



JUSTICE IN AGING
FIGHTING SENIOR POVERTY THROUGH LAW

seiu 2015
California's Long Term Caregivers



May 14, 2018

The Honorable Joaquin Arambula, M.D.
Chair, Assembly Budget Subcommittee #1
State Capitol
Sacramento, CA 95814

The Honorable Richard Pan, M.D.
Chair, Senate Budget Subcommittee #3
State Capitol
Sacramento, CA 95814

**RE: Proposed Trailer Bill Language: IHSS – Electronic Visit Verification
OPPOSE**

Dear Assembly Member Arambula and Senator Pan;

On behalf of the undersigned organizations, we write to share our opposition to the proposed trailer bill language regarding implementation of Electronic Visit Verification (EVV) for In-Home Supportive Services (IHSS). The proposed trailer bill language (TBL) would add Section 12300.5 to the Welfare & Institutions Code to authorize the Department of Social Services (DSS) to “implement, interpret or make specific activities related to electronic visit verification requirements” through All-County Letters or similar means of instruction.

The 21st Century CURES Act requires every state to implement EVV beginning January 2019, for Medicaid funded personal care services, such as IHSS. EVV is intended to reduce fraud by verifying through automation or GPS, the type of services provided and the time in which those services are provided. To date, the state has not received any regulations or guidelines for implementation.

We appreciate the commitments from DSS to comply with the federal law in a manner that respects consumers and providers, does not alter their Olmstead protections, and minimizes state costs relative to federal penalties. DSS has also promised to work with stakeholders to identify a realistic timeline that will allow for full stakeholder engagement and development of the least burdensome EVV system for consumers and providers. However, the proposed TBL could undermine the collaborative approach promised by DSS.

Allowing CDSS to use sub-regulatory guidance at this time significantly diminishes stakeholder’s ability to ensure CDSS implements this in a way that works for consumers and providers. Implementation of EVV

is not just about setting up a series of CDSS processes, but instead needs to consider potential use and misuse of data, electronic privacy, and consumer and provider's rights. CDSS has publicly announced that it is not implementing EVV in IHSS until January 1, 2020 so there is time to ensure the Department works with stakeholders through the normal rulemaking process making this trailer bill language premature.

As proposed, the TBL is overly broad and provides sweeping authority to DSS to develop an EVV system that would affect every IHSS consumer and provider. Understandably, IHSS consumers and providers are wary of any kind of electronic monitoring that would invade their privacy and make the delivery of personal care services more difficult. We urge the budget subcommittees to reject the proposed TBL and require DSS to submit statutory changes for implementation of EVV to the legislature for full public vetting.

Signed,

California Association of Public Authorities for IHSS (CAPA)
California Congress of Seniors
California In-Home Supportive Services Consumer Alliance (CICA)
Disability Rights California
Justice in Aging
Service Employees International Union/Local 2015
United Domestic Workers/AFSCME Local 3930