

# **In-Home Supportive Services (IHSS)**

**Assembly Budget Subcommittee #1  
Senate Budget Subcommittee #3**

**March 2020**

**California Department of Social Services**

**Director: Kim Johnson**

**Chief Deputy Director: Jennifer Troia**

**Deputy Director of Adult Programs Division: Debbi Thomson**

**CDSS Adult Programs Division**



# IHSS Program Overview

- Serves income-eligible aged (individuals 65 and older), blind, and/or disabled.
- Allows recipients to remain safely in their own homes/communities to avoid costly institutionalization.
- Offers recipient directed services where the recipient selects, hires, and manages provider.

# IHSS Funding

- **98% of the IHSS caseload receives federal match for the following programs:**
  - 50%: Personal Care Services Program (PCSP) and IHSS Plus Option (IPO)
  - 56%: Community First Choice Option (CFCO)
- **Less than 2%** of the IHSS caseload receives state-and-county funding through the IHSS Residual (IHSS-R) program.
- **FY 2020-21 Paid Cases & Hours Projection:** An estimated 586,390 IHSS recipients will be provided an average of 113.7 paid hours per month at an average monthly cost of \$1,885.

# IHSS Budget by Fund Source (In Billions)

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Federal / Reimb.</b>	\$3.0	\$3.3	\$3.4	\$4.3	\$5.7	\$7.2	\$7.0	\$6.3	\$7.1	\$8.0
<b>State</b>	\$1.7	\$1.8	\$2.0	\$2.2	\$3.0	\$3.5	\$3.1	\$3.8	\$4.5	\$5.2
<b>County</b>	\$1.0	\$0.9	\$1.0	\$1.0	\$1.1	\$1.1	\$1.4	\$1.6	\$1.6	\$1.7
<b>Total*</b>	<b>\$5.7</b>	<b>\$6.0</b>	<b>\$6.4</b>	<b>\$7.5</b>	<b>\$9.8</b>	<b>\$11.8</b>	<b>\$11.5</b>	<b>\$11.7</b>	<b>\$13.2</b>	<b>\$14.9</b>

\*Totals may not add due to rounding.

# New County IHSS MOE Effective July 1, 2019

- Reduction of county IHSS MOE base from \$2.06B to \$1.56B.
- Clarification that the PA rate is inclusive of wages, benefits, non-health benefits and administrative costs.
- Allocation of State General Fund for IHSS County and PA Administration with no county share up to the allocation and 100% county cost for non-federal share of any expenditures above the allocation.
- Annual inflation factor of 4% beginning July 1, 2020 and annually thereafter.
- Non-federal sharing ratio change for locally established increases in wages or benefits on or after state minimum wage reaches \$15 per hour to 35% state and 65% county with the elimination of the state participation cap.

# Fair Labor Standards Act (FLSA) Requirement

- Senate Bills (SBs) 855 and 873 (Chapters 29 and 685, Statutes of 2014) were enacted to implement the United States Department of Labor Overtime Rule in the IHSS and Waiver Personal Care Services (WPCS) programs.
- Beginning July 1, 2016, violations were incurred whenever an IHSS provider exceeded the workweek or travel time limitations. There are four levels of violation:
  - First Violation: A written warning notification.
  - Second Violation: One-time opportunity to review instructional materials, sign a certification form, and return to the county within 14 calendar days after receiving the violation.
  - Third Violation: Temporary suspension of the IHSS provider's eligibility to work and be paid through the IHSS or WPCS program for a period of 90 calendar days.
  - Fourth Violation: Suspended for a period of one year.

