



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 12-0896

***File ID:** 12-0896 **Agenda Item Type:** **Status:** Approved

Version: 1

Reference:

Gov Body: Board of Supervisors

Created: 07/11/2012

Agenda Title: Caregiver Permit Ordinance

Final Action: 07/17/2012

Title: Supervisor Briggs recommending Board consider direction to staff to:

- 1) Develop a Caregiver Permit Program that would require those seeking to provide in-home personal or domestic services (caregiver) to an elder or dependent adult, for compensation, to obtain a county-issued permit;
- 2) Further define the proposed Caregiver Permit Program to include clarification for exemption, limited permits, and revocation of permits; and
- 3) Return on a specific date with a Caregiver Permit Ordinance in the form for the first reading for intention to adopt; a Resolution establishing the fees to obtain a Caregiver Permit; and a Resolution that lists the disqualifying crimes in connection with the Caregiver Permit Ordinance.

Notes: 10:00 am

Agenda Date: 07/17/2012

Agenda Number: 32.

Sponsors:

Enactment Date:

Attachments: 12-0896 A Draft Ordinance.pdf, 12-0896 B Sly Memo.pdf, 12-0896 C Schultz Memo.pdf, 12-0896 D Napa Ordinance and Resolutions.pdf, 12-0896.E Ltr from Commission on Aging att'd 7-16-12.pdf, 12-0896.F. Ltr. from Jim Wassner dated 7-17-12.pdf, G - Ltr. from Cynthia Allen dated 8-14-12.pdf

Time Required:

Same:

Hearing Date:

Contact: Supervisor Briggs Ext. 6513

Next Meeting Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	07/17/2012	Approved				Pass
	Action Text:	A motion was made by Supervisor Santiago, seconded by Supervisor Knight, to move forward with the next steps in the creation of a Caregiver Permit Program.					
	Notes:	PUBLIC COMMENT					

L. Brent-Bumb RE: Supports the Caregiver Permit Program. And, encourages seniors to come and live

in El Dorado County.

Mover: Norma Santiago

Yes: 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney,
Supervisor Briggs and Supervisor Santiago

5

Text of Legislative File 12-0896

Supervisor Briggs recommending Board consider direction to staff to :

- 1) Develop a Caregiver Permit Program that would require those seeking to provide in-home personal or domestic services (caregiver) to an elder or dependent adult, for compensation, to obtain a county-issued permit;
- 2) Further define the proposed Caregiver Permit Program to include clarification for exemption, limited permits, and revocation of permits; and
- 3) Return on a specific date with a Caregiver Permit Ordinance in the form for the first reading for intention to adopt; a Resolution establishing the fees to obtain a Caregiver Permit; and a Resolution that lists the disqualifying crimes in connection with the Caregiver Permit Ordinance.

Seniors, individuals with disabilities and the frail elderly frequently find themselves in need of part-time to full-time assistance from a caregiver in order to continue to live at home independently. The purpose of the Caregiver Permit Program is to ensure that persons who serve in this position of trust have at least been subject to a background check process that will screen for crimes which signal the potential for abuse.

With the exception of the IHSS (In-Home Supportive Services) program, state law currently does not provide for oversight or require permits for those who provide in-home caregiver services to elders and dependent adults. In 2010, the County of Napa adopted a Caregiver Permit Ordinance, the first in California and the model for the proposal that is presented to this Board for consideration.

In 2006, the Board of Supervisor approved the establishment of an Elder Protection Unit (EPU), comprised of staff representatives from county departments and local agencies , including the Department of Health and Human Services, the District Attorney, local law enforcement, and County Counsel. The EPU was established to ensure the safety and well-being of the County's senior community by pursuing the vigorous prosecution of those who physically, emotionally and/or financially abuse them. The EPU team works together towards the mutual goal of providing maximum available assistance for elder crime victims and dependent adults residing in the County of El Dorado. Members of the EPU team actively contribute to efforts to prevent the abuse of elder and dependent adults .

Due to the consistent and increasing number of cases involving the physical, emotional and financial abuse by a "caregiver" in the County of El Dorado, an increase that is consistent nationally, the EPU team developed a Caregiver Permit Program proposal based on the Napa program.

Under the proposed Caregiver Permit Program, those who provide care to elder and/or dependent adults for compensation (any form of payment including free room and board or future compensation) in exchange for care giving, would be required to obtain a permit. The proposed ordinance would specifically exempt IHSS approved caregivers when they

are providing care to IHSS clients. An IHSS approved caregiver would still be required to obtain the proposed Caregiver Permit if they provide care that is not approved for IHSS compensation and/or for non-IHSS clients.

