



# CCWRO Welfare News-2020-01

February 06, 2020

Coalition of California Welfare Rights Organizations, Inc.  
1111 Howe Ave • Suite 635 • Sacramento • CA 95825-855  
Telephone (916) 736-0616 • Cell (916) 712-0071 • Fax (916) 736-2645

## We Welcome CDSS New Leadership Appointments- Meet Them



**Jennifer Troia**  
Chief Deputy Director for  
Adult, Family & Childrens  
Programs

According to Governor Newsom's Press Release "Jennifer Troia, 41, of Sacramento, has been appointed chief deputy director of adult, children and families programs at the California Department of Social Services. Troia has been principal consultant for the Joint Legislative Budget Committee since 2018. She was policy advisor on human services and child care for the Office of Senate President pro Tempore Kevin de Leon from 2014 to 2017 and deputy director and principal consultant for K-12 education for the Senate Committee on Budget and Fiscal Review from 2013 to 2014, where she was principal consultant for human services from 2009 to 2013. Troia was principal consultant for the Assembly Human Services and Foster Care Select Committees from 2008 to 2009, director of advocacy for the California Court Appointed Special Advocates Association from 2006 to 2008 and an attorney at the Youth Law Center from 2004 to 2006. She earned a Juris Doctor degree from the University of California, Berkeley School of Law. Troia is a Democrat."



**Marcela Ruiz**  
Director,  
CDSS Office of Equity

According to Governor Newsom's Press Release "Marcela M. Ruiz, 44, of Stockton, has been appointed director of the Office of Equity at the California Department of Social Services. Ruiz has been chief of the Immigration Branch, Family Engagement and Empowerment Division at the Department of Social Services since 2016. She was deputy director at California Rural Legal Assistance Inc. (CRLA) from 2013 to 2016, where she held several positions from 2006 to 2013, including regional director, directing attorney, staff attorney and a Berkeley Law Foundation fellow. She was a law clerk at the East Bay Community Law Center from 2004 to 2005, co-founder and board secretary at Casa Mexico from 2000 to 2003 and assistant director of organizing at the New York Hotel Trades Council from 1999 to 2003. She earned a Juris Doctor degree from the University of California, Berkeley School of Law. Ruiz is a Democrat."



**Natasha Nicolai**  
Chief Data Strategist

According to Governor Newsom's Press Release "Natasha Nicolai, 37, of Sacramento, has been appointed chief data strategist for the California Department of Social Services. Nicolai has served as branch chief of the California Work Opportunity and Responsibility to Kids and Family Resilience program since 2019, where she served as lead research consultant for California Work Opportunity and Responsibility to Kids from 2016 to 2019. Nicolai was a researcher at Mathematica Policy Research from 2014 to 2019. She earned a Master of Public Policy degree from the University of California, Berkeley and a Doctor of Physical Therapy degree from the University of Puget Sound. Nicolai is a Democrat."



**Alexis Fernandez**  
CalFresh Branch Chief

According to Governor Newsom's Press Release "Alexis Fernandez, 34, of Sacramento, has been appointed branch chief for the CalFresh Branch at the California Department of Social Services, where she has served as acting branch chief since 2019. Fernandez was chief of the CalFresh Policy Bureau at the Department of Social Services from 2016 to 2019. She was policy director for the First 5 Association of California from 2015 to 2016 and director of legislation for California Food Policy Advocates from 2013 to 2015. Fernandez earned a Master of Social Welfare degree from the University of California, Berkeley. Fernandez is a Democrat."

**SACRAMENTO COUNTY SHERIFF  
DENIES CCWRO'S FIRST AMENDMENT  
RIGHTS AT WELFARE OFFICE**  
by Erin Simonitch, Senior Staff Attorney

A Sacramento County Sheriff Department deputy alleged that CCWRO's Executive Director, Kevin Aslanian, broke the law by his presence and activities in the Sacramento County Welfare Department building and ordered him to either leave or face arrest. His crime: handing out fliers informing beneficiaries of their rights to redress the county's decisions through legal action.