# IHSS FLSA Overtime Violations: Paper Timesheets

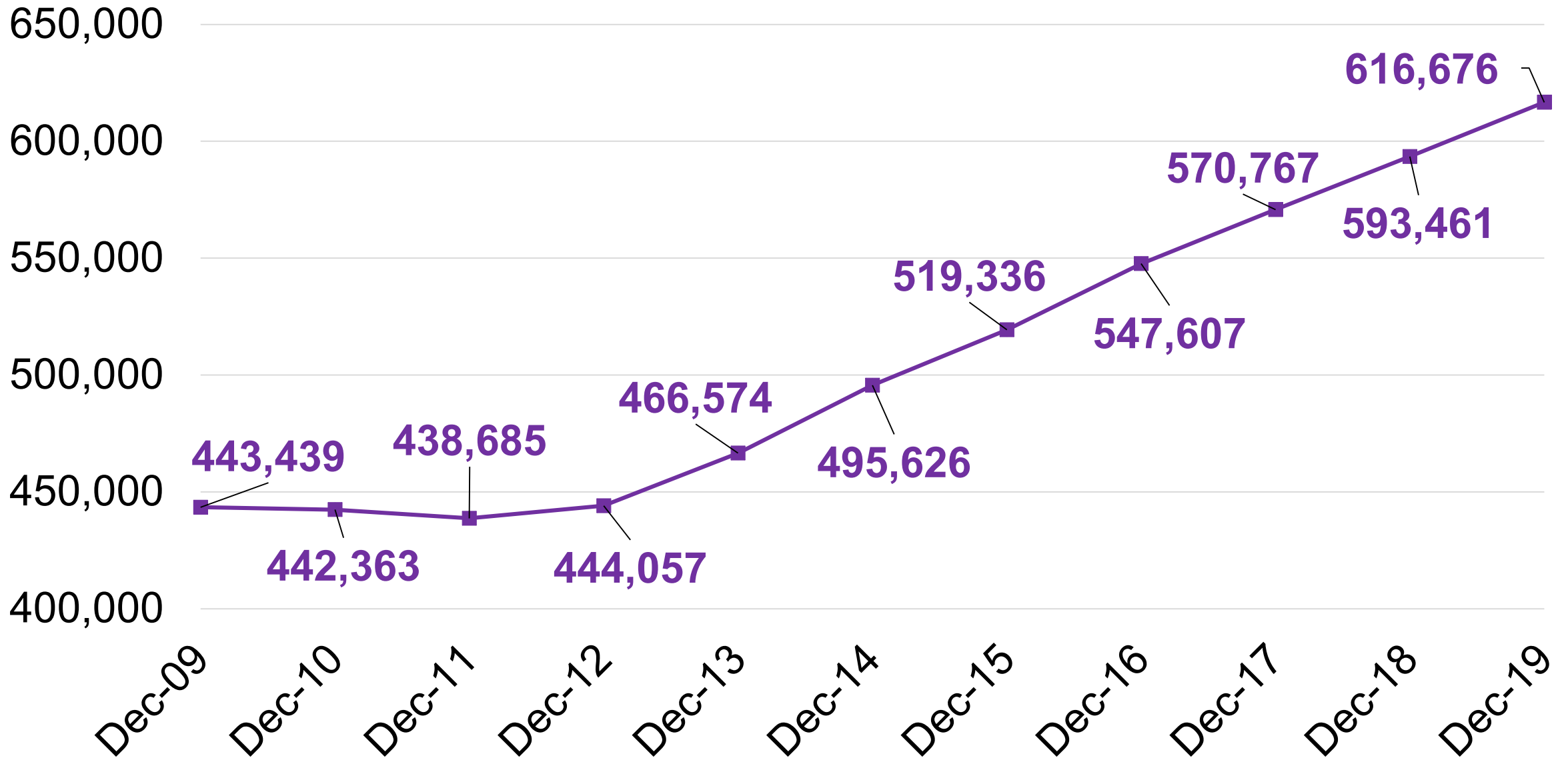
Overtime Violations	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
Providers Using Paper Timesheets	314,494	283,155	245,445	226,383	146,618	122,653
Violations on Paper Timesheets	2,480	1,836	1,831	1,968	1,391	1,679
% of Providers Using Paper Timesheets had a Violation	0.789%	0.648%	0.746%	0.869%	0.949%	1.369%

