

October 26, 2009

Eva Lopez, Deputy Director  
Adult Programs Division  
California Department of Social Services  
744 P Street, MS 8-17-12  
Sacramento CA. 95814-05512

Dear Ms. Lopez,

I am writing this letter to strongly recommend the Department of Social Services extend the implementation date of November 1, 2009 for the new In-Home Supportive Services (IHSS) Provider Enrollment Requirements as specified in the All County Letter (ACL) No. 09-52. Simply put, there is insufficient time between the issuance of ACL No. 09-52 on October 1, 2009 and implementation date of November 1, 2009 for Monterey County IHSS to complete the activities necessary for implementation and there are several issues that need clarification.

While we have initiated the Department of Justice (DOJ) application to be approved as an authorized agency to receive California criminal history information, DOJ has notified us that our application has been approved, but the complete approval packet will be processed in approximately six weeks. Once approved, our staff who will be receiving Criminal Offender Record Information (CORI) must submit their fingerprints for a criminal record background check. These processes are beyond our control and will not be completed in time to implement the fingerprinting component of the Provider Enrollment Requirements. If the implementation date is not extended, we will not be capable of enrolling any new providers for several months, which leaves a number of IHSS recipients without services and potentially in danger.

In order to implement all of the Provider Enrollment Requirements, it is necessary for us to increase staffing to handle the mandated orientations, facilitate the fingerprinting process, review the new 426 to ensure accuracy of form completion, obtain and review personal identification documents, and explain the requirements of provider enrollment. We also must secure additional leased space in our facilities to accommodate newly required provider files and group orientations in three District offices serving clients and providers throughout our large geographical County. To date, we have not received funding to support the additional requirements. In order to add staff, expand office space leases, and commit an increased County match, we must seek approval from the County Administrative Office and the Board of Supervisors, which cannot be scheduled until mid December 2009. Once approved, the Merit System recruitment and selection process to fill the new positions typically takes several months.

There remains incomplete directions from the CDSS on elements of the Provider Enrollment Requirements, such as the list of "serious misdemeanors" that would disqualify a provider from IHSS has not been provided to the counties; the new SOC 846 has not been provided to the counties; the Medi-Cal Suspended and Ineligible (S&I) Provider list, nor the instructions for reviewing and adding providers to the S & I list, have not been provided to the counties; and the ACL covering the appeals process for providers deemed ineligible for enrollment has not been provided to the counties.

There are additional impediments for us to implement the Provider Enrollment Requirements by November 1, 2009. The Provider Orientation CD recently provided to counties appears to have erroneous and inconsistent information compared with the ACL 09-52 and the 426 form. This CD was not vetted by the counties and Monterey County strongly objects to the tone and content of the CD. In the 39 minute presentation, the word fraud was used 41 times accompanied by 5 film clips of handcuffs being applied and 6 clips of clanking jail doors. This is not an acceptable message to give to prospective providers who will be intimidated from pursuing work in the IHSS program. While the prevention, identification, and prosecution of fraud within IHSS is important, warnings about fraud can not be the sole message to our recipients and providers. Without a sufficient pool of providers, a number of IHSS recipients will be denied the services to which they are eligible and which support their ability to remain safely in their homes. Also, the CD is available only in English, while Monterey County has a significant Spanish speaking IHSS recipient and provider clientele.

And finally, the manner in which implementation directions have been issued within the past month has created total chaos for IHSS recipients, providers, and county IHSS staff. Consequently, staff resources has been diverted from handling intake, re-assessments, and pay rolling to handle calls from providers and recipients seeking assistance or clarification of the informing notices, etc. To further exacerbate the situation, CDSS issued ACL 09-61 on October 22, 2009 notifying counties that counties are responsible for manual re-instatement of services to IHSS recipients who were terminated or whose service hours were reduced.

For all of the reasons stated above, it is imperative that CDSS extend the implementation date for the Provider Enrollment Requirements as stated in ACL 09-52 and to provide clarification to the counties on those outstanding issues.

Sincerely



Mary Goblirsch, Branch Director  
Aging & Adult Services