Prior to this incident, Mr. Aslanian had emailed the DHA Deputy Director a copy of the flier and informed him of his plans to distribute them. When Mr. Aslanian arrived at the welfare department, he provided a courtesy copy to the Sheriff's deputy present in a security role after distributing most of the fliers. After allegedly reviewing the flier's content with County staff personnel, the deputy returned, ordered Mr. Aslanian to leave, and threatened him with arrest. "I guess he did not like what the flyer said" said Mr. Aslanian.

When Mr. Aslanian met with Sacramento County leadership to address the incident, County leadership rejected the idea that armed forces in welfare offices might deter marginalized people from seeking benefits and insisted that County workers need lethally armed officers to protect them. The Deputy Director of the Department of Human Assistance stated that "as a matter of long-term practice, we have not allowed the passing out of fliers within our locations without prior authorization. Passing out fliers within the confines of busy lobbies can create issues that impede the general operation."

The Deputy Director conceded that Mr. Aslanian neither impeded the office's general operations nor caused any disturbance. He stated that he did not know of any law that Mr. Aslanian had broken. The Deputy Director also stated that although he had not reviewed the flier, he would have "cleared the way" for Mr. Aslanian's activities. He could not say why County staff did not want Mr. Aslanian to distribute the flier after reviewing it. When asked for guidance on whether County policy required prior approval of written materials by the Director before distribution, the Deputy Director stated adamantly that it did not. County leadership and counsel promised that they would produce a written policy on distribution of written materials in welfare officers.

The presence of lethally armed officers in the county welfare office demonstrates the longstanding criminalization and stigma experienced by California's welfare beneficiaries. This is not the first time CCWRO's staff has faced threats and intimidation from Sacramento law enforcement, which the county pays from its social services budget to provide "security" to its employees. If these armed officers use the threat of force with impunity to impede the First Amendment rights of advocates, how much more frightening might their activities appear to vulnerable people seeking support?

Our communities have not forgotten Operation Talon, in which law enforcement across the country used food stamp notices to entrap aid recipients and arrest them at welfare offices as recently as 2006.<sup>1</sup> Just last year, New York City experienced the consequences of criminalizing social services recipients after a police officer tore a screaming child from his mother's arms, resulting in a public relations nightmare and a costly settlement.<sup>2</sup> County welfare departments would do well to keep such incidents in mind before using armed officers to police beneficiaries.

**DHCS AND CDPH SHIRK STATUTORY  
DUTY TO PROTECT  
CHILDREN FROM LEAD POISONING**

by Daphne Macklin, CCWRO Research

State law requires lead testing for one and two-year-old children enrolled in Medi-Cal. But between 2009 and 2018, providers tested only 27% of eligible children. More than 1.4 million children did not receive the required testing. Worse, many children who missed testing live in areas with elevated lead levels.

On January 7, 2020, the California State Auditor released a [damning report](#) on California state agencies' negligent administration of the Childhood Lead Poisoning Prevention Program. The full report is available in full at <https://www.auditor.ca.gov/reports/2019-105/responses.html>. California State Auditor Elaine Howle found that Department of Health Care Services (DHCS) failed to ensure that legally required testing occurred. Furthermore, the audit revealed that "CDPH (California Department of Public Health) is not prioritizing the prevention of lead poisoning."

1 Kaaryn Gustafson, "The Criminalization of Poverty," *Journal of Criminal Law and Criminology*, Vol. 99 Issue 3 (2009), p. 670-671.

