

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

10/4/2023

2. Department

California Department of Social Services (CDSS)

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

Community Care Licensing Division (CCLD)

4. CEA Position Title

Branch Chief - Home Care Services Program

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

Serving under the administrative direction of the Assistant Deputy Director (ADD) - Residential Programs of CCLD, the CEA A, Branch Chief (BC) - Home Care Services Program is a key member of the Division's executive team. The BC is responsible for providing overall guidance to CDSS executive leadership and the Administration to inform statewide Home Care Services Program Policy, representing the Department with legislative partners, advocates and other stakeholders, and for ensuring effective operations the Home Care Services Program throughout the State.

6. Reports to: (Class Title/Level)

Assistant Deputy Director / CEA B

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 CEA regularly consults with and advises the Assistant Deputy Director, Deputy Director, Chief Deputy Director, and Director on program matters.

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.

Serving under the administrative direction of the Assistant Deputy Director (ADD) - Residential Programs of CCLD, the CEA A, Branch Chief (BC) - Home Care Services Program is a key member of the Division's executive team.

The position is responsible for providing overall guidance and analysis to CDSS executive leadership and the Administration to inform statewide Home Care Services Program licensing and registration policy. This position represents the Department in Legislative discussions, statewide policy discussions, and meetings with advocates; sets major policy initiatives for the Program; and anticipates and guides the development of budget proposals. The BC is responsible for the day to day administration of the both the Home Care Organization licensing and the Home Care Aide registration programs, responsible for overseeing the regulatory activities of two separate Bureaus: The Policy and Enforcement Bureau and the Licensing, Registry, and Administrative Support Bureau.

The Branch Chief confers with, makes recommendations to, and advises the Assistant Deputy Director - Residential Programs on needed policy and procedural changes, and provides general administration of the Home Care Services Program.

Major policy issues are interpreted and addressed by the BC, in response to specific situations that arise and questions and issues raised by the field staff, licensees, provider organizations, stakeholder/advocates and internal and external stakeholders. The BC is authorized to act on behalf of the Deputy Director of CCLD in the absence of that official, and to authorize and settle administrative actions sought by the Department against licensed Home Care Organizations.

The Home Care Services Program is a regulatory and enforcement Branch responsible for monitoring compliance of health and safety requirements for approximately 1,700 Home Care Organizations and approximately 120,000 registered Home Care Aides statewide, and this position is responsible for the statewide administration, oversight, and enforcement functions associated with caring for seniors and adults receiving services in home or community care settings throughout the State of California.

They will provide operational direction to the Bureau Chiefs and assure that support, oversight, and auxiliary functions for the Home Care Programs are met. These functions include monitoring and allocation of staff; allocating and monitoring budgets to ensure mandates of the program are met; collection and collation of data and statistical reports and analysis of outcomes to inform decision making and policy; review and approval of administrative actions; and all personnel functions, including recruitment, hiring, training and effective retention strategies to ensure a knowledgeable and experienced workforce.

They will provide overall direction to the management team and be responsible for the administration and implementation of regulations, policy, and procedures; ensure uniform enforcement of regulations statewide including pursuit of administrative action against home care organizations that violate statute and regulations using statewide procedures; and provide policy clarification to regional offices, stakeholders and licensees on existing statutes, regulations, policies, procedures and interpretive material.

Lastly, they will represent the program with legislative staff, staff from other departments or governmental agencies and the media on issues affecting the Home Care Services Program. They may testify on critical or sensitive program issues before legislative committees. They will communicate with advocacy groups, the general public, and private organizations to promote and enhance the program's goals and objectives. Contact with these associations includes complaint resolution, negotiations regarding decisions and directions taken by the Division and participation on work groups to address specific issues and develop statewide policy or new programs.

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 mission of the CDSS is to serve, aid, and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility, and foster independence.

To that end, the primary function of the CCLD is to oversee the health and safety of approximately 70,000 licensed adult and children's facilities throughout California, and approximately 1,700 Home Care Organizations and approximately 120,000 registered Home Care Aides statewide. These facilities include those that serve the most vulnerable in our society. The critical nature of the work performed by this Division helps to prevent the neglect, abuse and possible death of those we are charged with protecting.

The Home Care Services Bureau was created by Assembly Bill (AB) 1217 (chapter 790, Statutes of 2013), which required that the Department regulate Home Care Organizations, provide background checks for home care aides and maintain a list of approved independent and affiliated home care aides in a public registry. Along with its enforcement of background check requirements, the Program requires Home Care Organizations to maintain adequate liability and workers' compensation insurance and to ensure that affiliated home care aides meet statutory requirements.

The Home Care Services Bureau improves the lives of California's most vulnerable population by providing support to persons with disabilities and our growing aging population including issues such as care, support, and transportation and creates more choices for home and community living through expanded service options. By regulating the home care services industry, CDSS helps to ensure that elderly and disabled Californians receive a high standard of care while being able to age in place and remain in their own homes.

The Master Plan for Aging focuses on ensuring there are quality care opportunities for seniors and dependent adults throughout California. CCL is an active participant in the Master Plan for Aging to ensure effective implementation of this Plan.

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.

Over time, CCLD has experienced not only an increase in oversight authority, but an increase in complexity and demand to respond to disasters, pandemic, and legislation that has stretched the capacity of our current organizational structure. CCLD recently received a CEA position through the 2023-2024 BCP process (5180-021-2023-BCP-GB) along with 14 additional positions to create an Enforcement Unit and provide critical support and stability to the Home Care Program. With the approval of this BCP, the Home Care Services Bureau will be restructured into two separate Bureaus: The Policy and Enforcement Bureau and the Licensing, Registry, and Administrative Support Bureau and become the Home Care Services Branch. The new CEA A will serve as the new Branch Chief.

