

**ASSEMBLY BILL**

**No. 1924**

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**Introduced by Assembly Member Audra Strickland**

February 16, 2010

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An act to amend Section 12305.82 of the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1924, as introduced, Audra Strickland. In-Home Supportive Services: fraud.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their home. The IHSS program is administered by counties under the general supervision and guidance of the State Department of Social Services. Existing law contains provisions relating to the duties of the State Department of Social Services, the State Department of Health Care Services, and the counties relating to IHSS fraud.

Under existing law, a county may investigate suspected fraud in connection with the provision or receipt of in-home supportive services with respect to an overpayment of \$500 or less.

This bill would delete the limitation on a county's authority to investigate suspected fraud in connection with the provision or receipt of supportive services to overpayments of \$500 or less.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12305.82 of the Welfare and Institutions  
2 Code is amended to read:

3 12305.82. (a) In addition to its existing authority under the  
4 Medi-Cal program, the State Department of Health Care Services  
5 shall have the authority to investigate fraud in the provision or  
6 receipt of in-home supportive services. Counties shall also have  
7 the authority to investigate fraud in the provision or receipt of  
8 in-home supportive services pursuant to the protocols developed  
9 in subdivision (b). The department, the State Department of Health  
10 Care Services, and counties, including county quality assurance  
11 staff, shall work together as appropriate to coordinate activities to  
12 detect and prevent fraud by in-home supportive services providers  
13 and recipients in accordance with federal and state laws and  
14 regulations, including applicable due process requirements, to take  
15 appropriate administrative action relating to suspected fraud in the  
16 provision or receipt of in-home supportive services, and to refer  
17 suspected criminal offenses to appropriate law enforcement  
18 agencies for prosecution.

19 (b) (1) The department, in consultation with county welfare  
20 directors and other stakeholders, as appropriate, shall develop  
21 uniform statewide protocols for acceptable activities to be  
22 performed and acceptable measures to be taken by the department,  
23 the State Department of Health Care Services, and the counties  
24 for purposes of fraud prevention.

25 (2) The State Department of Health Care Services, the  
26 department, and the county may share data with each other as  
27 necessary to prevent fraud and investigate suspected fraud pursuant  
28 to this section. The information shall only be used for purposes of  
29 preventing and investigating suspected fraud in the In-Home  
30 Supportive Services program, and shall otherwise remain  
31 confidential.

32 (c) If the State Department of Health Care Services concludes  
33 that there is reliable evidence that a provider or recipient of  
34 supportive services has engaged in fraud in connection with the  
35 provision or receipt of in-home supportive services, the State  
36 Department of Health Care Services shall notify the department,  
37 the county, and the county's public authority or nonprofit  
38 consortium, if any, of that conclusion.

1 (d) If a county concludes that there is reliable evidence that a  
2 supportive services provider or recipient has engaged in fraud in  
3 connection with the provision or receipt of in-home supportive  
4 services, the county shall notify the department and the State  
5 Department of Health Care Services of that conclusion.

6 (e) Notwithstanding any other provision of law, a county may  
7 investigate suspected fraud in connection with the provision or  
8 receipt of supportive services, ~~with respect to an overpayment of~~  
9 ~~five hundred dollars (\$500) or less.~~

10 (f) The failure of a provider or a recipient to comply with  
11 program requirements may result in termination of his or her  
12 participation in the In-Home Supportive Services program, subject  
13 to all applicable federal and state due process requirements.