

# CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc. [CCWRO.ORG](http://CCWRO.ORG)  
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## In Brief

A recent study of the effectiveness of TANF conducted by Network, National Catholic Social Justice Lobby, ([www.networklobby.org](http://www.networklobby.org)), uncovered numerous concerns among recipients. The study, Network's first looked at TANF since 2001, found:

-- The program inadequately helps low-income families escape poverty.

-- A high percentage of families struggle financially even when they move off the program's rolls and into work because of a lack of basic supports for transportation and child care.

-- The requirement of recipients to find employment is problematic during recessions and periods of high unemployment and low wages.

-- Recipients have limited access to education and quality job training, preventing them from finding jobs that could lead them out of poverty.  
-- Recipients struggle to buy enough food for themselves and family members."

The 12 member executive committee of the National Association of State Medicaid Directors (NASMD) have voted to break away from the American Public Human Services Association (APHSAs). NASMD has been affiliated with APHSA for 31 years.

APHSA terminated Ann Kohler, who was in charge of the APHSA NASMD staff. She has been replaced by Rick Fenton, who has worked for the federal government in the area of Medicaid for the past 31 years.

## GOVERNMENT DEFRAUDS IHSS RECIPIENTS OF HOURS TO WHICH THEY ARE ENTITLED

Counties have bilked millions from the frail, sick, aged, blind and disabled receiving IHSS services by prorating related services for meal preparation, meal clean-up and laundry.

For the last two (2) years there has been a lot of ranting going on about IHSS fraud on the part of recipients and providers. There has been zero ranting about the government defrauding IHSS recipients and providers. Some counties institutionalized the theft of hours from IHSS recipients through unlawful proration of "related services" such as dividing allowable monthly hours allocated to meal preparation, meal clean up and laundry by the number of people living in the house and not paying for meal preparation, meal clean up and laundry done by the provider. We also hear from advocates that IHSS county social workers are being told to cut recipient IHSS hours, even when such cutting is not justified.

Legally proration of needs is authorized only for (1) domestic services, (2) heavy cleaning and (2) protective supervision.

Domestic Services are embodied in 30-757. 11 which provides:

.11 Domestic services which are limited to the following: (a)

*Sweeping, vacuuming, washing and waxing of floor surfaces. (b) Washing kitchen counters and sinks. (c) Cleaning the bathroom. (d) Storing food and supplies. (e) Taking out garbage. (f) Dusting and picking up. (g) Cleaning oven and stove. (h) Cleaning and defrosting refrigerator. (i) Bringing in fuel for heating or cooking purposes from a fuel bin in the yard. (j) Changing bed linen. (k) Miscellaneous domestic services (e.g., changing light bulbs, wheelchair cleaning, and changing and recharging wheelchair batteries) when the service is identified and documented by the caseworker as necessary for the recipient to remain safely in his/her home.*

Meal preparation is a "related service" which is different from "domestic service". Related services are set forth in EAS § 30-757.12. Related services are not domestic services. There is no authority to prorate "related services".

30-763.31 Domestic Services and Heavy Cleaning

*.313 The need for services in common living areas shall be prorated to all the housemates, the recipient's need being his/her prorated share.*

.321 When the need is being met in common with those of other housemates, the need shall be prorated to all the housemates involved, and the recipient's need is his/her prorated share.

30-763.331 – Protective Supervision

30-763.331 When two (or more) IHSS recipients are living together and both require protective supervision, the need shall be treated as a common need and prorated accordingly. In the event that proration results in one recipient's assessed need exceeding the payment and hourly maximums provided in Section 30-765, the apportionment of need shall be adjusted between the recipients so that all, or as much as possible of the total common need for protective supervision may be met within the payment and hourly maximums.

We wait for the government's quality assurance and fraud workers to turn its eye on itself and stop the systematic abuse of IHSS recipients and providers.

**COUNTY CLIENT ABUSE REPORT**

Mr. and Ms. M. are hungry and suffering. Mr. M. has brain cancer. They have had no food stamps for over a month. They requested a state hearing on 7-23-10 contesting the county's termination of their food stamps. On August 1, 2010, they received no aid paid pending food stamps.

August 1, 2010 was the day that the five (5) working days was up for Santa Clara County to issue aid paid pending as provided in EAS §22-073.1 which states:

**“COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE STATE HEARING**

22-073.1 Upon receipt of a request for hearing or notice from the Department that a recipient has filed a request for a state hearing, the county shall provide aid pending the state hearing in accordance with Section 22-072, when entitlement exists.

.11 Such payment shall be either placed in the U.S. Mail or available for hand-delivery to the recipient (if agreed to by the county and recipient) within five working days of the receipt of the hearing request by the appropriate agency as specified in Section 22-004, or the date the regular scheduled aid payment would otherwise have been paid to the recipient, whichever is later. “

Here is a history of noncompliance in this case:

August 2, 2010 -	No food stamps-	1 day out of compliance with EAS § 22-073.1
August 3, 2010 -	No food stamps-	2 days out of compliance with EAS § 22-073.1
August 4, 2010 -	No food stamps-	3 days out of compliance with EAS § 22-073.1
August 5, 2010 -	No food stamps-	4 days out of compliance with EAS § 22-073.1
August 6, 2010 -	No food stamps-	5 days out of compliance with EAS § 22-073.1
August 7, 2010 -	No food stamps-	6 days out of compliance with EAS § 22-073.1
August 8, 2010 -	No food stamps-	7 days out of compliance with EAS § 22-073.1
August 9, 2010 -	No food stamps-	8 days out of compliance with EAS § 22-073.1
August 10, 2010 -	No food stamps-	9 days out of compliance with EAS § 22-073.1
August 11, 2010 -	No food stamps-	10 days out of compliance with EAS § 22-073.1
August 12, 2010 -	No food stamps-	11 days out of compliance with EAS § 22-073.1
August 13, 2010 -	No food stamps-	12 days out of compliance with EAS § 22-073.1
August 14, 2010 -	No food stamps-	13 days out of compliance with EAS § 22-073.1
August 15, 2010 -	No food stamps-	14 days out of compliance with EAS § 22-073.1
August 16, 2010 -	No food stamps-	15 days out of compliance with EAS § 22-073.1
August 17, 2010 -	No food stamps-	16 days out of compliance with EAS § 22-073.1
August 18, 2010	(date of hearing)	they failed to attend because of illness.
	No food stamps-	19 days out of compliance with EAS § 22-073.1
August 31, 2010 -	No food stamps -	30 days out of compliance with EAS § 22-073.1

Mr. and Ms. M. wanted to find out what was happening with their food stamps. Santa Clara County Appeals Acting supervisor Norma Vela of Santa Clara County Department of Social Services said that the county could not issue aid paid pending because Mr. M. failed to appear at the 8-18-10 hearing. She also stated as an excuse, that they were very busy, which is another reason that Santa Clara County has willfully violated EAS §22-073.1.

We searched Division 22 to find a provision that states the county does not have to meet the five (5) time lines for Aid Paid Pending if they were busy. The search was unfruitful. There is no such regulation. Ms. Vela assured us that if the hearing was reopened, only then would Santa Clara County issue aid paid pending.