DEPARTMENT: Human Services  BY: Cheryle Rutherford-Kelly  PHONE: 966-3609

RECOMMENDED ACTION AND JUSTIFICATION:

Policy Item: Yes____ No X __

It is respectfully recommended that your Board: 1) advertise and invite interested community members to submit their names for consideration of appointment to an In-Home Support Service (IHSS) Advisory Committee as required under AB 1682; 2) Authorize the department to expend and claim up to $53,571 in State and Federal money allocated for the expenses related to the committee; and 3) work with RCRC and CSAC to decrease the impact of AB 1682 to the greatest extent possible.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: (X) Not Applicable

A. Budgeted current FY
B. Total anticipated costs
C. Required additional funding
D. Internal transfers

SOURCE: (X) 4/5ths Vote Required

A. Unanticipated revenues
B. Reserve for contingencies
C. Source description
Balance in Reserve for Contingencies, if approved:

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Director's Memo
Sample Notice Seeking Members

CLERK'S USE ONLY:
Res. No.: 02-144  Ord. No.
Vote - Ayes:  Noses:  Absent:
Approved ( ) Denied  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:

C.A.O. Initials: 

Action Form Revised 5/92
MARIPosa COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: CHERYLE RUTHERFORD-KELLY, Human Services Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: In-Home Support Service (IHSS) Advisory Committee Resolution No. 02-144

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 14, 2002

ACTION AND VOTE:

B) (1) Authorize the Human Services Director to Advertise and Invite Interested Community Members to Submit Their Names for Consideration of Appointment to an In-Home Support Service (IHSS) Advisory Committee as Required Under AB 1682; (2) Authorize the Human Services Director to Expend and Claim $53,571 in State and Federal Money Allocated for the Expenses Related to the Committee; and (3) Work with RCRC and CSAC to Decrease the Impact of AB 1682 to the Greatest Extent Possible

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly. (M)Pickard, (S)Reilly, Res. 02-144 was adopted approving the recommended actions. Further discussion was held relative to the costs and make-up of the Advisory Committee. Matter was continued for the following hearing to be opened.

Further discussion was held relative to the In-Home Support Service program. Ayes: Unanimous.

cc: Ken Hawkins, Auditor
    Kathy Albright, Staff Services Manager Human Services
    File
April 16, 2002

TO: Members, Board of Supervisors
    Greg Iturria, CAO
FROM: Cheryle Rutherford-Kelly
RE: In Home Supportive Services / Appointment of an Advisory Board / Mandate Issue

Recommendation

It is respectfully recommended that your Board: (1) advertise and invite interested community members to submit their names for consideration of appointment to an In-Home Support Services (IHSS) Advisory Committee as required under AB 1682; (2) authorize the department to expend and claim up to $53,571 in State and Federal money allocated for the expenses related to the committee; and (3) work with RCRC and CSAC to decrease the impact of AB 1682 to the greatest extent possible.

Background / Program Currently in Operation

The IHSS program provides assistance to eligible aged (over 65), blind and disabled adults who are unable to remain safely in their own homes without assistance. Services can include personal care (such as bowel and bladder care, bathing, grooming and paramedical services), housekeeping, shopping, transportation to medical appointments and protective supervision for the mentally impaired. Such assistance is an alternative to long term care living situations. To be eligible for services a person must be a citizen, or qualified alien, and a California resident. Personal property, excluding a home, cannot exceed $2,000 for an individual or $3,000 for a couple. IHSS recipients are automatically eligible for Medi-Cal benefits. If there is a share of cost, the client pays the provider of the in-home supportive services that amount and the program pays the remainder.

There are approximately 160 persons being served by IHSS in this County at any given time. The program has recently been upgraded and is functioning well. Providers are currently paid on an hourly basis and work directly for the clients as contractors. The actual check is sent to the provider by a State contracted payrolling agent in Rancho Cordova. We pay a portion of what it costs for that agency to process the payroll which is $21,300.

Differences in the California Counties

There are public and non-public authority counties. In FY 2000/01 there were increases in rates in various counties for providers and in some cases providers received health benefits. The state shared in the increased costs differently for the two types of counties. In public authority counties that establish a non profit consortium, the State shares in the cost of provider wages up to $7.50 per hour plus taxes. In a non-public authority county, such as Mariposa, the State shares in the wage increases up to 3% above minimum wage. The state will pay 65% of the non-federal share of the cost of the wages and taxes. The differences in the counties is important because it becomes apparent that the counties have different needs and were therefore not united around mandated changes.
Mariposa currently pays providers minimum wage: $6.75 per hour, with some adjustment to the hourly rate if the services provided are outside of the norm. We do not pay for health care for providers who we consider to be contractors working directly for the clients.

