done prior to receiving your packet from the county.** If you do not use the county forms, you will have to pay again - and no one wants to do that! All the information and paperwork you need will be provided for you in your orientation materials.

Please do NOT call the county to request a packet or orientation date. ALL IHSS Providers have been scheduled, and will receive information in the mail in the next few months. Please DO make sure you keep your address and phone number up to date (you can use the back of your timecard for this). Thank you for your patience. We look forward to seeing you soon!

## Lawsuit Updates (cont.)

*(Continued from page 2)*

**Overview of lawsuit:** The lawsuit requests that the mandatory conviction disqualification provisions for IHSS be limited to the convictions in the Welfare & Institutions Code 12301.6 (these are currently in place for all IHSS recipients, and include disqualification for any providers convicted of child abuse, elder abuse or welfare fraud).

**Current Status:** On November 24, 2009 a judge issued an Alternative Writ (this is basically a Temporary Restraining Order) which prohibits the State from disqualifying providers using standards that go beyond what is currently in place.

**Future Actions:** On December 17, 2009, the temporary restraining order “dissolved” because it exceeded the time period legally allowed. The hearing on the request for a preliminary injunction to stop this requirement permanently will be heard on January 29, 2010.

**What does this mean to you?** If the State wins the case, IHSS providers with certain misdemeanors and any felony may be disqualified and unable to work for the IHSS program. Recipients who have Providers with convictions will be required to find a new Provider.

## Questions Need Answers

Link2Care: 558-4787

Payroll: 558-3976

IHSS Intake: 558-2637

Call 558-3976 to find out who your Social Worker (SW) Social Services Assistants (SSA) is.



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