

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

May 4, 2018

2. Department

Social Services

3. Organizational Placement (Division/Branch/Office Name)

Adult Programs Division/Fiscal Appeals and Benefits Program Branch

4. CEA Position Title

Fiscal, Appeals and Benefits Program Branch Chief

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Adult Programs Division (APD), Fiscal, Appeals and Benefits Program (FABP) Branch Chief is responsible for statewide policy development and implementation associated with claims and appeals for the In-Home Supportive Services (IHSS) program, IHSS program integrity, APD fiscal policy, Cash Assistance Program for Immigrants, California Veterans Cash Benefits and the Supplemental Security Income/State Supplementary Payment Program. The FABP Branch Chief oversees the preparation of highly sensitive qualitative and quantitative research reports used for program improvement and for the Governor's Budget funding requests. The FABP Branch Chief is responsible for the development and oversight of IHSS fiscal policies impacting the public authorities and counties that operate the IHSS program and the development and oversight of over 20 contracts totaling \$1.9 billion. In addition, the FABP Branch Chief is responsible for statewide policy associated with the Deaf Access Program and the Assistance Dog Special Allowance Program that provides services to qualified disabled Californians.

6. Reports to: (Class Title/Level)

Deputy Director (Exempt), Adults Programs Division

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Branch Chief advises Executive Management regularly on all Fiscal related policy and Maintenance of Effort issues.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Fiscal, Appeals and Benefits Program (FABP) Branch Chief (CEA A) develops, implements and maintains statewide policies, internal policies and provides strategic program direction for the In-Home Supportive Services (IHSS) Cash Assistance Program for Immigrants (CAPI), Deaf Access Program (DAP) and the Assistance Dog Special Allowance (ADSA) program. The FABP Branch Chief Oversees operation of the Supplemental Security Income/State Supplementary Payment (SSI/SSP) program and California Veterans Cash Benefit (CVCB) program.

Responsibilities include:

1. Oversees the formulation, implementation and administration of fiscal policy for a \$11.2 billion IHSS program budget complying with overall funding mechanisms, allowable claiming, rate setting processes and federal, state and county funding structures by utilizing a county Maintenance of Effort (MOE), due to the implementation of Senate Bill 90.
2. Provides management oversight on politically sensitive issues regarding the most vulnerable population of aged, blind and disabled individuals and their providers who are served through the IHSS, CAPI, CVCB, DAP and ADSA programs.
3. Provides policy direction to the counties, and public authorities throughout the State, on the fiscal aspects and administration of the IHSS systems program.
4. Provides management oversight of new and existing policies and procedures to ensure the interpretation and implementation captures the legislative and administrative intent of the IHSS program as set forth in the state Welfare and Institutions Codes 12300-12330 and also adheres to Title XIX of the Social Security Act and other applicable federal legislation.
5. Develops statewide policy and processes and issues decisions on all appeals for denied IHSS provider enrollment and requests for administrative reviews of denied exemptions and violations related to the Fair Labor Standards Act requirements for IHSS providers.
6. Develops and implements policy for the CAPI which provides monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP solely due to their immigrant status.
7. Manages the \$500 million contract with prime vendor for design, development, maintenance and operation of the automated system that supports IHSS, Case Management Information and Payrolling System.
8. Develops and implements policy for the Program Integrity functions for the IHSS program.
9. Develops and implements statewide policies for the DAP and the ADSA Program. The DAP was created by the State Legislature to meet the communication needs of individuals who are deaf and hard of hearing. The ADSA Program provides a monthly payment to eligible persons who use a guide, signal, or service dog to help them with needs related to their physical disabilities.
10. Oversees operations of the SSI/SSP and CVCB programs. The CVCB program provides a cash supplement to certain World War II veterans of the Philippine and certain U.S. military forces who were eligible for SSI/SSP benefits for December 1999 as a California resident, who are entitled to Special Veterans Benefits, and who have subsequently returned to the Philippines to live.

