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CONSUMERS AND PUBLIC AUTHORITIES SUE TO BLOCK IN-HOME SUPPORTIVE SERVICES FUNDING CUT

(SAN FRANCISCO) Two consumer-oriented statewide groups filed suit in federal court Monday to block funding cuts in the In-Home Supportive Services program. The California Association of Public Authorities (CAPA) and the California In-Home Supportive Services Consumer Alliance (CICA), along with individual consumers, have become the latest plaintiffs in the line of legal challengers to the Governor's and Legislature's IHSS budget actions last year.

The Public Authorities, which operate in each county as the IHSS local employer of record and maintain provider registries, are asking the Ninth Circuit Court to immediately halt the 57-percent cut Governor Schwarzenegger made to their funding while signing the 2009-2010 Budget package last July.

The Governor set State General Fund support for the Public Authorities at \$10 million – down from \$23.1 million – a cut the suit calls “arbitrary” and “done exclusively for budgetary reasons and without any consideration of the impact of these cuts on efficiency, economy, quality of care or access.”

“Ironically, the draconian cut in Public Authority funding comes right at a time when the Governor and Legislature have given PAs more responsibilities,” said Lauren Rolfe, Executive Director of CAPA. New provider enrollment processes, mandatory criminal background checks, and the introduction of consumer and provider fingerprinting have, to varying degrees, been added to PAs' existing services. These include operating a local registry to match consumers and providers, negotiating provider wages, offering training to consumer and providers, mediating disputes and handling other employment issues, and providing follow-up support and home visits.

“We don't object to doing more with less,” explained Donna Calame, Director of the San Francisco County Public Authorities. “But many PAs simply no longer have the capacity to help consumers in hiring, or to pre-screen lists of prospective providers, or to coordinate back-up care, or to play a case-by-case role in ensuring consumer access, promoting safety, and ensuring overall cost-effectiveness...”

“It just doesn’t work,” she added. “You can’t claim that IHSS lacks coordination, and lacks oversight, at the same time you cut resources by more than half for one of the main entities providing that coordination and oversight.”

Specifically, the suit claims that the State failed to analyze how the cut would affect consumer access and service quality before making it. Such an analysis is required under federal Medicaid law, under which Public Authorities are considered Medi-Cal providers.

Other 2009 IHSS budget cuts and program changes have been stayed at least temporarily in federal court, including a reduction in State contributions to provider wages and the disenrollment of consumers based on their Functional Index Scores for certain activities. A third suit in Superior Court challenges the expanded list of crimes disqualifying provider participation.

IHSS, which is supported by a combination of federal, state and local funding, provides roughly 460,000 low-income, at-risk Californians with assistance in the day-to-day activities – bathing and bathroom care, dressing, meal preparation, laundry, and others – that allow them to live safely in their homes. Many IHSS consumers would otherwise require placement in nursing homes, at a loss of dignity and independence but at greater State expense.

IHSS is among the programs the Governor has proposed for full elimination unless the federal government provides California with \$6.9 billion in Budget relief.

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