

Navigating Medi-Cal, IHSS & Elder Financial Abuse



Arabelle Malinis, Esq., Staff Attorney

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認識加州醫療補助計畫 (Medi-Cal=白卡) 家居護理計劃 (IHSS) 和濫用長者財務



Arabelle Malinis 律師
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Today's Agenda

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- ❑ **What is under the Medi-Cal Program**
 - ❑ Asset and Income Limits, Share of Cost
 - ❑ Spousal Impoverishment Program, Medi-Cal Recovery
- ❑ **Home and Community Based Services (HCBS)**
 - ❑ Types of Programs
 - ❑ IHSS
- ❑ **Elder Financial Abuse**
 - ❑ What is it?
 - ❑ Where to report & What to report and Other help

今日議程

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- 白卡計畫涵蓋的內容有哪些?
 - 資產和收入限制，以及共付費用
 - 配偶貧困計畫和白卡追償計畫
- 以家庭及社區為基礎的服務
 - 服務種類
 - IHSS 家護服務
- 濫用長者財務
 - 什麼意思?
 - 舉報地點，舉報內容及其他幫助

Common Medi-Cal Programs

Program	Eligibility	Income	Assets	Other Info
MAGI (Modified Adjusted Gross Income)	19-64 Cannot have Medicare	<ul style="list-style-type: none"> - Individual must have less than \$1677 in <u>countable income</u> - No Share of Cost - Cannot use deductions to reduce gross income 	No asset limit	<ul style="list-style-type: none"> - Common program for low income adults. - Asset limits challenge for people transitioning from MAGI to non-MAGI. - No transfer penalties.
Aged, Blind and Disabled Federal Poverty Level (ABD FPL)	65 or older, or blind, or disabled	<ul style="list-style-type: none"> - \$1,677 single, \$2,269 couple - Supplemental health insurance can lower countable income 	\$130,000 single, \$195,000 couple In non-exempt assets	<ul style="list-style-type: none"> - No transfer penalties. - Some couples may be eligible for additional income and asset protection
Medically Needy	65 or older, or blind, or disabled, over ABD FPL income	<ul style="list-style-type: none"> - Beneficiaries must pay monthly share of cost before Medi-Cal coverage begins 	\$130,000 single, \$195,000 couple In non-exempt assets	<ul style="list-style-type: none"> - No transfer penalties. - Some couples may be eligible for additional income and asset protection
Long Term Care	No age restrictions as long as applicant is in skilled nursing facility	<ul style="list-style-type: none"> - Beneficiaries pay almost all of their income as a share of cost, and keep a small Personal Needs Allowance 	\$130,000 single, \$195,000 couple In non-exempt assets	<ul style="list-style-type: none"> - 30 month lookback period on transfers of assets over asset limit - Some couples may be eligible for additional income and asset protection

常見的白卡計劃

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計劃	資格	收入	資產	其他資訊
修正調整總收入 (MAGI)	19-64 歲 沒有聯邦醫療補助計劃保險	<ul style="list-style-type: none"> 個人可計算收入，必須低於 \$1677 沒有分攤費用 不能使用扣除項來減少總收入 	沒有資產限制	<ul style="list-style-type: none"> 這是一項針對低收入成年人的常見計畫 資產限制對於從 MAGI 到非 MAGI 的人來說是一個挑戰 沒有資產轉移的懲罰措施
年老、失明和殘疾人聯邦貧困線 (ABD FPL)	65 歲或以上，或失明人士，或傷殘人士	<ul style="list-style-type: none"> 單身人士收入限額為 \$1,677，夫妻的收入限額為 \$2,269 購買額外醫保可以降低可計算收入的計算部分 	單身人士的非豁免資產上限為 \$130,000，夫妻的上限為 \$195,000。	<ul style="list-style-type: none"> 沒有資產轉移的懲罰措施 一些夫妻可能有資格獲得額外的收入和資產保護
醫療貧困者	65 歲或以上，或失明人士，或傷殘人士，或超過殘疾人聯邦貧困線	<ul style="list-style-type: none"> 受保人必須在使用 Medi-Cal 計畫服務之前支付每月的共付費用 	單身人士的非豁免資產上限為 \$130,000，夫妻的上限為 \$195,000。	<ul style="list-style-type: none"> 沒有資產轉移的懲罰措施 一些夫妻可能有資格獲得額外的收入和資產保護
長期護理	對於申請者沒有年齡限制，只要需要療養院的專業看護則可申請	<ul style="list-style-type: none"> 受保人將幾乎全部的收入支付為共付費用，只保留少量的個人生活費用津貼 	單身人士的非豁免資產上限為 \$130,000，夫妻的上限為 \$195,000。	<ul style="list-style-type: none"> 超額資產轉移將受到 30 個月的追溯期管制 一些夫妻可能有資格獲得額外的收入和資產保護