2 Nikita Stewart, "\$625,000 Settlement for Woman Whose Child Was Torn From Her Arms," *The New York Times*, Dec. 13, 2019, available at <https://www.nytimes.com/2019/12/13/nyregion/jazmine-headley-video-settlement.html>

The negligence of the responsible agencies risks the health and future of millions of California children who should be tested for early childhood lead exposure. Despite a decade of abysmal compliance rates, DHCS failed to implement incentives for lead testing or establish measurable standards for compliance. Meanwhile, the CDPH failed to address lead hazard abatement and enforce compliance with state mandates. It ducked its legal obligation to protect the youngest and most vulnerable Californians by delegating lead prevention to local programs. CDPH failed to provide any evidence to show that its local programs have actually mitigated lead exposure.

The agencies' abject failure to protect children from lead poisoning reflects priorities that elevate provider profits over a healthy future for young Californians. Providers and insurers know that if they test lead-exposed children, they will have to spend money treating them. If they neglect the testing, they protect their profits. Far from insuring testing, CDPH and DHCS have enabled willful ignorance among their industry stakeholders. Have the agencies forgotten that they work for all Californians, not just those who hold shares in health care corporations?

### Audit Highlights

DHCS neglected its responsibility to ensure that children in Medi-Cal receive required tests at the ages of one and two years to check for elevated lead levels. Medi-Cal's EPSDT program mandates these tests for all Medi-Cal eligible children. Yet DHCS has not enforced this requirement. Instead, the Department has proposed giving health care providers even more money to "encourage" lead testing that they are already committed to perform. It seems DHCS considers lead testing optional, even though the law makes it mandatory.

CDPH failed to identify areas of the State at high risk for childhood lead exposure and failed to take steps to reduce lead risks in those areas. Instead of proactively addressing lead exposure hazards, CDPH only monitors lead abatement in the homes of children who already have lead poisoning. CDPH delegated most of its responsibilities to local lead prevention programs and never assessed the performance of the local programs. CDPH also failed to meet several legislative mandates, such as updating the factors health care providers use to identify children who need testing for lead poisoning.

### Agency Responses Double Down on Passing the Buck

DHCS and CDPH responses to the State Auditor's report continued their decade-long abdication of their responsibility to protect California's at-risk children. The agencies' responses are included with the State Auditor's comments.

DHCS responded with a plan that fails to address the need for finalized performance standards on lead testing. It claims to have implemented a payment program for lead

testing, contradicting information it had provided during the state audit. It also proposed a toothless notification plan for informing providers of statutory lead testing requirements.

CDPH's response primarily defended its current policies and practices. The response shows a remarkable lack of good faith engagement with the Auditor's recommendations. The Auditor's comments to CDPH call out the agency's inadequate response on the following issues:

- In its defense, CDPH cited a confidential draft report, leaving the Auditor with no way to verify or dispute the agency's claims.
- CDPH gave no evidence to support claims that it targeted high-risk areas for prevention.
- CDPH did not address concerns that the agency does not know whether its outreach has actually reduced incidences of lead poisoning.
- CDPH's response misinterpreted the State Auditor's recommendations in several respects and provided irrelevant statements in response to the Auditor's report.
- CDPH cited specious privacy concerns related to its data-collection forms as a shield to avoid making its data (or lack thereof) public.
- CDPH cherry-picked the text of the Auditor's recommendations to support its current policy and practice of inaction on early childhood lead exposure.
- CDPH's response attempted to co-opt the legislative process and obfuscate data by proposing a burdensome public information request process instead of the Auditor's legislative recommendation for an online registry of lead inspection information.
- CDPH's response included assertions that are factually inaccurate, specifically claiming that it introduced different allocation methods when it did not do so.
- CDPH has cited the parental right to refuse services as an excuse for failing to allocate funding in an equitable fashion throughout the state.

### WHY IS BLOOD LEAD TESTING NECESSARY?

In its introduction, the State Auditor's January 7, 2020 Report describes lead as a commonly used, naturally occurring element that is highly toxic to people and animals. The common existence of lead in our environment, particularly air and soil, results from lead present in gasoline, paint, ceramics and costume jewelry. The wide use of lead in water pipes, cosmetics, and serving dishes also contribute to lead exposure. Although federal law now strictly

limits the use of lead as an additive for many products, many people still work with lead for commercial and industrial purposes.

