



# **CDSS – ADULT PROGRAMS DIVISION**

**Stakeholder Meeting November 19, 2010**

WELCOME

## TODAY'S MEETING OBJECTIVE

To provide an opportunity for public discussion and comment on the new AB 1612 required:

- Recipient Waiver,
- And Related Provider Forms

In Addition to allow Adult Programs Division to improve the draft products with stakeholder input.



# AGENDA

- Overview and Bridging of current IHSS provider process and AB 1612 requirements for the new Exclusionary Crimes for IHSS
- Review and Discussion
  - Recipient Tier 1 and 2 forms
  - Recipient waiver
  - Provider Tier 1 and 2 forms
- Final comments and deadline for public input



# IHSS CURRENT PROVIDER EXCLUSIONARY CRIMES

## **WIC 12305.81**

- PC 273a(a) Child Abuse Felony
  - PC 368 Elder Abuse Felony
  - Government Fraud Felony for Medi-Cal
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- Provider applies to the County or Public Authority (PA) and is fingerprinted,
  - DOJ criminal records are reviewed for eligibility based upon 3 crimes,
  - County or PA send a denial letter and notice to provider of how to appeal to CDSS.



# WHAT'S CHANGING DUE TO AB 1612

## Expanded list of Provider Exclusionary Crimes

- Established a 2 tier system of exclusionary crimes
- 90 days To Implement
- Scheduled for February 1, 2011

## Expanded Options for IHSS Providers & Recipients

- Created new Recipient Waiver process  
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- Created new Provider General Exception Process
- Created new Administrative Hearing to appeal General Exception



# NEW IHSS PROVIDER LIST OF EXCLUSIONARY CRIMES (2/1/11)

## Tier 1 – subject to 10 year limit

- Existing List of Provider Crimes used 11/24/09 forward

### WIC 12305.81

- PC 273a(a) Child Abuse Felony
- PC 368 Elder Abuse Felony
- Government Fraud Felony for Medi-Cal

## Tier 2 – subject to 10 year limit

- A violent or serious felony** under PC Section 667.5 and PC Section 1192.7 – sub c.
- Sex Offender Felony Offenses** under PC section 290, sub c
- Government Fraud Felony** – (welfare and food stamps fraud); WIC 10980



# PROCESS DIFFERENCES BETWEEN TIERS

## Tier 1

- No Waivers Allowed
- No General Exception Allowed
- No Administrative Hearings Allowed
- No Expungement of Crimes Allowed

## Tier 2

- Waiver Allowed
- General Exception Allowed
- Administrative Hearings Allowed
- Expungement Allowed



## NEXT STEPS - DETAILS

- Review new Recipient Tier 1 forms and Tier 2 Waiver and Forms
- Review Provider Tier 1 forms and Tier 2 Forms and Processes