Aged, Blind & Disabled (Free Medi-Cal)

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- ❑ 65 years old, or blind or disabled
- ❑ Asset limit in 2023**
 - ❑ \$130,000 for individual applying for Medi-Cal
 - ❑ \$195,000 for a couple* applying for Medi-Cal
- ❑ Income limits for Free Medi-Cal
 - ❑ \$1,677 for individual applying for Medi-Cal
 - ❑ \$2,269 for a couple* applying for Medi-Cal

*Couple applies to married couple or domestic partners

** No asset limit in 2024.

年老、失明和殘障人士（免費白卡）

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- ❑ 年滿65歲、或失明、或殘障
- ❑ 2023年申請資格的資產限制**
 - ❑ 個人申請白卡計畫的資產限額為\$130,000
 - ❑ 夫妻雙方申請白卡計畫的資產限額為\$195,000
- ❑ 免費白卡計畫的收入限制
 - ❑ 個人申請白卡計畫的收入限額為\$1,677
 - ❑ 夫妻雙方*申請白卡計畫的收入限額為\$2,269。

*夫妻指的是已婚夫妻或同居伴侶。

** 2024年沒有資產限制。

Medi-Cal for Long Term Care

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- ❑ No age limit as long as person is in a skilled nursing facility (nursing home).
- ❑ Asset limit in 2023
 - ❑ \$130,000 for individual applying for Medi-Cal
 - ❑ \$195,000 for a couple applying for Medi-Cal
- ❑ No Income Limit, BUT
 - ❑ Countable income - \$35 (Personal Needs Allowance) - I will go over the calculation.

白卡的長期護理計畫

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- ❑ 只要在專業技術的護理設施中（養老院），就沒有年齡限制。
- ❑ 2023年的資產限額。
 - ❑ 2023年申請白卡計畫的個人資產限額為\$130,000
 - ❑ 夫妻雙方申請百卡計畫的資產限額為\$195,000。
- ❑ 沒有收入限制，但是...
 - ❑ 可計算收入 - \$35（個人生活費用津貼） - 我將詳細解釋計算方法。

Does Medi-Cal count all assets?

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- No. Some properties are not counted for Medi-Cal eligibility
- Medi-Cal defines property as exempt or non-exempt
- **Exempt** property is not counted in determining eligibility
- **Non-exempt** property is counted



白卡計畫會計算所有資產嗎？

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- ❑ 不會。一些資產在白卡計畫的資格認定中是可豁免的。
- ❑ 白卡計畫將資產劃分為豁免和非豁免資產。
- ❑ 豁免資產不被納入資格確定的計算中。
- ❑ 非豁免資產即會被計算在內。



Exempt Assets (only 2023)

[http://canhr.org/factsheets/medi-cal fs/html/fs_medcal_limits.htm](http://canhr.org/factsheets/medi-cal_fs/html/fs_medcal_limits.htm)

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- Primary Residence
- Other Real Property*
- Household Goods and Personal Effects
- Jewelry
- One Car
- IRAs/Work Pensions**
- Whole Life Insurance (face value \$1,500 or less)
- Term Life Insurance
- Burial Plot
- Prepaid Irrevocable Burial Plan
- \$1,500 Designated Burial Funds
- \$130,000 Cash Reserve
- CSRA: \$148,620***

*Real Property for Business/Self-Support - [http://canhr.org/factsheets/medi-cal fs/html/fs_medcal_real.htm](http://canhr.org/factsheets/medi-cal_fs/html/fs_medcal_real.htm)

**Balance exempt if receiving periodic payments of interest and principal

***Community Spouse Resource Allowance (if spouse is at home and not on Medi-Cal)

豁免資產（僅適用於2023年）

http://canhr.org/factsheets/medi-cal_fs/html/fs_medcal_limits.htm

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- 主要住所
- 其他房地產*
- 家庭用品和個人物品
- 珠寶
- 一輛汽車
- 個人退休帳戶/工作養老金**
- 人壽保險（面值1,500美元或以下）
- 定期壽險
- 福地
- 預付非撤銷的喪葬計畫
- 1,500美元指定的喪葬資金
- 130,000美元的現金儲備
- CSRA：148,620美元***

*用於商業/自營的房地產 - http://canhr.org/factsheets/medi-cal_fs/html/fs_medcal_real.htm

**如果收到定期支付的利息和本金，則剩餘金額免於計算。

***社區配偶資源津貼（如果配偶在家中且未參加白卡計畫）

Free Medi-Cal or Share of Cost

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- ❑ **There is an income limit for Medi-Cal.**
- ❑ **Income limit for 2023: \$1,677 (Individual), \$2,269 (Couple)**
- ❑ **Free Medi-Cal** if under the income limit.
- ❑ **Share of Cost** if over the income limit.
 - ❑ Think of it like a monthly “deductible” that you pay.
 - ❑ Medi-Cal will help people to figure out the share of cost based on their countable monthly income.
- ❑ If you are slightly over income, you can reduce it by buying supplemental insurance.