The Chief of the FABP Branch is also responsible for managerial and administrative tasks including, but not limited to:

1. Supervises three SSM IIs and oversees 39 first line managers and staff. Ensures through subordinate managers that staff deliver timely and efficient resources to Californians served through the IHSS, CAPI, SSI/SSP, CVCB, DAP and ADSA programs.
2. Ensures clients in the DAP receive the necessary resources to achieve self sufficiency and independence, and access the benefits and services to which they are entitled.
3. Ensures clients in the ADSA program receive timely monthly payments to assist with needs related to their physical challenges.
4. Oversees the Workers' Compensation program for the nearly 550,000 IHSS providers.
5. Monitors the Division budget and the Division's 20 plus contracts totaling approximately \$1.9 billion.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Fiscal, Appeals and Benefits Program Branch is critical to the CDSS mission to serve, aid and protect needy and vulnerable children and adults. The IHSS program assists over 550,000 low-income aged, blind and disabled Californians remain safely in their homes through the provision of IHSS services such as the Cash Assistance Program for Immigrants (CAPI), Supplemental Security Income/State Supplementary Payment (SSI/SSP), California Veterans Cash Benefit (CVCB), Deaf Access Program (DAP), Assistance Dog Special Allowance (ADSA) and overall Program Integrity.

The CAPI is a 100 percent state-funded program designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP solely due to their immigrant status. Legal immigrants used to be able to get this kind of help from the federal government through the SSI program. However, the welfare reform act of 1996 (P.L. 104-193) eliminated SSI/SSP eligibility for most non-citizens. CAPI recipients may also be eligible for Cal Fresh benefits, Medi-Cal, Special Circumstances and IHSS, but they must file for each benefit separately. There is no automatic eligibility link between CAPI and these other programs.

The SSI Program is a federally funded program which provides income support to eligible individuals who are aged 65 or older, blind or disabled. SSI benefits are also available to qualified blind or disabled children.

The CVCB program provides a cash supplement to certain World War II veterans of the Philippine and certain U.S. military forces who were eligible for SSI/SSP benefits for December 1999 as a California resident, who are entitled to Special Veterans Benefits, and who have subsequently returned to the Philippines to live.

The DAP provides a comprehensive program of services to help individuals who are deaf and hard of hearing access services and live independently. The program raises awareness and educates the public about the specific issues surrounding deafness and hearing loss by providing the following services: Communication Services, Advocacy Services, Job Development and Placement, Information and Referral Services, Counseling, Independent Living Skills Instruction and Community Education.

The ADSA Program provides a monthly payment to eligible Californians who use a guide, signal, or service dog to help them with needs related to their physical disabilities. The allowance is to help pay the costs of food, grooming and health care for the dogs. This allows the recipient to be more independent and self sufficient, thereby avoiding the more expensive and isolating institutional care options.

Program Integrity provides statewide policy direction and ongoing monitoring of county IHSS fraud prevention activities including: error rate studies, data matches, directed mailings to providers to educate on IHSS program rules, unannounced home visits to recipients to ensure appropriate provision of IHSS services and coordination with Department of Health Care Services on IHSS fraud investigations.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Adult Programs Division (APD) is reorganizing its structure and this branch title will change from the Systems and Administration Branch to the Fiscal, Appeals and Benefits Program (FABP) Branch. Legislative changes necessitating this reorganization include: the change in the funding structure for the IHSS program that was implemented as a part of Senate Bill (SB) 90, the new State Administrative Review for IHSS providers associated with SB 89, which affects the exemptions from the weekly overtime caps and payment cost associated with the In Home Supportive Services (IHSS) Maintenance of Effort (MOE) and new requirements for an Electronic Visit Verification (EVV) system that must be implemented by January 2019, in order to avoid major federal fiscal penalties. The new EVV system requirement known as the 21st Century Cures Act, was signed into law in December 2016. A new Branch will be created to oversee the new EVV system. The current responsibilities of the maintenance and operation of the Case Management Information and Payrolling System (CMIPS), will be redirected from the FABP Branch to the newly created CMIPS/System Enhancements Branch.

