

California IHSS Consumer Alliance  
Statewide Call Notes  
Wednesday, October 19, 2016  
10 a.m. to 11 a.m.

There were 53 callers participating in today's call.

**Karen Keesler, CAPA:**

**Paid Sick Leave:** This will begin July, 2018. There will be a stakeholders meeting October 26<sup>th</sup>, it is believed the time for the meeting is 10:30 a.m. to noon. It is believed there will be a phone line provided for people to call in from around the State. There is considerable concern for having a back-up system for consumers to have providers available if the regular provider does call in sick. Research is being done on Public Authorities who run back-up systems; it is believed there are 15 doing this already.

It is important to get consumer participation in the upcoming call on October 26<sup>th</sup> – Charlie will forward information as soon as he receives it.

**Secured Choice Retirement Legislation:** Keven Delano, the author and took the lead in putting this bill through to provide a retirement system for over 7 million employed individuals who do not have access to retirement programs outside of Social Security. The amendments made included IHSS providers in early August. There are several hurdles to overcome to allow IHSS Providers can participate in this investment program. Need to verify it will not conflict with other Federal programs and programs surrounding employment retirement.

Basically if this goes through employees (providers) could invest 3% (up to 8% in time) of their income into this fund. It will be a voluntary program and the employee will be able to opt out at any time.

It is expected if all the hurdles are cleared this may start within the two years, could be longer (information received from program staff). There will need to be a very strong education on this program.

**Electronic Visit Verification:** This has been discussed in the past. Distributed earlier was HR 2646 requiring Electronic Visit Verification for a

State to receive Medicaid Funding. There are concerns about this being passed with the limited time left in this year's Congress to complete its work. Karen contacted Chief of Staff to Senator Anderson, Republican from Tennessee, is also the chair on the Senate Committee Health Education Labor & Pension which now has this bill. This is the committee which has jurisdiction over HR 4626 now. There is Senate Bill 2680, a companion bill passing in March; the House bill passed in July. Both have Mental Health Bills they want to pass.

The Senate reconvenes in after the election November 14, out for Thanksgiving and back December 16<sup>th</sup>. The Congress passed an appropriation for the federal budget that will sunset December 9<sup>th</sup>. So, there will be about 4 weeks to work out their differences.

On the Senate Side, S 2680 does not have Electronic Visit Verification (EVV) in it and the House Bill, HR 4626 does. Advice given was for us to contact our State Senators, Feinstein and Boxer and share our opposition and our concerns to the EVV. We need to do this letter prior to the return of the Senate December 14<sup>th</sup> (probably sooner).

The only stumbling block may be Senator Anderson of Tennessee (R), where Tennessee is using the EV system.

Janie asked for us to create a fact sheet and provide numbers for other to call Senators Boxer and Feinstein.

**Sue Ouichocho, Systems & Administration Branch, Adult Programs, CDSS:** In efforts to modify CIMPS II to support SB 855 & 873, Advanced Pay has gone to a semi-monthly reconciliation process. Prior to this reconciliation was made once a month. After they worked the entire month they would be paid after the fact, or during the following month.

The intention by going to the semi-monthly reconciliation it enables the provider to be paid overtime during the current month.

From the communication part of this, letters were sent to recipients and providers in September of this change that was going into effect October 1<sup>st</sup>. This was give notice it was coming.

The timesheet itself was to remain the same as used across the board.

The remittance advice, the check stub, will be mailed out by the local offices. This is to help keep track of hours used. It will show the available hours for them to claim.

So, remittance A will show the total hours avail for the recipient. Remittance B will show hours left, hours submitted in remittance A deducted from total monthly hours to be balance available for the month.

From a process perspective, the Part A Timesheet will be issued on the 10<sup>th</sup> of the month and Part B Timesheet towards the end of the month, typically around the 25<sup>th</sup> (not payment but timesheets).

This change when into effect October 1<sup>st</sup> with the first timesheet being received by October 10<sup>th</sup>.

**Paula:** Shared information about receipt of timesheets and hours shown on remittances received were incorrect. Stated received timesheet earlier. Concerns because her recipient (her daughter) received the maximum hours of 283 that she received a warning letter (this happened about a month ago). It was shared somebody read her 8 as a 9 and changed it. It was also shared it was understood because her daughter had Protective Supervision and she would only get a warning, not a violation; looks for clarification about this. Then the state was supposed to send an apology for making the mistake and this has not been received.

She noted she had to problem with receiving a check once a month for her overtime.

**Sue:** Asked for the specifics to be sent to her to follow-upon this.

**Paula:** Does not want to do this. But would like clarification about getting a violation. Reminding she was told because her daughter is on Advanced Pay, has Protective Services, she was told she would not get a violation, only a warning.

**Joey:** Had the same problem as Paula. I got a warning. It was because thy changed the number. I was happy with the system as it was. My

question has to do with is it the earnings statement or pay stub you are talking about?

**Sue:** Yes, that's right.

**Joey:** I have gotten three earnings statements. I got two for September, one for 37 hours and the other for 40 hours. I am under the Advanced Pay and IHO hours. The two earning statements received for 37 and 40 hours were for WPCS, but it was called Advanced Pay. The third statement is showing the total 283 hours. The problem with the statements are they do not show FICA and overtime as they should. Can you answer that?