免費白卡或共付費用

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- ❑ 白卡計畫是有收入限制的
- ❑ 2023年的收入限制為：個人\$1,677，夫妻\$2,269。
- ❑ 如果收入在限制範圍內，可以享受免費白卡計畫。
- ❑ 如果收入超過限制，則需要繳交共付費用。
 - ❑ 可以將其理解為每月的“自付額”。
 - ❑ 根據個人可計算的月度收入，白卡計畫會幫助申請人計算出應自付金額。
- ❑ 如果您的收入略高於限制，您可以通過購買補充保險來降低自付金額。

Share of Cost: Community Based Medi-Cal

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Seth is 65, single, lives at home and receives \$1,900/month in pension and Social Security benefits. He has \$50,000 in the bank, but his income is higher than the rate for free Medi-Cal (\$1,677).

\$1,900 = Gross unearned income
-20 = Automatic \$20 “any income deduction”
1,880 = Countable income used to determine share of cost*
-600 = State approved amount allowed for Seth’s living expenses
\$1,280 = Monthly share of cost (amount Seth needs to pay in out of pocket medical expenses before receiving Medi-Cal coverage)

* Seth can purchase healthcare insurance (\$183) – dental, vision, etc. to bring his countable income down to \$1,697 (\$1,677 + \$20).

共付費用

白卡以社區為基礎的服務計畫

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Seth今年65歲，單身，居住在自己家中，每月從養老金和社保福利中獲得\$1,900的收入。他在銀行裡有\$50,000，但他的收入高於免費白卡計畫的資格（\$1,677）。

\$1,900 = 稅前總收入

-20 = 常規扣除20美元 “任何收入抵扣額”

1,880 = 可計算收入，用於確定共同付費*

-600 = 根據州政府認可，用於Seth生活費用的金額標準

\$1,280 = 每月共付費用（Seth在享受加州白卡計畫保險覆蓋之前需要支付的個人醫療費用）。

Seth可以購買醫療保險（\$183） - 包括牙科、眼科等，將他的可計算收入降低到\$1,697（\$1,677 + \$20）。

Share of Cost: Long Term Care Medi-Cal

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Seth enters a skilled nursing facility. His income is still \$1,900/month.

\$1,900 = Gross unearned income

 -35 = Personal Needs Allowance

\$1,865 = Seth's SOC to be paid each month to the nursing home

- The remaining \$35 is Seth's Personal Needs Allowance.
- If receiving VA Aid & Attendance they can keep an additional \$90 giving them \$125 total (\$95+\$35).
- Increased to \$50 if eligible for SSI.

共付費用： 白卡長期護理計畫

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Seth加入了一家專業的護理中心。他的收入仍然是每月\$1,900。

\$1,900 = 稅前總收入

 -35 = 個人開支

\$1,865 = Seth每個月需要支付療養院的共付費用。

- 剩餘\$35是Seth的個人生活費用津貼。
- 如果他有退伍軍人事務部的援助與護理津貼，則可以額外保留\$90，也就是說，總共為\$125（\$95 + \$35）。
- 如果符合SSI的資格，該津貼將增加到\$50。

What if someone is married or has a registered domestic partner?

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- ❑ When one person in the couple is applying for Medi-Cal and needs to go into a nursing home, or needs Home and Community Based Services the spouse at home can qualify for extra income and asset protections.
- ❑ These are called **Spousal Impoverishment Protections****.
- ❑ Under spousal impoverishment, the spouse who is not on Medi-Cal, called the “community spouse,” is allowed to keep extra income and assets, while Medi-Cal pays for the Medi-Cal spouse to receive skilled nursing services at home (HCBS) or in a facility.

** CANHR’s Fact Sheet on Spousal Impoverishment:

http://canhr.org/factsheets/medi-cal_fs/PDFs/FS_Spousal_Impoverishment_HCBS.pdf

(You can contact CANHR if you are in this situation so we can help you figure out Spousal Impoverishment Protections.)

