

## FREQUENTLY ASKED QUESTIONS:

- Q:** What if my paycheck never arrives or is lost or destroyed?
- A:** You must contact IHSS payroll to request and complete an affidavit to receive a replacement check. DO NOT cash the original check if it arrives or is found. Cashing both checks is fraud and is punishable under Penal Code §487 or §484.
- Q:** As an official provider, what could happen if I pay someone else to fill in for me when I am not available?
- A:** Subcontracting IHSS services is a punishable crime under Penal Code §72. Since only the official provider can receive an IHSS paycheck, the official provider will have to repay the program the subcontracted wages and face tax implications and possible prosecution.
- Q:** If a recipient is hospitalized can an official provider be paid to provide services such as: translating services, sitting at the recipient's bedside or bring the recipient food from home?
- A:** No, you can not be paid for those services or any authorized services while the recipient is hospitalized or staying in a skilled nursing facility.
- 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, hours can only be claimed for duties authorized and approved by the IHSS Social Worker.

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

**A:** Call the Public Authority at **(916) 874-2888**. The Public Authority has a registry of official providers ready and available to provide care.

**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, immediately call Adult Protective Services at **(916) 874-9377**.

### IMPORTANT CONTACTS:

IHSS Fraud Hotline: (916) 874-3836  
IHSS General Information: (916) 874-9471  
IHSS Payroll: (916) 874-9805  
Adult Protective Services (916) 874-9377  
Public Authority (916) 874-2888

### ***In-Home Supportive Services***

***P.O. Box 269131***

***Sacramento, CA 95826***

### **IHSS Electronic Services Portal**

[www.etimesheets.ihss.ca.gov](http://www.etimesheets.ihss.ca.gov)

### **Sacramento County Board of Supervisors**

Phil Serna	1st District
Patrick Kennedy	2nd District
Rich Desmond	3rd District
Sue Frost	4th District
Patrick Hume	5th District

### **County Executive**

David Villanueva

## In-Home Supportive Services

## Fraud Prevention, Detection and Investigation

# IHSS FRAUD



## Helping Recipients and Providers Understand and Prevent Fraud

## COMMON FRAUD ISSUES IN IHSS

This brochure is to help you understand how to avoid claiming IHSS services or payments you are not entitled to and to prevent IHSS fraud.

### WHAT IS FRAUD?

An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to themselves or some other person.

*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.*

### RECIPIENT'S TRUE NEEDS

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 his/her proper in-home care.

### ELECTRONIC TIMESHEETS

You may not claim more hours on your timesheet than you actually work. This is a crime punishable under Penal Code §487(a) or §484 and §72.

- If the recipient is not available to approve the timesheet via the Electronic Services Portal (ESP) or Telephone Timesheet System (TTS), you **may not** approve it for them. The recipient is your employer. Only they or an authorized signer can approve a timesheet and only AFTER all hours claimed have actually been worked.
- If the recipient dies, **do not** sign the timesheet for them, and **do not** claim any hours after their death. Contact IHSS Payroll for instructions.
- **Do Not** turn in the timesheet early. You must wait until all hours have been worked.

## RECIPIENT NOT IN THE 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 a recipient remain safely in his/her own home; therefore you cannot claim hours worked or turn in timesheets for work done while the recipient is temporarily residing **out of the home**.

If the recipient is hospitalized, you cannot claim hours including translation services, housekeeping, preparing or bringing the recipient food.

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

### CHECK SPLITTING

One type of IHSS fraud is when a provider submits timesheets and accepts payment for work that was never performed, and then splits the pay with the recipient (aka "check splitting"). This type of check splitting is fraud, and both the provider and recipient can be criminally prosecuted for theft and submitting a false timesheet under Penal Code §487(a) or §484 and Penal Code §72.

### SUBCONTRACTING

All persons providing care must be enrolled as an official IHSS provider.

An official provider cannot hire someone to perform his/her IHSS duties for them while claiming these hours on his/her own timesheet.

## USING A FALSE IDENTITY

- Using a false identity is a crime under Penal Code §529. Providers **must** use **their own** personal information, such as name, address and social security number.
- Providers may not create an ESP account on behalf of the recipient unless they are their authorized representative and a SOC 839 is on file with IHSS.

### RECIPIENT REPORTING REQUIREMENTS

Recipients must report...

- **When a provider has been terminated or is no longer working.**
- All persons living in the household, whether or not they are related.
- If you are living with your provider or your spouse, regardless of the status of your marriage.
- Changes in your living situation, your marital status, your residence, your level of disability or your return to employment.

### 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, Child Action, subsidized housing (HUD), Franchise Tax board (FTB), and the Internal Revenue Service (IRS).

**NOTE:** Reporters will not receive a response due to confidential nature of information.

**FRAUD HOTLINE: 916-874-3836**