



# IHSS Coalition

## QUALITY CARE BEGINS AT HOME

September 25, 2017

Charissa Miguelino, Chief  
Department of Social Services  
Adult Program Division  
744 P Street  
Sacramento, CA 95814

*Via Email*

Re: Comments on draft ACIN Re: IHSS Advanced Pay Reconciliation

Dear Ms. Miguelino,

The IHSS Coalition submits the following comments in response to the draft All County Information Notice (ACIN) providing counties with clarification regarding the In-Home Supportive Services timesheet reconciliation requirements for Advanced Pay.

The IHSS Coalition is composed of fifty organizations representing IHSS consumers, providers and advocates. Our goals are (1) to ensure sufficient funding for In-Home Supportive Services and its interrelated aspects (2) to develop potential improvements for the program, (3) to disseminate information on homecare issues through public events, and (4) to preserve and enhance consumer-directed services.

As you know, there are very few IHSS consumers who receive advanced pay. A number of the leaders within the IHSS Coalition are consumers or providers attached to the advanced pay system. It cannot be overstated how strong the objections are from the actual people who rely on advanced pay to the draft ACIN. Here are some of the unvarnished reactions to the draft:

- “This policy is unreasonable and very difficult to comply often to the deadlines before they are turned over to collections agencies. IHSS People with significant disabilities are being held responsible for timesheets that never come to their home, and are sent out erratically to their providers.”

- “The AP Recipient could be put at risk because of that 15 days after the beginning of the next month idea.”
- “This issue of the State of California initiating collections against the indigent (poor) severely disabled IHSS Advance Pay recipient for failure to return any of the multiple IHSS Advance Pay Provider Timesheets allegedly sent to the IHSS Providers and NOT DIRECTLY to the IHSS Recipient, as in most cases, by the 15-day EOM deadline is ludicrous and outright insane.”

The IHSS Coalition strongly urges CDSS to halt issuance of this ACIN and to engage in a listening session with the people who would be directly affected. As you know, the IHSS Coalition has scheduled a special conference call on October 12, 2017 with CDSS (at your request, which is much appreciated) to talk about our comments on a different draft ACIN pertaining to assessments. We would like to add this ACIN about Advanced Pay Reconciliation to the agenda so you can hear directly the words and tone of consumers and providers on Advanced Pay who are very upset about the total mismatch between their reality and the rigid enforcement of the 45-day timeline to reconcile Advanced Pay timesheets.

We have the following three serious concerns about the ACIN as currently drafted.

1. The draft ACIN misstates the regulation it purports to enforce. MPP section 30-768.213 does not mandate receipt of the reconciling timesheet within 45 days, but rather creates a rebuttable presumption of overpayment if the timesheet is not received within that time frame. This is an important distinction. The regulation sets a time frame while recognizing there may be legitimate reasons a consumer may not be able to reconcile within 45 days. Any implementing guidance from the Department must similarly make this clear to the counties in order to be in compliance with its own regulatory authority.
2. The rigid enforcement of the 45-day timeline is excessively punitive to severely impaired IHSS consumers. The Department and the counties have an interest in timely reconciliation of Advance Pay, but this interest must be balanced with the harm to the consumer. Consumers in IHSS do not directly receive the timesheets they are required to reconcile. Timesheets are not always sent in a timely fashion to the providers. All consumers on Advance Pay are working with these constraints on their ability to reconcile within 45-days. The draft ACIN fails to recognize these realities and creates a needlessly punitive approach to reconciliation of timesheets.
3. The second to last paragraph on page 2 misstates the rule for changing a consumer’s payment from Advance Pay to payment in arrears. MPP

section 30-767.133(b) states that the county has the right to change payment method if the recipient fails to submit timesheets within 90 days. However, the draft ACIN states that a county may threaten a consumer with termination of Advance Pay if the timesheets are not received within 10 days of the issuance of the 45-day notice. This is not what the law allows and the Department should amend any draft guidance it issues to be in compliance with the regulation.

We urge CDSS to put this ACIN on pause and to add this to the agenda for the October 12<sup>th</sup> conference call with CDSS and the IHSS Coalition.

Thank you for the opportunity to submit comments.

Sincerely,

AARP-California  
Access to Independence  
ACLU of Southern California  
Alzheimer's Association, California Council  
Bet Tzedek Legal Services  
California Alliance for Retired Americans (CARA)  
California Association of Public Authorities (CAPA)  
California Church IMPACT  
California Council of Churches  
California Council of the Alzheimer's Association  
California Council of the Blind  
California Disability Community Action network (CDCAN)  
California Foundation for Independent Living (CFILC)  
California IHSS Consumer Alliance (CICA)  
California Senior Legislature  
Californians for Disability Rights, Inc. (CDR)  
Communities Actively Living Independent & Free (CALIF)  
Congress of California Seniors (CCS)  
Dayle McIntosh Center for the Disabled  
Disability Rights California (DRC)  
East Bay Community Law Center  
Educate.Advocate  
FREED Center for Independent Living  
Friends Committee on Legislation  
Gray Panthers  
IN SPIRIT  
Independent Living Resource Center Inc.  
Independent Living Services of Northern California (ILSNC)  
Justice in Aging (formerly the National Senior Citizens Law Center)  
Marin IHSS Public Authority  
Nevada-Sierra Connecting Point Public Authority  
Northern California ADAPT  
Older Women's League  
Personal Assistance Services Council of Los Angeles  
Resources for Independent Living  
San Francisco IHSS Task Force  
San Francisco Public Authority  
SEIU Local 2015

Senior & Disability Action (SDA)  
Service Employees International Union – State Council  
Silicon Valley Independent Living Center (SVILC)  
Southeast Asia Resource Action Center | California Office  
The Arc and United Cerebral Palsy in California  
The San Diego IHSS Coalition  
Tri-County Independent Living Center, Inc.  
UDW /AFSCME Local 3930  
Westside Center For Independent Living (WCIL)