# IHSS FLSA Overtime Violations: Electronic Timesheets

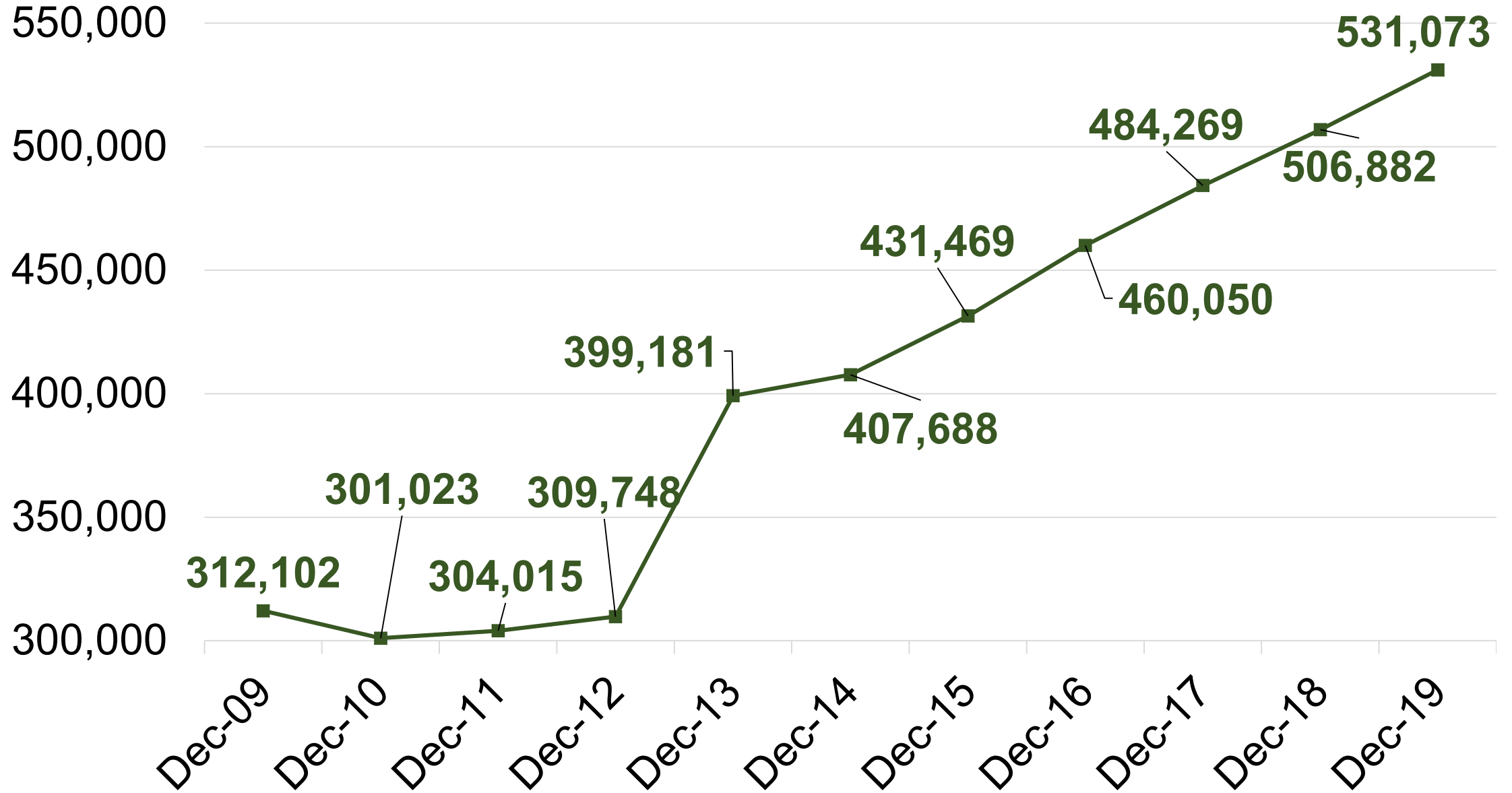
Overtime Violations	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
<b>Providers Using Electronic Timesheets</b>	202,762	236,885	277,106	299,656	382,789	408,420
<b>Violations on Electric Timesheets</b>	308	355	596	718	780	1,309
<b>% of Providers Enrolled in ETS had a Violation</b>	0.152%	0.150%	0.215%	0.240%	0.204%	0.321%



# IHSS Recipients (Authorized Cases)



# IHSS Providers



# IHSS Age Groups (December 2019)

<b>IHSS Recipients Age Groups (Point-in-Time Counts)</b>	<b>December 2019 Snapshot</b>	<b>% of Current Recipients</b>
<b>0-17 Years Old (Minor Cases)</b>	<b>47,301</b>	<b>7.7%</b>
<b>18-44 Years Old</b>	<b>85,786</b>	<b>13.9%</b>
<b>45-64 Years Old</b>	<b>141,753</b>	<b>23.0%</b>
<b>65-74 Years Old</b>	<b>119,331</b>	<b>19.4%</b>
<b>75-84 Years Old</b>	<b>128,652</b>	<b>20.9%</b>
<b>85+ Years Old</b>	<b>93,853</b>	<b>15.1%</b>

# IHSS Providers (December 2019)

<b>Providers (Point-in-Time Counts)</b>	<b>December 2019 Snapshot</b>	<b>% of Current Providers</b>
<b>Current IHSS Providers</b>	<b>531,073</b>	<b>100%</b>
<b>Providers Living with their Recipients (Same Address Listed)</b>	<b>286,017</b>	<b>53.9%</b>
<b>Providers Who Work for One Recipient</b>	<b>425,947</b>	<b>80.2%</b>
<b>Providers Who Work for More than One Recipient</b>	<b>98,629</b>	<b>18.6%</b>

# IHSS Relative Providers (December 2019)

<b>Providers Who Are Relatives of the Recipients</b>	<b>December 2019 Snapshot</b>	<b>% of Current Providers</b>
<b>Spouse or Domestic Partner</b>	<b>24,335</b>	<b>4.6%</b>
<b>Parent Providers</b>	<b>93,703</b>	<b>17.6%</b>
<b>Adult Child</b>	<b>171,946</b>	<b>32.4%</b>
<b>Minor Child</b>	<b>479</b>	<b>&lt;1%</b>
<b>Other Relative</b>	<b>93,012</b>	<b>17.5%</b>
<b>Total Relative Providers</b>	<b>383,475</b>	<b>72.2%</b>

# Senate Bill (SB) 3 – Paid Sick Leave

The amount of paid sick leave earned is the full amount of leave each provider will receive for the year. Because of this, there will be no carryover of paid sick leave from year to year. Sick leave hours will be earned as follows:

- Beginning July 1, 2018 - IHSS providers earn eight hours of paid sick leave per year.
- IHSS providers will earn 16 hours of paid sick leave per year when minimum wage reaches \$13 per hour.
- IHSS providers will earn 24 hours of paid sick leave per year when minimum wage reaches \$15 per hour.