The FABP Branch Chief (CEA-A) will continue to be responsible for all policy associated with the fiscal and administrative duties for the APD, the new and existing policies for IHSS MOE, the Deaf Access Program and the Assistance Dog Special Allowance Program policies. The CEA A will also take on responsibility for policies associated with the Supplemental Security Income/State Supplementary Payment (SSI/SSP), a federally funded program which provides income support to eligible individuals who are aged 65 or older, blind or disabled. SSI benefits are also available to qualified blind or disabled children; the Cash Assistance Program for Immigrants (CAPI), which is a 100 percent state-funded program designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP, solely due to their immigrant status; and the California Veterans Cash Benefits Program (CVCB), which provides a cash supplement to certain World War II veterans of the Philippine and certain U.S. military forces who were eligible for SSI/SSP benefits for December 1999, as a California resident. The CAPI, CVCB and SSI/SSP are cash assistance programs and will be redirected from the APD, Policy and Quality Assurance Branch to the FABP Branch for consistency of the monetary programs and better customer service and outcomes for California's most vulnerable population.

Policy changes associated with SB 90 relates to the Coordinated Care Initiative (CCI). The CCI implemented in FY 2012-13 changed the funding structure of the IHSS program to a method in which each county was responsible for paying a MOE instead of paying a percentage of program costs. In January of 2017, the Director of Finance (DOF) determined and notified the Legislature that CCI was no longer cost effective and would be discontinued in 2017-18. With this determination, the county IHSS MOE would have ended June 30, 2017, and the state share of cost arrangement for the IHSS program that existed prior to implementation of CCI would have been reinstated. However, negotiations resulted in the creation of a new county IHSS MOE effective, July 1, 2017, as a part of trailer bill SB 90. The new county IHSS MOE created a need for many complex statewide fiscal policy changes for the IHSS program. It is adjusted by an annual inflation factor that varies, dependent upon the 1991 realignment revenue growth. It is also adjusted by locally negotiated or imposed ordinance changes to provider wages and benefits and changes to each county's contract for provision of IHSS services. SB 90 also included new bargaining options available for state participation in the costs of locally negotiated wages and benefits including creation of a wage supplement and up to a 10% increase over a three-year period for counties at or above the state participation cap. These new options require extensive policy direction and technical assistance for all 58 counties in the negotiation process; and each county has a different process. These changes also necessitate state review of all rate packages submitted by all 58 counties as a result of negotiations to ensure they are compliant with these new statutory requirements. The FABP Branch Chief (CEA-A) must successfully implement these policy changes and ensure existing policies are adhered to by all 58 counties. Failure to properly implement these policy changes may result in increased program costs to the state and federal fiscal penalties.

Policy changes associated with SB 89 are: On October 1, 2013, the United States Department of Labor issued its FLSA final rule under which the Department of Social Services is required to pay IHSS providers overtime wages and compensate providers for wait time during medical accompaniment and commute time between multiple recipients. In response to the new federal regulations, SB 855 and SB 873 were chaptered in 2014, which implemented a cap to the number of hours a provider may work in a week. As a part of the implementation of these caps, an exemption process was created allowing providers working for recipients in certain situations to work hours above the cap in order to prevent the recipient from being at risk of out-of-home care. In 2017, SB 89 created a State Administrative Review requirement to allow providers who were denied exemptions to dispute the decision. Implementation of this requirement will include new policy development and ongoing processing and issuance of decisions for all requests for review of denied exemptions. The FABP Branch Chief (CEA-A) is responsible for implementing these new exemption requirements. Failure to properly address these significant policy changes, may result in loss of available providers.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Fiscal, Appeals and Benefits Program Branch Chief (CEA-A) is the principal fiscal policy maker for developing and defining funding mechanisms, allowable claiming and rate setting processes and ratios of federal, state and county funding for the IHSS program. Develops policy for claims and appeals for the In-Home Supportive Services (IHSS) program, develops and implements policy for IHSS program integrity, develops and implements policy for Cash Assistance Program for Immigrants, California Veterans Cash Benefits and the Supplemental Security Income/State Supplementary Payment Program. In addition, the Branch Chief is responsible for statewide policy associated with the Deaf Access Program and the Assistance Dog Special Allowance Program that provides services to qualified disabled Californians.

The Branch Chief develops and implements all fiscal policies for the IHSS funding structure created in trailer bill SB 90 that created a new county IHSS Maintenance of Effort (MOE). The IHSS MOE requires development and implementation of complex fiscal policies. It is adjusted by an annual inflation factor that varies dependent upon the 1991 realignment revenue growth. It is also adjusted by locally negotiated or imposed ordinance changes to provider wages and benefits and changes to county contracts for provision of IHSS services. SB 90 also included new bargaining options available for state participation in the costs of locally negotiated wages and benefits including creation of a wage supplement and up to a 10% increase over a three-year period for counties at or above the state participation cap. These new options require extensive policy direction and technical assistance for counties in the negotiation process. These changes also necessitate state review of all rate packages submitted by all 58 counties as a result of negotiations to ensure they are compliant with these new statutory requirements.