**Sue:** I would need to see the information you are referring to. Also the semi-monthly timesheets did not start until October. It did not start in September.

**Joey:** That is what our local office stated, it started in October. I got the three Earnings Statements mentioned for September. I have never gotten these before. There are other Advanced Pay users having the same problem with receiving the statements and this starting in September.

**Sue:** If you can forward to Janie or Charlie to pass on to me I will look into that.

**Susan Pellegrino (sp?):** I, like Joey and Paula had no problem with the Advanced Pay System as it was. I find it horrendous the State wants to make changes and some get letters and others do not. I called the State Office, even calling the Director not having any information on the changes. Had shared there was a lack of information being distributed both internally and externally regarding changes to IHSS program.

**Kristine:** It is believed that the State should have more consumer and provider participation in program changes to be made. State should not work in a silo behind closed doors and involve more in decision making.

**Michelle:** In agreement with Kristine, more consumer involvement in changes is needed.

**Art:** The letters did go out in Orange County. It was talked about on our Facebook group. You need to join a Facebook group, they talk about these changes and stay informed. My only issue is the second remittance showed the total hours. Make a photo copy of your first submission. There was some confusion when these were to be sent in, but it has been working.

**Janie:** For those not knowing about advanced Pay, can you give a little information how one would be eligible for this?

**?????????:** You have to have at least 20 hours of personal care per week and are deemed severely disabled. The problem is Social Workers are stating the program is longer being used. There is a breakdown in communication between consumers, providers, the State, Social and Eligibility Workers. They are not interpreting the law as it is.

**Elaine:** I do not see time cards, is Advanced Pay back pay?

**Sue:** Advanced Pay is where the recipient is pay in advance for the allotted hours. It is then the responsibility of the recipient to pay the provider. Each month they submit a remittance to the State to be reimbursed for the next month.

**Elaine:** What are the Part A and Part B Timesheets about

**Sue:** These are just examples representing the first and second half of the month time needs to be recorded and presented for payment.

**Lisa:** Is someone with Cognitive disability or dementia able to get Advanced Pay?

**Sue:** Need to know the situation.

**Paula:** Advanced Pay has to do with having 20 personal care service hours per week; this brings me to my other question: What happened to the asterisk used on the NOAs? This use to be near Personal Care Service tasks.

**Sue:** They will have to look into where the asterisk went.

**Lisa:** Looking to get her question answered. The categories or task that were considered “Personal Care” use to have the asterisk near them to be used for this. Can individual with dementia or cognitive disability receive Advanced Pay? How is this determined?

**Sue:** At the eligibility or social worker at the time they are signing up for IHSS determines this through the assessment on what the needs are for this particular individual.

If you have additional questions regarding Advanced Pay email to Charlie at [info@cicaihss.org](mailto:info@cicaihss.org)

**Taryn Smith & Janet Canterbury:** The Senate Human Services Committee is going to hold a hearing regarding the delay in IHSS Payroll in Los Angeles on November 1<sup>st</sup>, from 9:30 a.m. to Noon.

This came about from an earlier request for an audit of the payroll system where individuals presenter to Legislators problems with not getting paid. The audit is expected to be released in February.

Right now there are four Legislators planning to be in attendance.

Right now they are focusing on payroll delays, these are for individuals who have already been cleared to start work under the IHSS program. Do not want to muddy the topic so, it is important to stay on subject in regards to the delay of payroll checks.

Information about the call has been distributed regarding information they are looking for. Randi is going to do the presentation for CICA. It is important that we get a statewide view and those from the north can send responses the three questions below to [info@cicaihss.org](mailto:info@cicaihss.org)

- Has your provider’s paycheck ever been late?
- Have you ever gone without help because your provider was not being paid?
- Have you lost a provider because they were not being paid?
- Also, if you have suggestions on how to improve the payroll system please share your ideas.

These questions are what we wish you to address, please stay to these questions so we can be heard.

Tonight PASC (Wednesday, October 19) at 6 p.m. there will be a Tele-Townhall call about this subject. They will be looking for information from providers and consumers who have had problems with payroll.

Charlie will send information out on the call and additional questions.

**Bean added:** For those who like to contribute more regarding problems with payroll (delays in being paid, please keep on the topic!), you can write to:

Senate Human Service Committee  
1021 N Street, Suite 521  
Sacramento, CA 95814

**Michael:** Will there be a call-in number for the hearing?

**Taryn:** No number at this time but it will be webcast.

**Janie:** Is there a possibility there be a follow-up hearing in the Bay Area?

**Taryn:** It has not been considered yet. Why you ask?

**Janie:** To get a wider range of comments from the rural communities, not only the urban.

**Taryn:** It is understood there will be someone from the north at the hearing.

**CICA Survey:** There have been two survey put together, one for the Advisory Committees and one for both the Consumer and Provider.

These will go out in the end of October, first part of November and run for 60 days.

Thank CAPA for use of its Survey Monkey account.

**Connie:** There are a lot of problems with the new 117 page ACL and the reconciliation ACL. There are many concerns about these. Cannot see how they can get enough callers during the Presidential Debate tonight.

There are problems with getting providers for the disabled because they cherry pick easy clients.

Bean needs to contact Connie!