# Sick Leave Claims Processed Data

<b>Method of Delivery</b>	<b>Jul-19</b>	<b>Aug-19</b>	<b>Sep-19</b>	<b>Oct-19</b>	<b>Nov-19</b>	<b>Dec-19</b>
<b>Paper</b>	9,054	2,234	1,815	1,456	1,063	2,079
<b>ETS</b>	9,956	4,228	3,447	3,339	3,328	4,636
<b>Total</b>	<b>19,010</b>	<b>6,462</b>	<b>5,262</b>	<b>4,795</b>	<b>4,391</b>	<b>6,715</b>
<b>Average Sick Leave Hours Paid per Provider</b>	<b>7.7</b>	<b>7.3</b>	<b>7.1</b>	<b>7.0</b>	<b>6.9</b>	<b>7.1</b>

# Electronic Visit Verification (EVV)

Subsection I of Section 1903 of the Social Security Act (4 U.S.C. 1396b), enacted in December 2016, requires all states to implement Electronic Visit Verification (EVV) for Medicaid-funded (Medi-Cal in California) personal care services by January 2020 and home health care services by January 2023.

California requested and received approval for a good faith effort delaying compliance penalties to January 1, 2021.

CDSS has chosen to leverage and enhance the existing Electronic Services Portal (ESP) and Telephone Timesheet System (TTS) to meet the federal mandate.

Providers and recipients will have two EVV options when submitting and approving timesheets:

- Online web portal
- Telephone – through an automated Interactive Voice Response (IVR)



# EVV Statewide Implementation Approach

Statewide implementation began in January 2020 and will end in December 2020. The implementation approach is as follows:

- The state is divided into 5 multi-county waves, with the last wave going live in September 2020.
- Each wave is a two-month roll-out, with providers and recipients currently using electronic timesheets going live in Month 1, and the remaining population going live in Month 2. Month 2 would include any providers/recipients selecting the EVV telephonic option.

# EVV Pilot in Los Angeles County



- EVV roll-out began with a pilot from July 2019 - December 2019 in Los Angeles County.
- As of January 2020, the EVV adoption rate in Los Angeles County is **98.8%**.

# EVV Implementation Schedule

## (July 2019 through June 2020)

Group	Timeline	Counties
<b>Pilot</b>	July 2019- December 2019	Los Angeles
<b>1</b>	January 2020- February 2020	Orange, Lake, Napa, Placer, Sacramento, San Luis Obispo, Solano
<b>2</b>	March 2020- April 2020	San Bernardino, Riverside, Fresno, Kern, Tulare, Kings
<b>3</b>	May 2020- June 2020	Alameda, Contra Costa, Marin, Mendocino, Monterey, San Francisco, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma

# EVV Implementation Schedule (July 2020 through October 2020)

Group	Timeline	Counties
4	July 2020- August 2020	Alpine, Amador, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lassen, Mariposa, Merced, Modoc, Mono, Nevada, Plumas, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, Yuba
5	September 2020- October 2020	Butte, Imperial , Madera, San Diego, Ventura

# EVV – Additional Information

For additional information and future updates, please visit the CDSS EVV Webpage: <http://www.cdss.ca.gov/inforesources/IHSS/EVV>.

To be added to the State's EVV Distribution List or submit EVV-related questions, please send an email to [EVV@dss.ca.gov](mailto:EVV@dss.ca.gov).

# Direct Deposit/Payroll Card Mandate

Direct Deposit or a Payroll Card will be required for all IHSS providers effective July 1, 2021 (WIC Section 12304.4). CDSS efforts to ensure this mandate is met includes:

- Highlight topic during in-person, state supported, Electronic Visit Verification (EVV) informational registration sessions.
- Development of a Request for Proposal (RFP) to identify vendors who meet certain requirements and want to be included on a list of potential vendors provided to IHSS providers wanting to obtain a payroll card.
  - In FY 2020-21, mailers will be sent to providers not yet enrolled in direct deposit or a payroll card, to notify them of the change, and providing information on the preferred vendors that are selected through the RFP process.

# Provider Payment Method (Paper or EFT)

