

**BULLETIN:
MEDICAID DEFENSE FUND TO SUE TO STOP HOME FINGERPRINTING AND
UNANNOUNCED HOME VISITS FOR IHSS RECIPIENTS AND PROVIDERS**

August 11, 2009

The Medicaid Defense Fund announces it will prosecute one or more suits, to be filed in the next four months, to enjoin the State and counties from implementing the state provisions of Assembly Bill X4 19 ("AB 19"):

- unannounced home visits and home fingerprinting,
- time sheet fingerprints

These requirements are not only disgusting but intolerable and not permitted under the Bill of Rights of our Constitution.

In the United States Constitution, this is called a Bill of Attainder, – where the King, by a decree, strips civil rights away from everybody in a group, without any trial or hearing that they deserve such treatment.

These provisions falsely, arbitrarily, and cruelly brand and classify all the frail, elderly, and disabled with the stigma of being the same, and being treated the same, as paroled convicted felons, who are given a parole which suspends all their civil rights, and permits the Government to search their home without a search warrant based on probable cause that a crime has been committed.

Here, the frail, elderly, and disabled have not been charged, tried, or convicted of anything, yet, they are being treated the same as tried and convicted felons, without any civil rights.

These provisions are part of a pogrom of Governor Schwarzenegger and all members of the Legislature to eliminate the trouble to the State to comply with the Americans with Disability Act and the Olmstead decision, by reducing services to the most frail, elderly, and disabled persons, and making access so difficult and humiliating, as to drive them into institutions, or die, so that the State is no longer bothered with even pretending to encourage or enable them to live in and participate in the life of the community.

We will keep you posted when we are ready to file the injunction suit or suits which are needed to stop these thug tactics of the Schwarzenegger Government.

Actually, as we read AB 19:

- the provision requiring an applicant or recipient of IHSS services to be fingerprinted in their home by a county worker as a condition of obtaining or continuing to receive IHSS services, will not start until April 1 of 2010;
- the provision requiring a recipient and provider to both put their fingerprint on time

sheets, will not start until July 1, 2011;

- the provision requiring an IHSS recipient to agree to unannounced visits to their home "to verify receipt of services" as a condition for their receiving IHSS services,

will not start until after the State runs a series so-called "stakeholder meetings" and issues All-County Letters to counties.'

Nevertheless, Medicaid Defense Fund is not going to wait until these brutal conditions go into effect, before challenging and obtaining injunctions against them in court.

So, as stated, Medicaid Defense Fund will be filing these lawsuits to stop the unconstitutional home fingerprinting, fingerprint time sheets, and unannounced home visits, within the next fourth months, (unless for some reason, it becomes necessary to file them sooner).

Request for donations

CDCAN readers may support these lawsuits to stop home fingerprinting, time sheet fingerprinting, and announced home visits, by donations by checks payable to:

Medicaid Defense Fund,

and mail to:

Medicaid Defense Fund
28 Newport Landing Drive
Novato, CA 94949-8214

All donations are state-and-federal tax deductible.

You can also help by sending Medicaid Defense Fund an email to lynncarman@hotmail.com or fax to 415-499-1687 which states your name, address; what your disability or condition is; what your objection is to home fingerprinting and unannounced visits by county workers; and whether or not this requirement of fingerprinting for providers will prevent you from obtaining providers to care for you.

If you have an IHSS provider who is willing to give a statement, please have your provider sign a written statement and then send a copy of the statement to the above email address or fax number of Medicaid Defense Fund. If the provider also wishes to be a plaintiff, please so state in your email or fax to MDF.

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