如果夫妻或有一位已註冊的同居伴侶，情況會如何？

- ❑ 當夫妻中的一方正申請白卡並需要進入療養院，或者需要以家庭和社區所提供的基礎服務時，留在家中的配偶有資格獲得額外的收入和資產保護。
- ❑ 這些被稱為配偶貧困保障**
- ❑ 在配偶貧困保障下，沒有參加白卡計畫的配偶，被稱為“社區配偶”，允許保留額外的收入和資產，同時白卡計畫負責用以提供給參加白卡計畫的配偶在家（家庭和社區基礎服務）或設施中接受專業護理服務的費用。

**CANHR關於配偶貧困保障的資訊資料：http://canhr.org/factsheets/medical_fs/PDFs/FS_Spousal_Im impoverishment_HCBS.pdf（如果您處於這種情況，請聯繫CANHR，我們可以幫助您瞭解配偶貧困保障。）

No Asset Limit Starting January 2024

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- ❑ Beginning 7/1/22, asset limit increased for all Medi-Cal applicants and beneficiaries.*
 - ❑ Individual - from \$2,000 to \$130,000
 - ❑ Couple – from \$3,000 to \$195,000
 - ❑ Additional dependent family members - \$65,000 each (up to 10)
- ❑ Income guidelines will stay the same.
- ❑ Only applies to Medi-Cal. SSI recipients still need to follow with SSI rules.

自2024年1月起，將不再設定資產限制。

- ❑ 從2022年7月1日開始，所有白卡計畫申請人和受益人的資產限制都有所增加。
 - ❑ 個人資產限制從\$2,000增加到\$130,000
 - ❑ 夫妻資產限制從\$3,000增加到\$195,000
 - ❑ 額外的家庭成員資產限制為每人\$65,000（最多10人）
- ❑ 收入規定將保持不變。
- ❑ 這些調整僅適用於白卡（加州醫療補助計劃 Medi-Cal）。SSI（社保基金）的受益人仍需遵守SSI規定。



I'm over the asset limit now. What do I do?

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Seth, 67 yo, is in a nursing home after he got into bad car accident in 2021. He is on Medi-Cal. In 2022, he received a settlement check of \$300,000 for his injuries.

Seth will not be disqualified for Medi-Cal because Medi-Cal should not ask current beneficiaries for any new asset information for the remaining part of 2023*. (See [MEDIL 23-19](#))



我超過了資產限制。我該怎麼辦？

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Seth, 67歲, 在2021年發生嚴重車禍後, 入住一家療養院。他目前正在接受加州健保計畫的保障。在2022年, 他因車傷獲得了一筆30萬美元的支票賠償。

根據MEDIL 23-19的規定, 白卡計畫在2023年剩餘時間內不會要求現有受益人提供任何新的資產信息, 因此Seth不會因此失去白卡資格。

Medi-Cal Application- Initial Steps

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- ❑ Ways to Apply: online, by phone, or in person at your local county Medi-Cal office. <https://www.dhcs.ca.gov/services/medi-cal/Pages/ApplyforMedi-Cal.aspx>

- ❑ What if I need help with the Medi-Cal application?
 - ❑ You can get help from staff at the County Office, or
 - ❑ You can allow a friend or family member to help you. You must fill-out an appointment of authorization form. MC-382
https://www.dhcs.ca.gov/formsandpubs/forms/Forms/MCED/MCForms/MC382_0618.pdf

申請白卡-第一步

- ❑ 申請方式：線上申請、電話申請或親自前往您縣的白卡計畫辦公室申請。

詳細資料請瀏覽：<https://www.dhcs.ca.gov/services/medical/Pages/ApplyforMedi-Cal.aspx>

- ❑ 如果我需要幫助填寫白卡計畫的申請，該如何辦？
 - ❑ 您可以向縣辦公室的工作人員尋求幫助，或者
 - ❑ 請求朋友或家人幫助您。而您需要填寫一份授權約定表格（MC-382）。下載表格請瀏覽：
https://www.dhcs.ca.gov/formsandpubs/forms/Forms/MCED/MC_Forms/MC382_0618.pdf

Medi-Cal Application - Initial Steps

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Question

What if someone has dementia or is comatose and does not have a spouse or conservator and cannot fill out the authorization form?

申請白卡-第一步

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問題

如果有人患有癡呆症或昏迷，且沒有配偶或監護人，及無法填寫授權表格，該怎麼辦？

Medi-Cal Application

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Answer

The representative can fill-out the Medi-Cal application and sign his/her name on behalf of the Medi-Cal applicant. The representative then can contact the County Medi-Cal Office or include a note with the Medi-Cal application and explain that the person is incapacitated and the representative is willing to act for the incapacitated person. The county will then evaluate if the representative can serve as an “applicant/beneficiary representative” and will work directly with this person.

申請白卡

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回答

委託人可以代表白卡申請人填寫申請表格並代為簽字。委託人可以聯繫縣白卡辦公室，或在白卡申請表格中附上一封說明信，解釋申請人無能力填寫表格，並表明委託人願意代表申請人處理。縣辦公室將評估委託人是否能夠充當“申請人/受益人代表”，並直接與該委託人一起處理申請事宜。

What is Medi-Cal Recovery?

