



IHSS Coalition

QUALITY CARE BEGINS AT HOME

April 22, 2009

The Honorable Carol Liu
Chair, California Senate Human Services Committee
State Capitol, Room 5061
Sacramento, CA 95814

**RE: SB 141 (Maldonado) – IHSS Provider Timesheets: Penalty of Perjury
OPPOSE**

Dear Senator Liu,

The undersigned organizations are members of the IHSS Coalition and are opposed to SB 141 by Senator Maldonado that would require the standardized provider timesheet for the IHSS program to contain a legal verification to be signed by the provider and recipient verifying under penalty of perjury that the information provided in the timesheet is true and correct. The IHSS program provides personal care and domestic services to aged, blind or disabled individuals in their own homes. The purpose of the program is to allow these individuals to live safely at home rather than in costly and less desirable out-of-home placement facilities. As of December 2008, there are approximately IHSS 440,000 consumers and 376,000 providers.

We understand that Senator Maldonado has amended SB 141 in an attempt to curb fraudulent activities in the IHSS program. The terms “fraud” and “abuse” often come up in discussions of the IHSS program with the implication that there is too much waste. We fully understand that an IHSS dollar wrongfully obtained is a dollar that cannot be spent on necessary services for another qualified consumer and the worker who is providing their care. Our coalition supports state and county efforts to control fraud and abuse. We just as firmly believe that claims of IHSS fraud and abuse are often inflated and without foundation. To those who make such claims of rampant fraud in the IHSS program, we have requested that hard and reliable data be produced.

Innocent mistakes often occur with IHSS timesheets such as illegible numbers, using a pencil or white-out, or incorrectly calculating hours based on the decimal system (every six minutes equals one-tenth of an hour). The vast majority of IHSS consumers and providers are not intending to profit from these errors.

Perjury is a felony offense in California and individuals who are found guilty may be required to serve up to 4 years in prison and ordered to pay thousands of dollars in heavy fines. Felony convictions for perjury are included under the California Three



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Strikes laws. Those who have been convicted of two or more prior strikes face a life term sentence for the third felony conviction—even if the third felony conviction is not a strike. Those defendants who have been convicted of a prior strike must be sentenced to prison for twice the determinate term or twice the minimum for the indeterminate term.

A perjury conviction may impact an individual's ability to obtain gainful employment, career advancement, and denial of certain business or real estate loans. The penalties associated with perjury are completely out of proportion to the common errors and mistakes that happen when IHSS timesheets are submitted. For these reasons, we do not believe that IHSS timesheets should be signed under penalty of perjury.

We respectfully urge your “no” vote on SB 141.

Sincerely,

John Wilkins, IHSS Coalition Chair (Fresno IHSS Consumer)
AARP-California
California Alliance for Retired Americans (CARA)
California Association of Public Authorities for IHSS (CAPA)
Californians for Disability Rights, Inc. (CDR)
California Disability Community Action Network (CDCAN)
California Foundation for Independent Living Centers (CFILC)
California In-Home Supportive Services Consumer Alliance (CICA)
California Senior Legislature
California United Homecare Workers (CUHW)
Congress of California Seniors
Disability Rights California (formerly Protection & Advocacy, Inc.)
Gray Panthers California
Herbert M. Meyer, Consumer of IHSS Services, Marin County.
IHSS Public Authority of Marin County
Independent Living Services of Northern California
Marin Center for Independent Living
Nevada Sierra Regional IHSS Public Authority
Northern California ADAPT
Older Women's League California (OWL)
Personal Assistance Services Council of Los Angeles County
Resources for Independent Living
San Francisco IHSS Public Authority
Service Employees International Union – State Council:
 SEIU United Long Term Care Workers
 SEIU United Healthcare Workers West
 SEIU Local 521
Silicon Valley Independent Living Center (SVILC)
United Domestic Workers of America/AFSCME
Western Center on Law & Poverty



cc: Members, Senate Human Services Committee
Senator Maldonado

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