



How Low We've Sunk

Created 02/01/2010 - 1:00am

By Steve Mehlman

UDW Homecare Providers Union

A homecare provider from San Diego told legislators yesterday how she and her client--a quadriplegic Vietnam veteran--were threatened and harrassed by a fraud investigator from the state.

Nancy Jo Riley of San Diego testified that she and her client were "randomly selected" for a fraud investigation last October as part of a new "anti-fraud" initiative by the state. According to Ms. Riley, the agent from the Department of Health Care Services (DCHS) first threatened in a phone call to cut off all IHSS unless she and her client met with him immediately.

At the subsequent meeting, the investigator asked her and her client a long series of "humiliating" questions. He then said he could not understand why a person with a severe disability like his should be subject to a fraud investigation in the first place. He also said that her client, whose hands are frozen in a fist-like position because of his disability, would "probably" be exempted from new fingerprint requirements for homecare consumers.

Several legislators expressed outrage over this intrusion, which Ms. Riley described as a "raid" and a violation of her Fourth Amendment rights against unreasonable searches and seizures. Her testimony came shortly after a representative from DCHS had denied at the same hearing that his department was conducting fraud investigations.

Committee chair Assembly Member Noreen Evans (D-7th) declared that no protocols or guidelines have been established for such anti-fraud investigations and that this home visit was possibly unwarranted and premature. She promised a full committee investigation.

Ms. Evans also warned that without proper safeguards, individuals posing as fraud investigators could easily target elderly and disabled IHSS recipients for fraud and abuse.

The requirements for background checks for the nearly 400,000 IHSS homecare providers, fingerprinting for 450,000 elderly, blind and disabled homecare consumers, unannounced home visits by state and county agents, and other new regulations were enacted last July as part of the 2009-10 state budget agreement.

The multi-million-dollar anti-fraud initiative resulted from claims by Gov. Schwarzenegger and his allies that fraud in the program was as high as 25 percent, even though every reputable study of the program has shown fraud rates of no more than one to two percent.

The Sacramento County District Attorney, who received more than \$3 million from the state for

anti-fraud efforts, reported last week that after four months her office had uncovered a total of 19 cases of fraud out of more than 42,000 homecare clients in the County.

We raid the homes of our most vulnerable citizens; we brand thousands of low-wage homecare providers as "fraud criminals"; we waste tens of millions of dollars to investigate widespread fraud that doesn't exist. All the while, white collar criminals and crooked government contractors run free.

How low we have sunk!

~~~~~

*Steve Mehlman is Communications Director of the [UDW Homecare Providers Union](#) which represents 65,000 homecare workers in California.*