

SAN DIEGO COUNTY ELDER CARE PROGRAM GOLDEN YEARS IN CRISIS

SUMMARY

The 2006-2007 San Diego County Grand Jury received a complaint alleging abuses with In-Home Supportive Services (IHSS) for the elderly. The complainant questioned the ability of elderly clients to supervise caregiver services. Seniors alone without family support have extreme difficulty in utilizing the services of IHSS. This is due to the problems in locating, interviewing, checking references, hiring, processing employment paper work, instructing, supervising and authorizing work time of the caregiver. Vulnerable seniors, who remain at home with support from caregivers, find it arduous to manage this bureaucratic program while being poorly served by their caregivers. Some have had money and personal effects stolen and others have been abused if they report the wrongdoings of their caretakers.

One of the seniors interviewed by the Grand Jury was a mentally alert and articulate witness, who suffered from poor hearing and was legally blind. She needed a caregiver to shop for groceries and to clean her small apartment. What she said highlights many of the frustrations suffered by other participants in the IHSS program. The witness related that the County tells seniors they are the employers, yet in reality, caregivers are often in charge of the situation since many come and go as they please without concern for their responsibilities to clients. They are not mindful of when to show up for work, are indifferent of what they are supposed to do for clients, and often leave work early. This woman went through seven caregivers, and because the system was failing her, she decided her only option was to enter assisted living. She was very emotional about the fact that she would now be giving up her independent living. She told the Grand Jury that “because many seniors need help, we put up with many things such as caregivers billing for the total allotted time and not giving the full service contracted.” The cheating was totally against everything our witness believed in. At one point she explained her frustrations with caregivers to a social worker; the response from social worker was “they don’t make much money”

The IHSS program appears to be riddled with inefficiencies and has unrealistic expectations of vulnerable seniors in hiring competent caregivers. After reviewing these allegations and researching services available to elderly citizens on the Health and Human Services page of San Diego County’s website, a Grand Jury investigation was initiated.

PURPOSE

This investigation was undertaken to ascertain whether elderly citizens receive adequate care and education about the IHSS program. The goal is to ensure policies and procedures are incorporated to prevent abuse, mistreatment, theft, and other criminal activity by contracted caregivers.

PROCEDURES

Interviews:

- Representatives from the San Diego County's Health and Human Service Agency (HHSA) and Aging and Independent Services (AIS)
- Members of San Diego Police Department's *Retired Senior Volunteer Patrol (RSVP)*
- Public Authority officials
- The Complainant
- Representatives from San Diego County District Attorney's office
- Elderly citizens receiving services from various programs

Reviews:

- Reports from Public Authority, Aging and Independent Services and IHSS
- County websites containing IHSS information (www.sdcountry.ca.gov)

DISCUSSION

The IHSS is one of the many programs provided through the San Diego County Health and Human Services Agency (HHSA). The approved budget for IHSS in fiscal year 2007/2008 is \$244,679,570 out of an Agency total of \$1,596,341,179. This is not a small backroom operation. There are approximately 19,500 clients receiving nearly 80 hours of support a month from providers made available through IHSS. There are 152 County staff members involved in the program. There is an IHSS advisory committee that includes clients to provide a "real world" view. And IHSS has a complaint review process. IHSS is still a work in progress. Improvements have been made but there is still work to do.

The complaint received by the Grand Jury detailed the difficulties experienced by senior citizens living alone, without available family support, tasked with the process of fulfilling the requirements to receive IHSS services. The process includes, but is not limited to, interviews, reference checks, selection, training, and supervision, as well as work assignments, and timekeeping. These responsibilities confuse many seniors and result in incorrect assignment of services. Examples:

- A senior approved for care by IHSS in November was not aware of the approval until the following April. This caused a financial hardship for this person who had to pay for four months of care from his extremely limited resources and received nothing in return.
- A client with schizophrenia was approved for 52 hours of care per month. The caregiver charged for the full amount, but only worked approximately two hours per week.
- A blind 82-year-old experienced difficulty finding the right caregiver. The Public Authority did not respond to the client's request until a supervisor was notified and only then were services begun.
- An elderly consumer was forced to accept a caregiver because he was the only one who responded. She suspected that this person was lying and stealing from her. The caregiver's time card reflected more hours than actually worked.
- A 65-year-old man, with end-stage cancer, was authorized by a social worker to receive support services for 14 hours per month. His condition deteriorated, and he requested more frequent service. The increased service was granted only after a long delay. In addition, a major problem in communication existed because the caregiver was not fluent in English.
- Consumer complaints generally fall into three categories:
 - Communication
 - Theft of personal possessions
 - Fear of retaliation from caregivers.

Services are mandated by the State of California Welfare and Institutions Code. Funds maintaining this program are split among Federal (50%), State (33%) and County (17%) governments. Caregivers receive checks directly from the State, even though programs are administered by San Diego County. Governed by the San Diego County Board of Supervisors, the Public Authority and its advisory committee provide a registry of caregivers. The County also monitors and transmits payroll records to the State. Its responsibilities include applicant screening, training, and matching caregivers to clients. The client is currently responsible for hiring the caregiver, supervising and approving timecards for each provider.

IHSS attempts to provide adequate care for seniors and the disabled, while saving tax dollars by keeping clients in their own homes rather than in government assisted-living facilities. However, problems exist in the implementation of these services by both IHSS and the Public Authority. For example: The Public Authority's Individual Provider selection process is flawed. Potential caregivers are screened only for offenses

committed in the State of California. Thus a convicted felon from another state could pass this screening as long as he/she has no criminal history in California.