Extensive research has led most scientists to now believe that there is no safe level of lead exposure. Lead can impact young children's physical growth and adversely affect calcium-rich structures such as teeth and bones. Lead exposure also causes negative impacts on the development of the brain and nervous system. It can have life-long health consequences including developmental delays, behavioral disabilities, anemia, cardiovascular disease, and hearing issues.

Because lead chemically resembles calcium, a child exposed to lead grows up with poison imbedded in their bones. This leads to one of the most chilling documented effects of lead poisoning, which occurs when a woman exposed to lead as a child becomes pregnant. Lead-contaminated fetal calcium is transferred from mother to child during pregnancy. After birth, a baby can also absorb lead through the nursing mother's breast milk.

Children also suffer lead exposure through eating lead paint chips, breathing contaminated air, drinking contaminated water, or playing in soil or dirt where previous industrial or commercial uses of the property used lead.

Lead in the blood stream is cumulative. Currently, the medical standard for lead exposure for 12-month old and 24-month old children is set at 4.5 micrograms (mcg) of lead per deciliter of blood. Some experts recommend reducing this number to 2.5 mcg. Public health experts recommend, and medical standards require active monitoring of any child, his or her siblings and housemates with blood lead levels (BLL) of 10.5 mcg or greater. Actual harm, including hearing loss and behavioral issues, may occur at exposure levels of 15.0 mcg or less.

### References and links

Source: The information in the article is based on the cited references including the January 7, 2020 California State Auditor's January 7, 2020 Report on California's low level of required blood lead testing for Medi-Cal recipient children (<https://www.auditor.ca.gov/reports/2019-105/index.html>), web-based information for the U.S. Centers for Disease Control (CDC), and the California State Childhood Lead Poisoning Prevention Branch which is within the California Department of Public Health.

CDPH's California Management Guidelines on Childhood Lead Poisoning for Health Care Providers; California Childhood Lead Poisoning Prevention Branch Information for Health Care Providers; <https://www.cdc.gov/nceh/lead/prevention/blood-lead-levels.htm>

CDC Federal resources and references: Response to Advisory Committee on Childhood Lead Poisoning Prevention Recommendations in "Low Level Lead Exposure Harms Children: A Renewed Call of Primary Prevention; Recommendations of the Advisory Committee for Childhood Lead Poisoning Prevention; Summary of Recommendations for Follow-up and Case Management of Children Based on Confirmed Blood Lead Levels

# County Welfare Department Client Abuse REPORT

**CalWORKs wife and mother caring for disabled husband denied exemption.** Ms. 104592856 received a Notice of Action on July 11, 2019 from San Diego County stating that the county reduced claimant's CalWORKs benefits from \$924.00 to \$772.00 effective August 1, 2019. The NOA stated the reduction occurred because the claimant no longer has a condition that meets the rule to obtain cash aid after the 48-month time limit. The claimant's husband is on SSI and he had provided several CW 61 forms stating that he needs his wife to care for him.

Ms. 104592856 did not accept the unlawful decision of San Diego County. She filed for a state hearing and the ALJ found that she meets the criteria for an exemption to the 48-month-limit for CalWORKs effective August 1, 2019 because she has provided at-home care for an incapacitated household member since August 1, 2019.

San Diego County failed to issue the required notice of action to inform the AU of their 42nd month of CalWORKs time on aid. The county had information that the AU had a possible time on aid exception due to the care of incapacitated household member previously used as an exemption by the claimant per MPP Section 40-107(a)(4)(C) and ACL 16-76. The purpose of the 42nd month notice of action is to provide the AU information about possible exemptions and exceptions.

**Alameda County prevented from taking \$899.** Ms. 104605469 asked for a state hearing on September 19, 2019 to contest Alameda County Collections Department's August 14, 2019 demand letter for the collection of an \$899 for a 1999 CalWORKs overpayment. The letter said that if she did not repay, the collection department would confiscate her income tax refund.