Permits, with a recent photo and expiration date, would be issued after the potential caregiver submits an application and completes a screening process that includes a Live Scan criminal background check. The caregiver would be required to renew the permit to provide updated information and an updated photo. The process to renew the permit would not include an additional background check as the criminal background check required for the initial permit would include subsequent arrest notification. The implementation of this program will include the adoption of an Ordinance and companion Resolutions to define the disqualifying offenses and to determine applicable fees.

The private in-home care industry primarily provides services to the frail elderly and people with serious disabilities and remains largely unregulated. The State of California does not license or regulate in-home care providers outside of the IHSS program. Agencies that provide in-home care providers as a service do screen their employees; however, the level of screening varies from agency to agency and many do not require a Live Scan fingerprint background check.

There are currently two programs within the County of El Dorado that maintain a resource list or Care Provider Registry of caregivers that have been screened and received clearance per a background check process; the IHSS Public Authority and Family Caregiver Support Program.

The IHSS Public Authority maintains a Care Provider Registry of caregivers screened to provide IHSS funded caregiver services to those approved as eligible to receive IHSS support. Not all elderly and dependent adults meet the eligibility criteria to receive IHSS funded caregiver assistance.

As of May 2012, the County of El Dorado's IHSS program reported a caseload of 720 clients ages 0 - 80 years and older; 257 of these clients were age 65 years and older. According to the 2010 Census, 14.6% (26,524) of County residents are 65 years of age and older. Alta Regional California Center, an agency that assists with the coordination of support services for persons with development disabilities, currently provides their services to 954 county residents ages 0 - 80 years and older.

The County of El Dorado Department of Health and Human Services Agency, through their Family Caregiver Support Program, maintains a list of caregivers that serves as a resource for those seeking to hire an individual to provide in-home care related services. These services include, but are not limited to, meal preparation, shopping/errands, housekeeping, laundry, yard/household repairs to personal care, respite care and overnight/live-in care. In order to be included on this list, a caregiver must complete a face-to face interview with Family Caregiver Support Program staff and pass a Live Scan fingerprint background check. The Live Scan fingerprint background check is voluntary but required to be included on this caregiver list. This list is provided as a resource only. Individuals seeking a caregiver are advised to their responsibility to interview and screen all potential caregivers,

even those who have voluntarily obtained a Live Scan fingerprint background check.

It would be impossible to calculate the total costs related to the abuse, neglect and fraudulent acts committed against our community's elder and dependent adults. This includes the cost, and personal devastation to the victims themselves; many of whom never recover physically or financially; the cost to the county and local agencies that investigate and prosecute those who commit these acts; and the costs to the county and local agencies that respond and provide treatment and resources to the victims.

The EPU team has worked diligently for over a year towards the development of this proposal, including the identification of existing programs and resources within the county departments that currently provide similar and related services in order to administer the proposed Caregiver Permit Program effectively and efficiently. As a result, the cost of administering the program will be funded primarily through the Program's application and permit fees but with a proposed fee structure that is considered reasonable for the applicant.

The requirement for a criminal background check alone can be an effective deterrent to those who prey on our community's most vulnerable and is a necessary first step in the continued efforts of the EPU to protect our community's elder and dependent adults and allow them to remain living in their own homes, safe and independent.

EL DORADO COUNTY PROBATION DEPARTMENT

MAIN OFFICE

3974 Durock Road, Ste. 205
Shingle Springs, CA 95682
Tele. (530) 621-5625
FAX (530) 676-6216

JUVENILE HALL

299 Fair Lane
Placerville, CA 95667
Tele. (530) 621-5585
FAX (530) 295-2519

SOUTH LAKE TAHOE OFFICE

1360 Johnson Blvd., Ste 102
South Lake Tahoe, CA 96150
Tele. (530) 573-3083
FAX (530) 541-1880

JUVENILE TREATMENT CENTER

1041 Al Tahoe Blvd.
South Lake Tahoe, CA 96150
Tele. (530) 573-7980
FAX (530) 543-6978



Gregory S. Sly
Chief Probation Officer

TO: El Dorado County Board of Supervisors

FROM: Gregory S. Sly, Chief Probation Officer

DATE: July 11, 2012

RE: Care Giver Permit Process and Application

Please accept this letter as my support for the new proposed Care Giver Permit Process and Application your Board will review on Jul 17, 2012. I am required to be working in Southern California on July 17th, and therefore will not be able to attend the meeting of the Board that day. I have been involved in the planning stages of this proposal and very strongly support both the need for the Care Giver Permit Program and the recommendations within the proposal for plan implementation.