Future Program Modification / Legislative Impact

Legislation that will vastly change the IHSS program went into effect July 1, 1999. These changes will increase the local/realignment share of cost over the amount currently being expended. Therefore, if implemented, AB 1682 is a very under funded state mandate.

AB 1682 requires that each county, on or before January 1, 2003, act as an employer of record or establish an employer of record for In-Home Supportive Services providers for specific legal purposes. The bill requires that each county form an IHSS Advisory Committee whose responsibility is to address the issues of establishing an employer of record by the year 2003.

Employer of record options include:

- The county;
- A public authority or non profit consortium;
- An IHSS contractor;
- A combination of the above options

The Advisory Committee, as per AB 1682, is to be comprised of no more than eleven (11) members, the majority of which are to be past or present users of personal assistance services paid for through public or private funds. The membership must be consistent with that required of a public authority. In addition to client representation, your Board may want to consider members representing the faith community, senior citizen and disabled advocacy. The role of the Committee is to (1) recommend to your Board the preferred mode of service to be utilized in the county; and (2) provide ongoing advice and recommendation on IHSS related to the delivery of services to your board, the administrative agency of the public authority, nonprofit consortium, contractor and public employees.

The bill requires that “prior to the appointment of members to a committee … the county board of supervisors shall solicit recommendations for qualified members through a fair and open process that includes the provision of reasonable written notice to, and reasonable response time by, members of the general public and interested persons and organizations.” Attached for your convenience you will find a sample of a public announcement and information you might want to request from interested parties.

On November 28, 2000, Human Service Managers met with representatives of Local 250, SEIU, at their request. Two unions split the State (counties) in half in an attempt to represent providers who they do not currently represent. Mariposa falls under SEIU. Local 250 indicated that they have been, and will be, outreaching to providers in this County as well as contacting your Board. The issue for the Union has to do with wages, working conditions and, more important, health care benefits for the people who provide services to the elderly and disabled under this program.

While there is a need to support all of our citizens having health insurance to the greatest extent possible, there are three concerns about the expansion of this program:
1. The expansion was mandated but not funded at the 100% level and we will therefore have to place more local/realignment dollars into the program;
2. The program already requires more local/realignment dollars than any other program we currently operate;
3. The mandate, if implemented without mitigation, could set a precedent in the social services arena.

If there is any way that you can encourage CSAC to implement special legislation to exempt certain counties, or require that the State fund any program expansion at the 100% level (administration, services, overhead and indirect) it would serve notice that mandates are unacceptable to the counties simply due to fiscal restraints.

Fiscal

Current Program Costs

The program is paid for by state, federal and local funds. The program budget is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
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<tbody>
<tr>
<td>Staff/Administration/Federal</td>
<td>$14,688</td>
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<tr>
<td>Staff/Administration/State</td>
<td>$24,472</td>
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<tr>
<td>Staff/Administration/County (Realignment Money)</td>
<td>$10,488</td>
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<tr>
<td>Providers/Federal*</td>
<td>$435,898</td>
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<tr>
<td>Providers/State*</td>
<td>$563,694</td>
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<tr>
<td>Providers/County (Realignment Money)</td>
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<tr>
<td>Sub-Total Program Costs (Including Cost Allocation/Indirect)</td>
<td>$1,353,232</td>
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<tr>
<td>Payroll Contract Fees/Federal*</td>
<td>$7,500</td>
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<tr>
<td>Payroll Contract Fees/State*</td>
<td>$9,000</td>
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<tr>
<td>Payroll Contract Fees/County (Realignment Money)</td>
<td>$4,800</td>
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<tr>
<td>Total Program Costs (Including Cost Allocation/Indirect)</td>
<td>$1,374,532</td>
</tr>
</tbody>
</table>

*State and Federal Provider Money Does NOT flow through the County.

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Total Federal (33.32%)</td>
<td>$458,086</td>
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<tr>
<td>Total State (43.45%)</td>
<td>$597,166</td>
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<tr>
<td>Total Local Social Service Realignment Money (23.23%)</td>
<td>$319,280</td>
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<tr>
<td>Total Revenues</td>
<td>$1,374,532</td>
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<tr>
<td>Special State and Federal Allocation/Committee</td>
<td>$53,571</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$1,428,103</td>
</tr>
</tbody>
</table>

Future Costs

Future costs cannot be determined without a plan of operation. All efforts need to be made to maintain the cost of this program at its current level.