



DEPARTMENT OF SOCIAL SERVICES

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**TO: Presiding Judge, California Superior Court
San Luis Obispo County**

FROM: Leland W. Collins, Social Services Director

DATE: June 23, 2009

SUBJECT: Response to the FY 2008-2009 Grand Jury Report on "In-Home Supportive Services: A Valued Program With Declining Support."

The San Luis Obispo County Department of Social Services thanks the Grand Jury members for their inquiry into the In-Home Supportive Services Program, a valuable program funded by Federal, State and County resources with the goal of enabling disabled individuals to remain in their own homes, improving their quality of life and avoiding costly institutionalization.

The client is not, in fact, the employer of record. The Public Authority is the employer of record, although the client reserves the right to select and/or terminate providers of care. This unusual relationship is at the core of some issues addressed by the Grand Jury. As the individual who selects the provider, the client is not restrained from hiring any individual possessing the legal right to work in the United States.

The Public Authority is an independent entity that is governed under statutes and funding that are separate from the programs administered by the Department of Social Services, although the Public Authority is located within a building shared by the Department of Social Services. Funding for the Public Authority is claimed through a Social Services claiming mechanism—a fact that further blurs what is intended to be a distinction.

The Department of Social Services agrees with the Grand Jury in its basic findings. The IHSS program represents a valuable service to disabled individuals and to the community at large, though its awkward structure and the State's chronic underfunding of the program create limits on the ability of either the County or the provider to assure full compliance with program expectations.

Response to Findings

1. San Luis Obispo's In-Home Supportive Services program provides essential care for almost 1800 vulnerable (disabled, elderly or blind) and low-income citizens and does so at substantially less cost than institutional care.

Response: The Department concurs with this Finding.

2. In SLO County about 60% of clients are under age 65, all of those disabled in some way. In contrast statewide almost 60% of the clients are over 65. In this county about 8% of the caseload are children.

Response: The Department concurs with this Finding.

3. The program provides employment, at \$10 per hour, for caregivers who may be relatives or friends of the clients.

Response: The Department concurs with this Finding.

4. Staff social workers in IHSS are competent and experienced.

Response: The Department concurs with this Finding.

5. Recently, several Social Worker positions assigned to IHSS were eliminated; as a result caseloads have increased dramatically as a direct result of budget reductions.

Response: The Department concurs with this Finding.

6. The equipping of social workers with laptop computers (2009) should allow them to work more efficiently.

Response: The Department concurs with this Finding.

7. Once hired, IHSS caregivers are subject to minimal oversight by DSS staff.

Response: The Department concurs with this Finding. IHSS is a program that supports independent living and self-sufficiency. The consumers' needs drive the program and by statute the consumers may hire anyone they wish. This is the equivalent to the right of a person with adequate income to hire in-home help independently.

8. Inherent strengths of the IHSS program (e.g. many care-providers are the devoted children, parents or spouses of clients, while others are long trusted friends or neighbors) simultaneously leave the IHSS clients open to undetected abuse.

Response: The Department concurs with this Finding.

9. "Registry" care-providers are subject to criminal investigation background screening, but not to finger printing.

Response: The Department concurs with this Finding.

10. Most care-providers, those not on the Registry, are subject neither to criminal background checks nor finger printing.

Response: The Department concurs with this Finding.

Recommendations

1. The county should conduct criminal background checks (and or finger printing) for all IHSS care providers who are not related to clients.

Response: This recommendation will not be implemented unless State Law changes. Background checks currently are not done on any but Caregiver Registry providers, in part because the cost is prohibitive (minimum \$50 each), and in part because there is no statutory authority to require this check. IHSS is a consumer-driven program. Current law gives the consumer the right to hire anyone they choose, assuming that the caregiver has the legal right to work in the United States. A bill currently is pending in the California Senate (SB 246, by Senator Benoit) that would establish this criminal background check as a requirement. If this bill was to pass and a mandate created, the State would need to fund the activity. In the meantime, however, the County does not have either the resources or the authority to require such background checks.

2. If recommendation #1 (above) is not implemented the county should facilitate a system by which clients and/or potential care providers could undergo those procedures at their own expense and then have the results of it entered into their IHSS records, where potential clients could consult those results.

Response: This recommendation has been implemented in part. The IHSS staff is required to--and does-- inform clients that criminal record checks are available. For most clients, however, who by definition are low-income consumers of service, the cost and long processing time do not make this a viable option. Many of these clients have had their income reduced by government takeaways, and cannot prioritize these background checks among their list of many basic needs.