The oversight of Home Care Organizations and Home Care Aides is a newly regulated domain. The pending implementation of the Master Plan for Aging and the Family First Prevention Services Act, will result in an increased policy and program workload for CCLD, including the oversight of the Home Care Services Program.

Before the passage of AB 1217 (chapter 790, Statutes of 2013), Home Care was unregulated in California. In 2011, a report released by the California Senate Office of Oversight and Outcomes found that California was one of the few states to leave the home care services industry unregulated. It was challenging for private individuals hiring in-home caregivers to ascertain accurate information about prospective caregivers' criminal background. The report examined recent elder abuses perpetrated by in-home caregivers, and concluded that in many cases, those convicted of elder abuse—whether involving theft, fraud, or assault—had prior criminal records, underscoring the importance of ensuring that HCA's possess criminal record clearances.

In FY 2014-15, resources were requested to establish and maintain the operational and administrative components of the program prior to the implementation date of January 1, 2016. While the Home Care Program was initially established as a self-supporting program, this structure was created under assumptions about program revenues and operational expenses that have since proven incorrect due to the loss of revenue from unlicensed HCO's, a critical shortage of personnel to conduct inspections, and increased legal expenses. Along with its enforcement of background check requirements, the Program requires HCO's to maintain adequate liability and workers' compensation insurance and to ensure that affiliated HCA's attend annual training and obtain tuberculosis clearances.

The Department projects that the lower-than-expected number of HCO's seeking licensure has resulted in a substantial portion of HCO's operating without a license. The CDSS estimates that 1,100 HCO's are operating on an unlicensed basis, in comparison with the approximately 1,700 HCO's currently licensed with the state. The continued proliferation of unlicensed HCO's endangers the health and safety of clients in care and lowers operating revenue for CDSS. Since program implementation in 2016, CDSS has completed only 31 complaint-related visits to HCO's accused of operating on an unlicensed basis, which represents less than three percent of the estimated number of unlicensed HCO's in California.

With existing resources, the Program completes approximately 65 visits per month; with the requested resources, approximately 400 visits per month can be completed once fully staffed. With current staffing, the current backlog is projected to double by FY 22-23; but with the requested resources, the program can reduce the backlog of inspections almost completely by the end of FY 24-25.

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 Branch Chief (BC) will have frequent contact with the Assistant Deputy Director and Deputy Director of the CCLD on policy development, legislative testimony, licensing issues and regional office activities. Communicates with staff of the Central Operations Branch, Policy Branch, other CCLD Programs, the CDSS Legal Department and various administrative support units. The BC will be heavily involved in the legal issues, particularly adverse actions against facilities. Also, this position has substantial contact with the general public, legislative offices, the media, provider organizations, advocacy groups and a variety of professionals, e.g., attorneys, physicians, architects, etc.

Some examples of policy areas in recent years, which this CEA will be responsible for include:

1. Inspection Process Project: Through the Inspection Process Project (IPP), the CCLD developed inspection tools for statewide use for the that are data driven; were reviewed by stakeholders, subject matter experts and California State University, Sacramento (CSUS); and, included feedback from licensee and analyst surveys as well as analyst focus groups.

- This impact of the IPP statewide is that it will allow for consistent, thorough inspections across all licensed facility types. The IPP provides actionable information, by generating data on facility compliance as well as noncompliance, giving CDSS a more holistic and accurate picture of facility performance over time. The IPP also creates clear and consistent expectations for licensees to help ensure the health and safety of persons in care. The IPP tools also serve as a vehicle to provide technical assistance to licensees on statutory and regulatory requirements.

2. Guidance On Coronavirus Disease 2019 (COVID-19) Related To The Critical Role Of Testing, Modification Of Visitation Guidelines, Need For Infection Prevention And Control, And Use Of Face Coverings In homes where care is being provided by Home Care Aides Provides guidance to Home Care Organization licensees related to the critical role of testing for COVID-19, guidance for vigilant adherence to infection control and prevention practices to prevent the transmission of COVID-19 in home where care is being provided, and mandated use of face coverings.

- This guidance impacts all homes throughout the state and serves to assist care providers in responding to these critical COVID-19 related topics, such as infection control and mitigation practices; visitor guidelines; and testing of staff and residents. The Department has made it a priority to serve as a resource to licensees, staff, residents, and their families, offering guidance and technical assistance to ensure the health and safety of persons in care and combat the spread of COVID-19.

3. Regulations for the Home Care Services Branch are being developed. The CEA will be integral in working with staff in the Branch, CDSS Legal Department and external partners in the development and promulgation of regulations that help to clearly define statutes. Their role in this context will be in the development and negotiation with outside stakeholders on major issues of licensing and enforcement policy.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Branch Chief (BC) will be responsible for the development and maintenance of policies and procedures to direct Program operations, implementation of regulations within the branch, staffing and management functions of the Programs under their purview, adverse actions on licensees and registrants, and day to day budget decisions. The BC will inform strategic direction of the programs, major policy decisions, legislative decisions and overall budget decisions.

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

The new BC position will be handling both current and emerging policy. The sheer volume of change activity is more than the current ADD - Residential Programs can efficiently and effectively handle without the assistance of a BC leader. They will be actively involved in high level discussions with Legislative staff and advocacy groups in the development of forthcoming legislation. Additionally they will be involved with other state departments, the counties, advocacy representatives and legal in the development and promulgation of regulations. Their role in this context will be in the development and negotiation with outside stakeholders on major issues of licensing and enforcement policy.