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The state may seek repayment from your estate after death for the cost of services that were paid for by Medi-Cal **only if** you used the following benefits:

- Nursing home care
- Intermediate care for developmentally disabled (ICF/DD)
- Home and Community Based Services, including Assisted Living Waiver, Multipurpose Senior Services Program, HCBA programs.
- Related hospital and prescription drug services provided while in a nursing home or through the programs listed above.

DHCS Estate Recovery:

https://www.dhcs.ca.gov/services/Pages/TPLRD_ER_cont.aspx

什麼是白卡追償計畫？

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州政府可能在您去世後，針對由白卡支付的費用追討您的遺產，前提是您使用了以下福利：

- ❑ - 療養院護理
- ❑ - 發育遲緩者中級護理 (ICF/DD)
- ❑ - 包括輔助生活豁免計畫、綜合老年服務計畫、以家庭和社區為基礎的護理計劃 (HCBA) 等家庭和社區護理服務
- ❑ - 在療養院或通過上述計畫提供的相關醫院和處方藥物服務

DHCS 加州衛生保健部門 (Department of Health Care Services) 遺產追償 (Estate Recovery) :

https://www.dhcs.ca.gov/services/Pages/TPLRD_ER_cont.aspx



Medi-Cal Recovery Exceptions, after 2017

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- Recovery is limited to those who used specific services and were age 55 or older. Cal. Welfare & Institutions Code § 14009.5
- Only happens when there are assets subject to probate, meaning, there is no recovery if:
 - Nothing is left in the name of the person who received Medi-Cal.
 - Property won't go to probate, including living trusts, joint tenancies, pay on death accounts, life estates, mobile homes, and other manufactured homes.
 - It is a small estate with a value of \$184,500 or less in personal property, and a limit of \$55,425 in real property.
 - There is a surviving spouse or registered domestic partner, or surviving child under 21 yo, or surviving child who is blind and disabled under the meaning of 42 U.S.C. Sec. 1382c (Social Security Act).
- Refer to CANHR guide on Medi-Cal Recovery: http://canhr.org/medcal/medcal_recoveryinfo.htm

2017年後的白卡追償計劃豁免

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- 追償僅限於使用特定服務且年齡在55歲或以上的人員。根據加州福利和機構法典第14009.5節 (Cal. Welfare & Institutions Code § 14009.5)，追償僅適用於符合這些條件的個人。
- 僅當存在需要進行遺產管理的資產時，才會發生追償。換句話說，如果滿足以下情況，則不會進行追償：
 - 沒有留下任何給予受益人名下的資產。
 - 資產不會進入遺產管理程式，包括生前信託、聯名共有產權、受益人為生前指定的帳戶、終身使用權、移動房屋以及其他已建造房屋。
 - 如果個人資產價值為\$184,500或以下，並且房地產價值不超過\$55,425，屬於小額遺產。
 - 有在生配偶或註冊的同居伴侶，或21歲以下子女，或根據42 U.S.C. Sec. 1382c (社會安全法) 定義下具有視覺障礙和殘疾的在生子女。
- 請參考CANHR關於Medi-Cal追償的指南：
http://canhr.org/medcal/medcal_recoveryinfo.htm

Example of Medi-Cal Recovery

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Harold, 89 yo and has dementia, lives in a skilled nursing facility. He has Medi-Cal. Before Harold moved to the facility, he lived with his wife Wanda at home that they owned together. Wanda remains at home. Harold and Wanda placed their home in the living trust. Harold dies June 2022.

Question: Will the house be subject to Medi-Cal Recovery?

白卡追償計劃案例

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Harold今年89歲，患有癡呆症，目前居住在一家療養院。他擁有白卡保險。在Harold搬到療養院之前，他與妻子Wanda一起生活在共同擁有的住宅中。Wanda仍然居住在家中。Harold和Wanda將他們的住宅放入了生前信託。Harold於2022年6月去世。

問題：這房子適用於白卡追償計劃？

Example of Medi-Cal Recovery

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Answer: NO. Because the house is in Harold and Wanda's living trust and will not be subject to probate*. If the house was not in a living trust and Harold was not married at the time of his death, the house would be subject to probate. Department of Health Care Services may place a lien on the house, unless Harold's heirs can qualify for exceptions under W&I §14009.5.

(*Probate is a court process that deals with a deceased person's assets after the deceased's death).

