



# CAPITOL WEEKLY

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## IHSS providers say DSS not so supportive

By **Malcolm Maclachlan** | 01/21/10 12:00 AM PST

County representatives and the Assembly Budget Committee chair plan to take the Department of Social Services to task for its handling of new rules related to In Home Supportive Services. A hearing is scheduled for Jan. 27.

DSS claims it has been working closely with the counties throughout the fall. However, at least 19 counties have sent letters to DSS complaining that the new rules have been put into place too quickly, and without proper guidelines and training for the counties.

A bill to give counties more time to meet new requirements, SB 69, died in the Senate in November. Meanwhile, the Legislative Analyst's Office has announced it will issue a report on the "costs and benefits" of IHSS on Thursday — an event likely to add fire to a contentious back and forth between the agency and counties.

IHSS is a program that places providers in the homes of disabled and the elderly. The program is designed to allow some of its 460,000 clients to work and others to stay out of more costly nursing home care. IHSS makes grants directly to counties, which they use to pay private home-care workers and agencies. Gov. Arnold Schwarzenegger has repeatedly targeted IHSS with cuts during the ongoing budget crisis.

As part of the budget deal passed in late July, the administration pushed new rules for how IHSS grants were used by counties. These were intended to streamline the program and allow it to use the money more efficiently.

Counties and providers claim that over two months passed between the budget deal and the distribution of new forms, regulations and a training video. However, according to DSS spokeswoman Lizelda Lopez, these materials were the culmination of many informal contacts with counties and providers that took place between August and September.

"Formal" [communication] is the operative word," Lopez said. She added, "The conversations with our partners began immediately."

"Are we talking about the same thing?" Evans said. "I know they had communications with counties and providers. But the communications were confusing and often contradictory."

"Confusion" is a word that comes up often in the county letters to DSS. Others, such as the Oct. 27 letter from Kings County Human Services Agency director Peggy Montgomery, complain about the "short implementation timeframe."

Her counterpart in Kern County, Kris Grasty, noted that they need an agreement between their County Board of Supervisors and the state Department of Justice before performing criminal background checks on providers. Grasty said the process didn't allow them proper time to "place an item on the busy Board of Supervisors agenda."

DSS's Lopez said it was important to keep in mind that these complaints are part of a larger political debate around the program.

"Nobody likes these reductions," Lopez said. "We all understand that in this budget environment, programs have to be reduced and changes have to be made."

But she added, "Pretty much everything was run through the stakeholders."

When asked about specific meetings, Lopez cited meetings that took place shortly after the budget deal

was passed. On August 12 and 13, she said they met with the County Welfare Directors Association of California and several county representatives.

But she added: "I can't imagine it would be all 58 of them [county welfare directors]. It's too many people."

Steve Mehlman, communications director with the UDW Homecare Providers, a union representing homecare workers, said the new rules process marked a radical change from how DSS used to operate.

"In the past when this kind of thing has happened, the department has bent over backwards to be cooperative," Mehlman said. "With these particular changes, they have been very inflexible. They've basically said 'Here's the deadline, we don't care that we were late getting information to you, if you don't meet it, tough.'"

Mehlman conceded that DSS has had extensive communication with counties and providers. But he added: "It's one thing to say 'We'll listen to stakeholders.' It's another to say 'Stakeholders can talk to us, but we're not going to take it into account.'"

Meanwhile, Mehlman said, there has been a wider effort by the administration to use IHSS as "a political punching bag." He pointed to the Dec. 21 announcement by the governor that he would distribute \$26.5 million to counties to combat fraud by IHSS providers. The administration claimed that new policies—such as fingerprinting recipients and providers, conducting unannounced home visits, and increasing the number of fraud investigations—would result in \$130 million in savings for the current fiscal year.

But Mehlman said the administration has failed to show evidence of widespread fraud. He claimed that the actual fraud rate in two studies by Grand Juries, Sacramento and San Bernardino, found fraud rates of less than one half of one percent.

Three days after the anti-fraud program announcement, San Luis Obispo County social services director Lee Collins announced that he wouldn't be taking the money. He was also quoted in the local San Luis Obispo Tribune calling the anti-fraud program "a mountain of bull---t from the get-go."

While the fraud money has been quick to go out, Evans staff has put together a timeline showing that as of Oct. 14, two and a half weeks before the implementation deadline, DSS has distributed only \$5.8 million of the \$21.8 million slated for counties to enact the new rules. She also called the agency's handling of the new rules "incompetent."

"This is something the administration had demanded," Evans said. "This was their price for the budget going forward. They assured us repeatedly they could get this done in very short period of time, and they didn't."