

Editorial: State should respect rights of IHSS clients

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Should state or local investigators be allowed to make unannounced visits to the homes of disabled elderly and frail people who are receiving government-paid In-Home Supportive Services benefits?

A state law approved last year as part of the state budget allows for such visits, but advocates for the disabled are balking at the prospect, with some justification. As they establish protocols for such visits, state health and welfare officials would be wise to heed their concerns.

It is indisputable that the In-Home Supportive Services program is uniquely vulnerable to fraud. The employers of IHSS workers are, by definition, frail elderly and/or disabled, so much so that they are unable to perform the basic functions of daily life – such as bathing, dressing cooking and cleaning – without assistance.

They are also poor enough to qualify for government-paid IHSS workers to assist them in their homes. If assistance can keep them out of [nursing homes](#), the state saves money.

Still, the opportunity and the incentives for gaming the system are obvious. Many IHSS workers are relatives of their clients and live in their homes. In such cases, clients who exaggerate their symptoms can qualify for higher levels of care and increase the [household income](#).

On the other hand, disabled clients can become victims of unscrupulous caregivers who neglect or abuse them or lie about the levels of service they provide.

To guard against fraud and abuse, the state already requires IHSS workers to undergo criminal [background checks](#). In addition, before IHSS clients are eligible to receive assistance, social workers conduct an assessment of their disabilities and their needs.

(By the way, these government-paid workers should not be confused with privately paid home health care workers who are not regulated and were the subject of a critical state Senate report earlier this week.)

Unannounced visits to IHSS client homes can provide an additional level of scrutiny, an extra pair of eyes, particularly as California seeks to cut support for adult [day care](#) and other programs that served that function in the past. But such visits can be expensive for government and intimidating for clients.

Absent some justification – a report of suspected abuse or fraud, a law enforcement call to the home for whatever reason, or an IHSS caregiver who claims an unusually high number of work hours, for example – unannounced visits should not be authorized.

Once a home visit is authorized, the question becomes: How far can the government investigator go?

Are these investigators cops who carry guns? What exactly are they looking for? Can they search every room in the house, peek into refrigerators and closets, do a body search of the client? Do caregivers and clients have to submit to interrogation? If they refuse, what, if any, are the penalties?

Finally, there is this: Just because someone receives government assistance or is paid by the government, they should not be treated like a criminal.

They should not have to give up their Fourth Amendment right to be free from unreasonable searches.