

SEIU California



1130 K Street
Suite 300
Sacramento, CA 95814
916.442.3838
Fax: 916.442.0976

3055 Wilshire Blvd.
Suite 1050
Los Angeles, CA 90010
213.368.7400
Fax: 213.381.7348

www.seiuca.org

February 1, 2018

The Honorable Joaquin Arambula
Chair, Assembly Health and Human Services Budget Subcommittee 1
State Capitol, Room 5155
Sacramento, CA 95814

The Honorable Senator Richard Pan
Chair, Senate Health and Human Services Budget Subcommittee 3
State Capitol, Room 5114
Sacramento, CA 95814

Re: Long-Term Care

Dear Assembly Member Dr. Arambula and Senator Dr. Pan,

The Service Employees International Union (SEIU) respectfully requests the following issues related to long-term care and developmental disabilities be placed on your hearing agenda for discussion: opposition to the federal Electronic Visit Verification (EVV) implementation, parity for Waiver Personal Care Service (WPCS) Providers and In-Home Supportive Services (IHSS) Providers, expediting the IHSS Provider Enrollment process and instituting a backup system of replacement providers for Paid Sick Leave implementation.

Electronic Visit Verification (EVV)

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. So it remains unclear if this reporting must be done in real time or retroactively.

SEIU California is opposed to the implementation of EVV because there are many unanswered questions regarding implementation that could impose new, burdensome requirements for both providers and consumers. Our homecare providers believe EVV implementation might potentially affect their ability to continue to provide adequate care to their consumers. Imposing new reporting requirements could cause disruption and/or reduction in services, put the consumer in danger, and require additional task that providers would not be compensated for. Additionally, consumers are troubled by the invasion of privacy this requirement may cause.

Federal guidance was scheduled to be given to states in January. However, we are alarmed that the state still has not received any guidance. California must work diligently to get as much information as possible related to implementation and cost of the new requirement in order to determine if this is something that should be implemented in California. We request the Legislature work with the Administration and organizations representing workers and clients to consider all facts, figures and terms of the requirement before making a final determination that EVV should be implemented.

States that decide not to implement will lose 1% of their federal match. However, the safety and care of the state's most vulnerable far outweighs any requirement to implement such a burdensome change in the IHSS program. For these reasons, SEIU California is opposed to the implementation of EVV.

Waiver Personal Care Service (WPCS) Providers

SEIU California requests an appropriation for the cost of establishing an employer of record and providing healthcare benefits for the roughly 700 WPCS providers in California in order to establish parity between IHSS and WPCS providers. WPCS providers are granted additional personal care hours above IHSS limits -for their consumers who have an absence, loss or impairment of a physical or cognitive function. These additional hours keep their consumers from being institutionalized in a nursing home or hospital setting.

Currently, WPCS providers are unable to receive health benefits because their hours do not count toward health care coverage. Furthermore, there are WPCS providers that also provide IHSS services but are excluded from the IHSS employer of record (EOR) statutes. By establishing an EOR for WPCS providers, the same IHSS protections would be extended to them for purposes of labor relations and representation. With the addition of labor relations, WPCS providers would be able to receive health benefits through collective bargaining, the same as their IHSS counterparts. Last year, SEIU California was in support of Assembly Member Thurmond's AB 432, which also would have brought parity among WPCS and IHSS providers. Unfortunately AB 432 was vetoed and it was suggested by the Governor to seek change through the budget process.

It is important that parity is brought among WPCS providers and IHSS providers. Not only would WPCS providers receive health benefits but they would also have representation in the event that they need assistance with requirements, such as the Fair Labor Standards Act (FLSA). As part of FLSA, WPCS providers are required to receive overtime pay when they work more than forty hours a week and travel time pay up to seven hours a week, same as IHSS providers. If a provider violates the requirement they are at risk of a three-month suspension or being removed from the program for a year suspension. In the event a provider has a grievance due to a violation, they would be able to have labor representation the same as their IHSS counterparts.

WPCS providers deserve the right to health care benefits and labor protections, just as IHSS providers currently receive. By bringing parity between both providers, the state is ensuring that those that take care of the states most vulnerable are treated fairly and with dignity. For these reasons SEIU California request an appropriation for health care benefits and to establish an EOR for WPCS providers.

IHSS Provider Enrollment

SEIU California request to make small, yet significant changes to the IHSS provider enrollment process, to expedite on-boarding new providers into the system thereby improving the quality of care for our states most vulnerable population.

According to a recent report from the University of California, Berkeley Labor Center, the aging baby boomer population demands to spend their golden years at home instead of a high-cost nursing home. As a result, careers in homecare, especially for caregivers, have grown more quickly than other occupations. The California Employment Development Department projects that an additional 200,000 homecare providers will be needed by 2024. That is only the tip of the iceberg. If the homecare industry were to expand to cover all individuals who have a self-care limitation, our state would need at least 600,000, and as many as 3.2 million, additional providers by 2030.

In order to help mitigate the forecasted workforce shortage in the homecare industry, and establish statewide standards across counties, SEIU California specifically request an appropriation of approximately \$2 million to make the following changes: 1) ensure individuals interested in applying to become an IHSS provider receive an “enrollment packet” within three business days and 2) ensure prospective IHSS providers have access to attend the mandatory IHSS provider orientation within no more than two weeks.

Currently, counties are given discretion on how and where providers obtain the required enrollment forms, criminal background checks and how often the mandatory IHSS provider orientation is held. It can take anywhere from a few weeks to months before caregivers are enrolled, cleared, and given their first timesheet to receive payment for services they render. This severely impacts the enrollment and retention of new IHSS providers. Without streamlining the enrollment process with the proposed statewide standards, the aging baby boomer and eligible IHSS consumer populations will continue to struggle to find and retain qualified caregivers. For these reasons, SEIU California requests an appropriation to expedite on-boarding new providers into the IHSS program.

Paid Sick Leave Implementation

The Governor's January budget allocates \$29 million to implement eight hours of paid sick leave for IHSS providers. While SEIU California is supportive of this allocation, we are very concerned that a back-up system for consumers to receive a temporary provider, has not been established as of yet. We request that the Legislature urge the Administration to develop and release details pertaining to the implementation of the provider back-up system. It is a vital piece that is outstanding for paid sick leave to be successful overall.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tia Orr".

Tia Orr
Director of Government Affairs

cc: Members of Assembly Budget Committee
Members of Budget Sub Committee No. 1 on Health & Human Services
Members of the Senate Budget Committee
Members of the Senate Sub Committee No. 3 on Health & Human Services