白卡追償計畫案例

答案：不會。因為房屋在Harold和Wanda的生前信託中，不會受到白卡追償的影響。如果房屋不在生前信託中，並且Harold在去世時未婚，房屋將需要經過遺產管理程序。除非Harold的繼承人符合《加州福利和機構法典》第14009.5條的例外情況，否則加州衛生保健部門可能會對房屋設定留置權。

(*遺產管理是在逝者去世後處理其資產的法院程序。)

Home & Community Based Services

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- ❑ Programs offering an alternative to nursing homes.
- ❑ Offer a package of services and supports to Medi-Cal beneficiaries who would otherwise require care in a nursing home, but who prefer to remain in the community.
- ❑ Some of the benefits include: caregiving (“personal care services”), assistance with chores and meal preparation, protective supervision, in-home nursing care, case management, and home modifications.
- ❑ Varies from county to county, and the services offered through each program vary as well.
- ❑ **IHSS is one of many Home & Community Based Services covered by Medi-Cal.**

以家庭及社區為基礎的服務

- ❑ 計劃提供替代療養院的選擇。
- ❑ 為那些本應需要入住療養院照料的白卡受益人，因選擇留在社區而提供的一套服務和支援。
- ❑ 其中福利包括：護理（“個人護理服務”），協助家務和餐飲準備，保護性監管，居家護理，個案管理和家庭改造。
- ❑ 各縣的情況不同，每個計畫提供的服務也有異。
- ❑ IHSS是白卡覆蓋的眾多家庭和社區護理服務中的一種。



IHSS Overview

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- ❑ Operates statewide, no waiting list.
- ❑ Must be enrolled in Medi-Cal.
- ❑ No age restrictions and based on assessed need.
- ❑ To learn more about preparing for the assessment interview, read DRC's Self-Assessment Guide:

<https://www.disabilityrightsca.org/publications/ihss-self-assessment-and-fair-hearing-guide>

家居護理概覽

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- ❑ 該計畫在全州範圍內運作，無等待名單。
- ❑ 必須在白卡計劃內。
- ❑ 沒有年齡限制，根據評估的需求確定。
- ❑ 要瞭解更多關於準備評估面試的資訊，請閱讀DRC的自我評估指南：

<https://www.disabilityrightsca.org/publications/ihss-self-assessment-and-fair-hearing-guide>

IHSS Overview, cont'd

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- ❑ **IHSS Hours:** Offers up to 283 hours
- ❑ **Program Services:**
 - ❑ Personal Care, Domestic Service
 - ❑ Protective Supervision, Paramedical Service*
- ❑ **To apply contact local county IHSS office:**
<https://www.cdss.ca.gov/inforesources/county-ihss-offices>
- ❑ **CANHR fact sheet on IHSS:**
<http://canhr.org/factsheets/misc fs/html/fs ihss.htm>

*Administering medication or giving injections, Blood/urine testing, Wound care, Catheter care and ostomy irrigation, Any treatments requiring sterile procedures, Tube feeding Suctioning

家居護理概覽

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- ❑ HSS工時：提供最多283小時的服務
- ❑ 計畫內容：
 - ❑ 個人護理，家務服務
 - ❑ 保護性監管，輔助醫療服務*
- ❑ 申請請聯繫當地縣IHSS辦公室：
<https://www.cdss.ca.gov/inforesources/county-ihss-offices>
- ❑ CANHR關於IHSS的信息簡表：
http://canhr.org/factsheets/misc_fs/html/fs_ihss.htm

*執行藥物管理或注射、血液/尿液檢測、傷口護理、導尿管護理和人工肛門沖洗、需要無菌操作的任何治療、管喂等任務。

Financial Elder Abuse - Overview

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What is Financial Elder Abuse?

Financial abuse is when someone takes or misuses another person's money or property for the benefit of someone other than that person. For example, neighbors, caregivers, professionals, and even family or friends may take money without permission, fail to repay money they owe, charge too much for services, or not do what they were paid to do.

濫用長者財務 – 概覽

何為濫用長者財務？

財務濫用是指某人為了其他人的利益而佔用或濫用他人的金錢或財產。例如，鄰居、護理人員、專業人士，甚至家人或朋友可能未經許可拿走錢財，不償還所欠的債務，收取過高服務費用，或者沒有按照支付款項的約定履行相應的責任。

Financial Elder Abuse

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- ❑ Financial Elder Abuse unlawful and illegal
 - ❑ [Cal Wel & Inst Code § 15610.30 & § 15610.23](#)
 - ❑ [Cal Penal Code § 368\(d\), \(e\), \(g\), & \(h\)](#)

- ❑ Where Should I Report?
 - ❑ Adult Protective Services (APS) - [Local County Office](#).
 - ❑ APS involvement may sometimes make things difficult or challenging especially with family members are involved.
 - ❑ Call 911 and file a police report if there is an immediate risk.
 - ❑ Report to your County District Attorney

濫用長者財務

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❑ 濫用長者財務是違法的。

❑ Cal Wel & Inst Code § 15610.30 & § 15610.23

❑ Cal Penal Code § 368(d), (e), (g), & (h)

❑ 哪裡可以舉報？

❑ 成人保護服務-地方辦公室

❑ APS的介入有時可能會使事情變得困難或具有挑戰性，特別是涉及家庭成員的情況下。

❑ C如果存在緊急風險，請撥打911並向警方報案。

❑ 向您所在縣的地方檢察官辦公室報告。

Financial Elder Abuse - Resources

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- ❑ Contact Long-term care Ombudsman.
 - ❑ LTC Ombudsman help people living in nursing homes, assisted living communities, and similar adult care communities. [Find your ombudsman.](#)
- ❑ Call Adult Protective Service (APS)
- ❑ Seek help from you loved-one's social worker, elder patient advocate, or someone in a similar role.
- ❑ Seek help from the Family Council - this is a group of family members, friends or representatives of residents in long term care facilities.
- ❑ If the financial abuse involved a financial account, contact their bank, credit union, credit card company, etc. as soon as possible. If financial abuse also includes identify theft, report to the [Federal Trade Commission](#).