Ms. 104605469 stated under penalty of perjury that she was not in the country in 1999 and that she had

never applied for CalWORKs cash aid nor received CalWORKs benefits. At the hearing the county could not produce any evidence that a CalWORKs overpayment existed for Ms. 104605469. The county only rescinded the alleged overpayment because she asked for a state hearing. If she had not, the county would have unlawfully taken \$899 from her and gotten away with the theft.

### **SSI applicant denied CalFresh Benefits.**

Mr. 104617704 is a disabled 46-year-old male who receives Supplemental Security Income/State Supplementary Payment (SSI/SSP) benefits. Mr. 104617704 submitted an online application for CalFresh benefits on June 12, 2019. On June 18, 2019, he participated in a telephonic CalFresh interview. According to a June 19, 2019 case comment, the eligibility worker who conducted the interview sent the claimant a SAR 7 form. The eligibility worker erroneously required Mr. 104617704 to complete a SAR 7 because the SAR 7 is not required for SSI beneficiaries applying for CalFresh.

The case comments also indicate that the Claimant completed and signed additional forms. A case comment from June 28, 2019 states that Mr. 104617704 allegedly called the eligibility worker and left a message following up on CalFresh documents that were mailed to him. The eligibility worker noted that she would return the call at the end of the day as his CW 2200 form (verification request) was due that day. The case comments do not indicate when the County mailed a CW 2200 to the Claimant. In a July 22, 2019 case comment, the eligibility worker who conducted the June 18, 2019 phone interview with the Claimant wrote that Mr. 104617704's CalFresh application was denied on July 1, 2019, because he did not complete the intake packet.

At hearing, Mr. 104617704 testified that he never received a request for verification and did not recall receiving a CalFresh intake packet. He also testified that when he called his eligibility worker to follow up on his application, she informed him that all of the

documentation required to process his application had been submitted. He questioned why the County could not just approve his application based on the information and documentation he had already submitted. The County Appeals Specialist stated that the SAWS 2 CalFresh application in the Claimant's case file was only partially completed and that more information was required to process his application. She stated that she did not find proof that the intake packet and the verification requests had been mailed to the Claimant. The hearing was held on November 21, 2019 and Mr. 104617704 still has not received his CalFresh benefits.

**Mr. 104595890 unlawfully denied IHSS Protective Supervision by Riverside County.**

Mr. 104595890 is 58-year-old with a diagnosis of dementia and Chiari Malformation. He has limited right hand mobility and experiences dizziness. He rents a room at a care facility. Six weeks before the administrative hearing, Mr. 104595890 was diagnosed with Parkinson's.

Mr. 104595890, with the help of his sister, filed for a state hearing after Riverside County denied Protective Supervision. At hearing, it was the County's position that the recipient was not entitled to Protective Supervision because he is self-directing, despite his mental impairment.

Mr. 104595890's provided evidence that he needs Protective Supervision because of his Chiari Malformation, a form of brain damage in which the brain is pushed off the brainstem as if "he got kicked in the head by a horse." Subsequent surgery to put the brain back on its stem was not effective. Mr. 104595890 continued to have post-surgery nausea and pressure, similar to damage resulting from a car accident. His brain injury affects his decision-making and impairs his executive functioning.

Although Mr. 104595890 presents as a normal adult, the Chiari Malformation causes him to wander away from home and make poor decisions that have led to frequent run-ins with law enforcement. He has had about 10 "run-ins" with police because he was wandering. When contacted by police, Mr. 104595890 lies prone on the floor and refuses to move. He can remember his sister and nephews's telephone numbers, but they do not receive calls until after he gets into trouble. After evaluating all of the evidence, the ALJ reversed Riverside County's unlawful denial of benefits, restoring protective supervision to Mr. 104595890.