The Branch Chief develops and implements policies for appeals and State Administrative Review requirements for IHSS providers. This includes:

1. Appeals of denied eligibility to be a provider based on a criminal background check.
2. Requests for administrative reviews of state overtime caps.
3. Appeals of denied exemptions.
4. Appeals of upheld violation disputes.

Oversees policy for IHSS Program Integrity which includes:

1. Routine scheduled desk reviews.
2. Home visits.
3. Targeted reviews.
4. General verification of receipt of services.
5. Third-party liability.
6. Cooperation with data match and error rate studies.

Oversees policy for the Deaf Access Program which provides communication needs for people who are deaf, deaf-blind, hard of hearing and late-deafened. \$4.7 million in services are paid annually to assist with services that include, but are not limited to:

1. Communication services provide qualified sign language interpreters to meet the needs of a recipient or agency. This includes providing emergency 24-hour, 7-day a week sign language services to meet medical, legal, or civil emergencies and provides translation of documents for deaf clients with low language skills.
2. Advocacy services provides assistance in crisis situations by intervening to ensure all public services including social, health, and safety services are available to the deaf and hard of hearing population. This includes intervention to protect deaf children's communication rights.
3. Job development and placement services assist deaf clients in obtaining employment related services.
4. Information and referral services directs recipients to appropriate organizations and programs for social and health care needs and answers questions about deafness and hearing loss.
5. Counseling services provides intervention in crisis situations, such as spousal, child or adult abuse. This service also teaches clients how to effectively cope with deafness or hearing loss.
6. Independent living skills instruction services assists deaf clients in acquiring skills to live independent of public institutions and programs.
7. Community education services increases public awareness and understanding of deaf and hard of hearing impaired needs. This service also addresses health and safety issues related to deafness.

Oversees policy for the Cash Assistance Program for Immigrants which is a 100 percent state-funded program designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP solely due to their immigrant status. CAPI recipients may be eligible for CalFresh benefits, Medi-Cal, Special Circumstances and IHSS, but they must file for each benefit separately. There is no automatic eligibility link between CAPI and these other programs.

Oversees the California Veterans Cash Benefit program which provides a cash supplement to certain World War II veterans of the Philippine and certain U.S. military forces who were eligible for Supplemental Security Income /California State Supplementary Payment benefits.

Oversees policy for the Assistance Dog Special Allowance Program which provides a monthly payment to eligible persons who use a guide, signal, or service dog to help them with needs related to their physical disabilities. The allowance is to help pay the costs of food, grooming, and health care for the dogs.

Statewide impact: provides the necessary services to Californian's with disabilities which allow them to remain in their homes and retain their independence and dignity. This also reduces the strain on the state budget and on available space within institutionalized care settings.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Branch Chief (CEA A) has primary responsibility for developing all policies related to fiscal, IHSS program integrity, IHSS provider appeals and state administrative reviews, Cash Assistance Program for Immigrants, California Veterans Cash Benefit Program, Supplemental Security Income/State Supplementary Payment, Deaf Access Program and the Assistance Dog Special Allowance program. In implementing policies, the Branch Chief must consider new and revised state and federal legislation and consider and incorporate feedback from stakeholder groups including: recipients, providers, counties, labor organizations, disability rights organizations, County Welfare Directors Association and the California Association of Public Authorities.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Both. The Branch Chief is responsible for developing, implementing and providing policy direction to the counties, advocates, stakeholders, recipients and providers on all new and existing policy for:

1. Fiscal policy for IHSS Maintenance of Effort.
2. IHSS provider appeals and State Administrative Review requirements.
3. IHSS Program Integrity.
4. Cash Assistance Program for Immigrants.
5. Deaf Access Program.
6. Assistance Dog Special Allowance Program.
7. California Veterans Cash Benefits.
8. Supplemental Security Income/State Supplementary Payment Program.

These services are imperative to the most vulnerable Californian's to assist them with remaining in their homes and retaining their independence and dignity.