濫用長者財務 – 資源

- ❑ 聯繫長期護理事監察專員。
 - ❑ 長期護理事監察專員能幫助居住在療養院、輔助生活社區和類似的成人護理社區中的人。**尋找您所在地方的監察專員。**
- ❑ 致電成人保護服務部。
- ❑ 向您的社工、年老患者倡議員或其他相似角色的人員尋求幫助。
- ❑ 尋求家庭委員會的幫助 - 這是由長期護理設施中的家庭成員、朋友或代表組成的團體。
- ❑ 如果濫用涉及到財務帳戶，請儘快聯繫他們的銀行、信用合作社、信用卡公司等。如果濫用還涉及身份盜竊，請報告給**聯邦貿易委員會**

Common Types of Financial Elder Abuse

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- ❑ **Theft:** Theft by trusted individuals or unknown thieves. They use an elder's checks, bank account information, or credit cards to obtain money without permission. Other items like money, medications, and personal items may be stolen, too.
- ❑ **Scams:** Scams that take advantage of an elder's diminished hearing and increased confusion. E.g. grandparent scams, internet scams, telemarketing scams, service frauds.
- ❑ **Financial Scams:** Financial advisors or other trusted advisors may use their position of trust to convince elders to buy into expensive annuity scams.
- ❑ **Power of Attorney Abuse:** This happens when a trusted individuals who are the elder's caregivers use the Durable Power of Attorney for Financial Management to take an elder's money from the elder's bank accounts. The elder may or may not have capacity, or unaware of what is going on.

常見的濫用長者財務例子

- ❑ **盜竊**：被信任的個人或不明身份的盜賊進行盜竊。他們利用長者的支票、銀行帳戶資訊或信用卡未經允許獲取資金。還可能盜竊其他物品，如金錢、藥物和個人物品。
- ❑ **詐騙**：利用長者聽力減弱和思維混亂的情況而做出的詐騙行為。例如，祖父母詐騙、網路詐騙、電話銷售詐騙、服務欺詐等。
- ❑ **金融詐騙**：金融顧問或其他受信任的顧問可能利用他們的信任地位，說服長者購買昂貴的年金詐騙產品。
- ❑ **委託授權濫用**：這種情況發生在被信任的照顧者利用財務管理的授權書從長者的銀行帳戶中轉移資金，而長者可能有或沒有意識到這類發生的情況。

Example of Financial Elder Abuse

Wanda is an elderly, retired person who lives alone with no immediate family. One day she fell from a flight of stairs and was hospitalized. She knew she would be away from home for weeks and was worried about paying her bills. Her niece from out of state arrived at the hospital with flowers and an offer to help.

The next day the niece showed up with a [power of attorney](#), which her aunt signed. By the time the Wanda had returned home, her niece used the power of attorney to close bank accounts worth \$250,000, and transferred them to her own account. The niece started using the money from this account to pay her own bills. When Wanda confronted her niece, she assured her that she was keeping the money safe while she was at the hospital. The niece suggested that they can open a joint account together so her niece can help her.

常見的濫用長者財務例子

Wanda是一位年老退休的人，獨自生活且沒有直系親屬。有一天，她從樓梯上摔下來，住進了醫院。她知道自己要在外面待上幾個星期，並且擔心支付自己的帳單。她的外地侄女帶著花束來到醫院，表示願意提供幫助。第二天，侄女帶來一份授權書，姑姑在醫院簽下了授權書。當Wanda回到家時，她的侄女使用這份授權書關閉了價值25萬美元的銀行帳戶，並將錢轉到自己的帳戶上。侄女開始使用這個帳戶的錢支付自己的帳單。當Wanda責問侄女時，她保證自己是在醫院期間將錢保管好了。侄女建議她們可以開一個共同帳戶，這樣侄女就可以幫助她。

Elder Financial Abuse - What to do?

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- ❑ What can Wanda do?
 - ❑ Call APS and report what the niece did*.
 - ❑ Execute the a revocation of the power of attorney.
 - ❑ Get the money back - call legal aid for help. Possibly sue the niece. (Note: Niece may no longer have the money.)