Public safety is a primary focus of the Probation Department's mission and goals. Safety of our senior citizens and community members who require in-home care is very important. My staff and I are aware of numerous circumstances where convicted felons have gained employment in in-home care services. The community members who require care in their homes are very vulnerable under such care and at times become victims of criminal acts by those they come in contact with, receive care from, or come to trust within the home.

The Care Giver Permit Process and Application Program will enhance the security and safety for those requiring in-home care and also provide a tool by which local law enforcement and the Probation Department can support the safety of some of our most vulnerable citizens.

Thank you for your consideration. I look forward to supporting this program if/when it is implemented in El Dorado County.

**MEMO
FROM:
BILL SCHULTZ
RECORDER-CLERK**

July 11, 2012

**TO: HONORABLE BOARD OF
SUPERVISORS**

Dear Chairman John Knight,

Since I will be obligated to attend Jury Duty Tuesday, July 17, 2012, I am supplying this memo to your Board to show my support for the item on the Agenda concerning Caregiver Permits, brought to you by the Human Services Department.

When I was first contacted by Supervisor Ron Briggs, along with the Elder Protection Unit, regarding this proposal, I could see the benefits for the entire community. As one of many in our community who has been through the process of caring for an aging family member, from onset of dementia to progressively worse Alzheimer's disease and ultimate death from that disease over the course of 7 years, I can attest to the necessity of a program to ensure we, as a county government are doing everything we can to make such a process as safe and productive as possible. Even as our elder population continues to need help, and more help from family and community, I believe this type of requirement, if done correctly will provide much needed security and responsibility of action for people in need of this type of care. It just makes sense. And our county government is the key to providing a safe and secure type of environment for the citizens of our county.

The fee that I propose for ultimately completing this process is simply that, a fee for service provided. After checking with other counties, I have concluded that it is reasonable and provides the ability for my office to budget for this service without a major change in my budget.

I have joined with the many other offices in the county who will have a part in this effort, and hope that by utilizing the technology available to us, we can make this program not only successful, but, be green and lean in the process.

I will be available for any questions when my duty as a possible jury member is completed.

Thank you,

A handwritten signature in black ink, appearing to read "William E. Schultz". The signature is fluid and cursive, with a large loop at the end.

William E. Schultz
Recorder-Clerk

EL DORADO COUNTY
COMMISSION  ON AGING
advocates for seniors present and future

www.2nd50yrs.org

**Senior Centers and
Dining Sites**

◆ **Placerville**

Senior Center
937 Spring Street
(530) 621-6150

◆ **Diamond Springs**

Lion's Hall
4107 Missouri Flat Rd
(530) 622-8131

◆ **El Dorado Hills**

Senior Center
990 Lassen Lane
(916) 358-3561

◆ **Greenwood**

Community Center
4411 Highway 193
(530) 885-9160

◆ **Pollock Pines**

Community Center
2675 Sanders Drive
(530) 644-4008

◆ **Somerset**

Pioneer Park
Community Center
6740 Fairplay Road
(530) 620-5432

◆ **South Lake Tahoe**

Senior Center
3050 Lake Tahoe Blvd
(530) 573-3130

July 16, 2012

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Re: Letter of Support of a Caregivers Permit Ordinance

The EDC Commission on Aging supports passage of a Caregivers Permit Ordinance for El Dorado County.

We feel older adults should be safe and secure in their own home. Statistics reveal that many older Americans are exploited, injured or mistreated by people they depend upon for care and assistance. The Commission on Aging would like to keep elders and dependent adults safe and secure when they hire caregivers to help them with daily living activities.

We urge the adoption of a Caregiver Ordinance that requires individual caregivers to pass a background check and obtain an annual permit before working as a caregiver in someone's home. Individuals could insist that the caregiver they hire has a valid photo ID permit every year.

Caregiver permits improve the safety and reduce abuse of older adults. It will give families a starting point when hiring a caregiver. The Permit will mean the caregiver has passed a background screening process at a minimum and that they have paid a fee to obtain that permit. The passage of a Caregiver's Permit Ordinance will ensure that vulnerable elders and disabled are safe in their homes.

We support a plan to create and adopt the Caregiver's Permit ordinance because it is in line with goals for public health, safety, quality of life, and assurance of trusted caregiver.

The Commission on Aging and all older adults thanks you.

Sincerely,

Vicki Ludwig

Vicki Ludwig (Divittorio)
Past Chair and Current Vice Chair 2012