Consumers who apply for caregiver services receive an information packet which includes instructions and necessary paperwork to complete the application process. Information contained in the packet includes tips to help find the right provider, rights and responsibilities of the senior, transportation resources, and a Customer Satisfaction Survey. IHSS social workers assist by assessing consumer needs and assisting in the choice of appropriate services. In addition, these social workers explain information contained in the consumer packet and assist in filling out the paperwork.

IHSS also has a Quality Control Department, whose function is to monitor and audit the programs. Complaints such as improper payments are submitted to this department for investigation. Occasionally, department staff does scheduled checks at a consumer's home to determine whether providers are performing the required tasks and submitting correct timecards. During the same visit, checks are made for signs of abuse, neglect and criminal activity.

The District Attorney Elder Abuse Unit is dedicated to prosecuting crimes against senior citizens. Changes in demographics have resulted in an ever-growing population where crimes against seniors are increasing. Changes in State law requiring banks to report suspicious transactions involving seniors will likely increase this unit's case load. The District Attorney and the Deputy District Attorney in charge of the Elder Abuse Unit and his representatives are proactive in advising government and private agencies of the problems involving seniors and inform them what and how to report crimes against the elderly.

Another program that assists seniors living at home is *You Are Not Alone (YANA)*, which is sponsored by the San Diego Police Department and administered by the Retired Senior Volunteer Patrol (RSVP). These volunteers visit the homebound elderly to check on their well-being. If signs of abuse are observed, the volunteers are mandated to report it to the proper agency.

Those who avail themselves of caregiver services are usually low income, and therefore their share of the cost for IHSS services is minimal. However, this should not influence the level of care and assistance provided or received. Caregivers who abuse the system by cheating on work hours and services rendered are, in effect, stealing from the Federal, State and County governments, as well as taxpayers. This must be stopped. Currently, it appears that no viable system of accountability exists. The IHSS and the Public Authority appear to work independently of each other, with no apparent coordination of efforts. Since the consumers who need these services are usually physically and/or mentally challenged, the selection of contacts is limited when the system fails them. If the system is to work, new checks and balances must be implemented. All County departments that serve the elderly should be better integrated to achieve better

coordination of available benefits. Seniors should not have to live in fear of being placed in a nursing home, if their caregiver leaves or doesn't show up.

Safeguards exist, such as Adult Protective Services (APS) that ensure the safety and dignity of homebound senior citizens and dependent adults over the age of 18. APS investigates reports of abuses against these citizens, but the problem is increasing faster than cases can be solved because of poor funding and the demographics of an aging population.

Thorough screening of potential caregivers should be completed to eliminate caregivers with a criminal background. In addition, a procedure for monitoring their activities is vital to make the system work for San Diego County senior citizens. A growing aging population needing these services cannot be ignored.

FACTS AND FINDINGS

Fact: The In-Home Supportive Services (IHSS) department of the San Diego County Health and Human Services Agency (HHS) provides services for San Diego County senior citizens. The program is set up to assist homebound seniors to meet their special needs.

Finding: This program works well as long as caregivers honestly perform the functions assigned to them.

Fact: The Public Authority provides a list of caregivers based on the needs of the elderly consumer.

Finding: The Public Authority does background checks on potential caregivers, but only for offenses committed in California. Thus, elderly consumers are not aware of criminal activity committed in other states.

Fact: The Public Authority does not have a program to monitor assigned duties by caregivers. The Public Authority offers a training program for caregivers, but it is not mandatory.

Finding: Many caregivers are deficient in their ability or desire to perform functions required by the elderly. Many caregivers falsify hours worked, wasting taxpayer dollars. There are also language difficulties with some caregivers.

Fact: Elderly consumers are responsible for hiring, training and supervising caregivers.

Finding: These functions may be beyond their capabilities. Thus, consumers often don't report abuses for fear of losing the only help that is provided for them.

Fact: The Quality Assurance Department of IHSS monitors elder care programs, but only in terms of auditing payments to caregivers. They do not evaluate the quality of the services rendered to the seniors.

Finding: This leads to the potential for abuse of the quality and quantity of services provided to seniors.

RECOMMENDATIONS

The 2006-2007 San Diego County Grand Jury recommends that the County of San Diego's Health and Human Services Agency:

- 07-61:** Direct IHSS take a more proactive approach in monitoring its caregivers through unannounced home visits to consumers, with the caregiver present.
- 07-62:** Direct IHSS to assign social workers to inform elderly consumers on proper practices of hiring and supervising caregivers, and assist with completion of forms.
- 07-63:** Require the Quality Assurance Department of IHSS to report *all* abuses to Adult Protective services for investigation.
- 07-64:** Require the Public Authority to coordinate with the District Attorney's Elder Abuse Division to provide annual training to IHSS staff in recognizing the signs of abuse.
- 07-65:** Require the Public Authority to expand all background checks to include National Crime Information Center (NCIC).
- 07-66:** Direct the Public Authority to institute a system to monitor caregivers to ensure consumers are getting proper care.
- 07-67:** Require the Public Authority to ensure that all caregivers speak English or the language of the client or be enrolled in English as a Second Language Program.

The 2006/2007 San Diego County Grand Jury recommends that the San Diego County District Attorney's Office:

- 07-68:** Increase its investigative staff to assist in the prosecution of those who prey on the elderly.

07-69: Provide training to IHSS staff for detecting elder abuse.

COMMENDATIONS

The Grand Jury would like to commend the San Diego County District Attorney's Elder Abuse Unit for its active intervention in elder abuse cases that lead to the prosecution of those who abuse and steal from vulnerable seniors, and for its efforts to alert government agencies, private social service groups and other senior groups of the unfortunate reality that elder abuse has become a major component of criminal behavior.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This

time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
County of San Diego, Department Of Health and Human Services Agency	07-61 through 07-67	08/21/07
San Diego County Office of the District Attorney	07-68, 07-69	07/23/07