



COMMUNITY SERVICES AGENCY

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**STANISLAUS COUNTY
IHSS ADVISORY COMMITTEE MEETING
MINUTES
05/14/10**

Committee Members Present: Connie Muller Rose Martin Marie Cochran
Robin Foster Valerie Mitchell
Joan Blackwell Linda White

Committee Members Absent: Jose Cisneros

IHSS & Link2Care Staff Present: Maria Childers Jeff Lambaren Ana Enes
Robert Taylor Egon Stammler

Other Guests: Kimberly Nevel, UDW George Sharp, DRAIL

**Advance notice given.*

OPENING REMARKS by Robin Foster

- Meeting called to order at 1:02 pm.

PUBLIC COMMENT

- Kimberly Nevel from UDW announced the Union has been attending budget hearings. The last one they attended was May 5th. They do not agree with the proposed IHSS cuts therefore they are attending every hearing and sending letters to legislators voicing their opposition. UDW is providing transportation to Recipients or Providers that want to attend hearings.
- George Sharp from DRAIL mentioned they have been receiving calls from Recipients regarding Fraud Investigations. In one case the client reported, the investigators were saying she's no longer disabled, and she was being threatened that her children would be taken away from her. There is concern if this is the protocol for all fraud investigators.
- Egon Stammler explained that law enforcement trained individuals were hired as Fraud Investigators. They are very black and white, but with our program we have grey areas. Our program is based on health and safety needs. If what the Fraud Investigator sees in the application isn't what they see in person, they consider it fraud. But they can't take someone's children away. CPS would need to be involved before any child would be removed.
- Valerie Mitchell asked if the Fraud Investigators are investigating random people. Egon answered that there were files that were sent where fraud was suspected, but others are randomly selected.
- Robert Taylor mentioned that nothing would happen without the client being notified by a Notice of Action. IHSS Consumers also have a right to a fair hearing.



- Kimberly mentioned UDW has also been receiving phone calls from Consumers indicating that the Fraud Investigators have been interrogating and scaring them. Fraud Investigators also have been knocking on neighbors' doors asking questions or driving to the Provider's home.
- Egon explained once the Fraud Investigator gets the information, they bring it to the Social Worker and the Social Worker decides what happens next.
- Jeff suggested if someone has a bad experience to report it immediately. Robert added that once a complaint is received, they are forwarded to the Fraud Investigator's supervisor.

ACCEPTANCE OF MINUTES

- Acceptance of minutes from 04/09/10: Motion to accept made by Linda White, Rose Martin seconded, motion passed.

PUBLIC AUTHORITY

- As mentioned before, Link2Care will be moving to the CSA building on Hackett Rd. We are scheduled to begin to move effective 6/21/10.

LEGISLATION

- Jeff explained there was little that changed since last month's Legislative update.
- Joan Blackwell said she heard the fraud department was out of money. Jeff said that was related to the fingerprinting of Recipients. Last year the Legislature approved spending \$8.2 million on fingerprinting. They are considering buying a device called MorphoTraks, which they can take to the Recipients home.

ELECTIONS

- Robin Foster has indicated she's resigning and today is her last meeting.
- Connie Muller nominated Linda White as Chair, Valerie seconded. No other nominations were made. Linda accepted the nomination.
- Vote was made. The vote was unanimous in favor of Linda being Chair. Valerie will remain vice-chair until the end of term. In January 2011 we will have new elections for Chair/Vice Chair.

SURVEY UPDATE

- There was no significant difference in the results since the last survey. There were 548 Consumer and 404 Provider surveys returned.
- The scores were slightly better for the Recipients.
- Providers had low scores for their calls being returned within 24 hours.
- Connie suggested we mail post cards to all Providers and Recipients to notify them we are not sending out the survey, and that they could view the Committee's Report on the Committee's website. Jeff said he'd have to check with the accountant to find out if there's enough time to do this for billing purposes.

GENERAL UPDATE

- California asked for \$6.9 billion in Federal Aid, and only received \$3 billion. Income tax revenues are down and the state ended April about \$1.3 billion short of revenue projections. The Governor's office has warned of "absolutely terrible cuts."
- Disability Capital Action Day is on Wednesday, May 26th. It is the largest advocacy day of the year. There is a rally at 11am, lunch at noon and legislative business will start about 1pm.
- Beckwith/Ellis v. Wagner – All felonies. The IHSS program will continue to screen for only the enumerated crimes, and not all felonies.

- Oster (previously V.L) v. Wagner – Functional Index Score/Rank. There was a preliminary injunction on October 19, 2009. An appeal was made and the Ninth Circuit has set oral argument for June 15, 2010.
- Dominguez (previously Yang/Martinez) v. Schwarzenegger – Wage Reduction. On March 3, 2010, the appellate court upheld the lower court’s injunction, ruling that 42 U.S.C 1396a(a)(30)(A), which requires the State to conduct studies regarding efficiency, economy and quality of care when setting provider reimbursement rates, applies to the State’s enactment of the wage reduction. A petition has been filed. Oral argument will be set in the Fall 2010 session.
- Northern California ADAPT v. CDSS – Share-of-Cost Buyout. Plaintiffs are requesting the court reinstate the program whereby CDSS made payment for medically recognized expenses (MRE) to IHSS recipients. On November 30, the court denied plaintiffs’ request for preliminary injunction. After an amended complaint was filed, the state filed a motion to dismiss. The hearing on the motion has not yet been set.
- Putz v. Schwarzenegger – Public Authority Administrative Funding Reduction. A hearing on plaintiffs’ preliminary injunction went forward on April 15, 2010, and CDSS is awaiting a ruling.
- Jeff went over the Proposed Bill Language for the Advisory Committee. They are proposing to change “shall” with “may” and deletes language establishing the membership of Advisory Committees. It would make the Advisory Committee’s optional, which eliminates mandated administrative costs.
- Linda asked where the meetings will be held once we move. Jeff answered that he would check on it, and that we could discuss at the next meeting.
- Jeff also announced that the Committee can decide to meet every other month or quarterly. He suggested the committee schedule be discussed at the next meeting.

Meeting adjourned @ 2:14 PM,
Ana Enes, Recorder