

### Frequently Asked Questions:

**Q: While in the hospital can my provider be paid to provide translating services, sitting at my bedside or bring me food from home?**

A: No. Your provider cannot get paid for these duties.

**Q: The recipient I care for has added some household chores to my daily duties. Can I claim hours on my timesheet for things like pet care, checking the mail or paying bills if I am asked?**

A: No. The IHSS program is designed to help keep the recipient out of a hospital or skilled nursing facility. The only job duties authorized by IHSS have been approved by the social worker and help keep the recipient safely in their home.

**Q: If my provider is unavailable and I don't have another official provider, what should I do?**

A: Call the Public Authority at (408) 350-3251. The Public Authority has many authorized and trained providers ready and available to provide you care if your provider is unavailable. You should also inform your IHSS social worker.

**Q: Who should I call if I feel that my provider is putting me at risk or neglecting me?**

A: If you feel your provider is in any way placing you at risk, call Adult Protective Services at (408) 975-4900 or (800) 414-2002. In case of emergency call 911.

### Fraud Hurts Everyone

If you suspect fraud, please contact:

#### Santa Clara County IHSS Suspected

**Fraud Line:**

(408) 792-1782

Email:

[IHSS-QAPI@ssa.sccgov.org](mailto:IHSS-QAPI@ssa.sccgov.org)

#### CDHCS IHSS Fraud Hotline:

(800) 822-6222

Email:

[fraud@dhcs.ca.gov](mailto:fraud@dhcs.ca.gov)

#### On-line complaint form:

<https://www.dhcs.ca.gov/individuals/Pages/StopMedi-CalFraud.aspx>

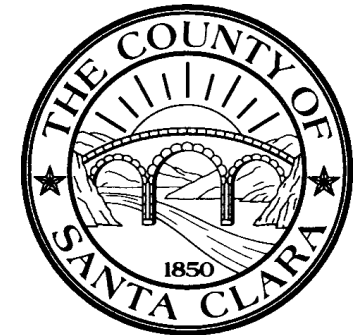
### PROSECUTION

If you are reported for IHSS fraud, an investigation will be conducted. Fraud will be prosecuted. If information is found that you are defrauding by withholding income information to another program a referral will be sent to the appropriate agency. These agencies include but are not limited to: Social Security Administration benefits (SSA), Welfare, subsidized housing (HUD), Franchise Tax board (FTB), and the Internal Revenue Service (IRS).

## In-Home Supportive Services (IHSS)

# INFORMATION ON FRAUD

*Helping Recipients & Providers Understand and Prevent IHSS Fraud*



## What is Fraud?

When a person makes a deliberate attempt to deceive or to obtain something in an unlawful or unfair manner, this is fraud.

***Welfare and Institutions Code section 12305.81(a) dictates that anyone convicted of a violation of California Penal Code section 273a(a), 368, or “fraud against a government health care or supportive services program” (which includes IHSS fraud) is ineligible to be an IHSS provider for 10 years.***

### **Reporting Requirements**

Recipients must report all known facts which impact his/her eligibility and level of need under the California Department of Social Services Manual of Policies and Procedures §30-760.14, including:

- Any changes in household living situation.
- Changes in living situation, even temporary stays including hospital and skilled nursing facilities.
- Significant changes in functional ability.

### **RECIPIENT'S FUNCTIONAL ABILITY**

**Recipients and providers may not make false statements about the extent of the recipient's disabilities or claim that the recipient needs more hours than are actually necessary for their proper in-home care.**

## COMMON FRAUD Issues in IHSS:

### **USING FALSE IDENTITY**

Providers must use their own personal information, such as name, address and social security number. Using a false identity is a crime under Penal Code §529.5.

### **TIME SHEETS**

Providers cannot claim more hours than actually worked. This is a crime punishable under Penal Code §72 and §487(a).

- Only the recipient or an authorized signer can sign a timesheet and only AFTER all hours claimed have actually been worked. Do not sign your own timesheet.
- If your recipient dies, write “deceased,” the date they died, and your name. Do not sign their signature and do not claim any hours after their death.
- Do not turn in the timesheet early. You must wait until all hours have actually been worked.

### **CHECK SPLITTING**

A provider cannot submit timesheets and accept payment for work that was never performed, and then split the pay (also known as “Check Splitting”) with the recipient or another person. The provider and recipient can be criminally prosecuted for theft and submitting a false timesheet under Penal Code §487(a) or Penal Code §72.

### **RECIPIENT OUT OF HOME**

A provider cannot be paid to take care of a recipient who is out of the home due to:

- Hospitalization
- Placement in a skilled nursing facility
- Jail
- Living out of the county

IHSS is designed to help recipients remain safely in their own home; therefore you cannot claim hours worked while the recipient is temporarily residing out of the home.

If the recipient is hospitalized or out of their home you cannot claim any hours including time for translation services, housekeeping, or preparing and bringing the recipient food.

When a recipient returns home a provider cannot make up those hours by adding extra hours to their next timesheet.

### **SUBCONTRACTING**

Providers cannot hire someone to perform their IHSS duties for them, while claiming these hours on their own timesheet.

All persons providing care must be a registered provider who has been approved and authorized through IHSS. Subcontracting is a punishable crime under Penal Code §72.

### **MISSING PAYCHECKS**

If a provider completes an affidavit to receive a replacement check, he/she cannot cash the original check if found. Cashing both checks is fraud and is punishable under Penal Code §487.