(*consider whether this is appropriate)

長者財務被濫用-可以做什麼？

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□ Wanda 可以做些什麼？

- 致電成年人保護服務（APS）並報告侄女的行為。
- 執行對財務授權的撤銷。
- 努力追回資金-致電法律援助機構尋求幫助。可能要對侄女提起訴訟（請注意：侄女可能已經花費了這筆錢）。

(*請考慮此舉是否合適)

Elder Financial Abuse - What to do?

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- ❑ Should Wanda agree to open a joint bank account with niece?
 - ❑ No. The niece or her creditors can access account and can take money from it. The money in the account will go to the niece after Wanda's death.

長者財務被濫用-可以做什麼？

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- ❑ Wanda應該同意與侄女開設一個聯名銀行帳戶嗎？
- ❑ 不應該。侄女或其債權人可以使用該帳戶並取走裡面的錢。帳戶內的資金在Wanda去世後也將歸侄女擁有。

Thank you for listening!

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QUESTIONS?

- ❑ **CANHR website** - *www.canhr.org*
- ❑ **Call CANHR:** 800.474.1116
- ❑ **Email:** arabelle@canhr.org

感謝您的收聽!

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問題?

- ❑ CANHR 網頁 - www.canhr.org
- ❑ 致電 CANHR: 800.474.1116
- ❑ 電郵: arabelle@canhr.org

Hiring, Compensation & Record Keeping

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Who is doing what?

Job duties matter

- Household Worker – Works in or around the household
- Personal Attendant – Dress, Feed, Supervise (including Assisting with ADL)
- Companion – Protection and Fellowship (very limited “Care”/Assisting with ADL)



我們的職責是什麼？

工作職責很重要

- 家政工人-圍繞家庭事務工作
- 私人看護-穿衣，餵食，監護（包括ADL的協助）
- 伴護-提供保護和陪伴（在提供日常生活需要方面非常有限的"護理"或協助）

Where is the Work Performed?

Where the work is performed can change which Wage Order applies, which changes which overtime laws apply

- Household Owner
- Facility that provides room and board
- Caregiver's Home
- Different Cities/Counties = Different Rules



工作地點在哪裡？

工作地點的不同影響工資規定的應用，從而改變適用的加班法律。

- 家庭戶主
- 提供房間和寄宿的設施
- 護理員的家
- 不同城市/縣=不同規定



The Right Way to Pay

- Hourly Rate
 - No daily, weekly, monthly or shift-rates
- Different rates for different work
- Regular Hours versus overtime Hours (and sometimes double time hours)
- Deductions for room and board?

Room occupied alone	\$70.53/week
Room shared	\$58.22/week
Apartment — two thirds (2/3) of the ordinary rental value, and in no event more than:	\$847.12/month

正確支薪方式

- 時薪
 - 不使用日薪、週薪、月薪或按班計算的費率
- 不同工種不同薪酬
- 正常工時與加班工時（有時還包括雙倍加班工時）
- 房費和伙食費的扣除？

單人房間	\$70.53/周
共用房間	\$58.22/周
公寓 — 不超過普通租金價值的三分之二 (2/3) , 且在任何情況下不得超過:	\$847.12/月

Sleep Time and Personal Time

- Hours worked
 - Suffered or permitted
 - Under the employer's Control
- Time is compensable unless employee is free to leave and engage in personal activities without interruption



睡眠時間和個人時間

- 工作小時數
 - 雇主允許或默許
 - 在雇主的控制之下
- 除非員工可以自由離開工作並進行個人活動而不受干擾，否則工作時間是需要支付報酬的。



What are the Terms?

If it's Not in Writing, It Don't Exist

More accurately, if it would help you and it's not in writing, it doesn't exist

- Name the Employer and your capacity
- Rate(s) of pay
- Duties
- Benefits
- At-Will



有什麼條款？

如果沒有書面記錄，它就不存在

更準確地說，如果某事對您有口頭說明但沒有書面記錄，它就不存在

- 僱主姓名和你的工作範圍
- 支付薪金率
- 職責
- 福利
- 隨時解雇權



What is Elder Abuse?

Elder Abuse can be:

- Financial*
- **Physical**
- Emotional/Psychological
- Neglect

*Researchers say that **only 1 in 44** cases of Financial Elder Abuse get reported!
<http://canhr.org/abuse/index.html>

什麼是虐待長者？

虐待長者可以是：

- 財務 *
- 肢體
- 情緒/精神
- 疏忽照顧

*研究人員指出每44個財務虐待長者案件中僅有1個被告發！

<http://canhr.org/abuse/index.html>

Why Is This Important?

Elder Abuse is widespread

People from all ethnic backgrounds, all income levels and all genders can be victims of elder abuse.

Elder Abuse is still a hidden problem

Researchers say that only 1 out of every 5 elder abuse cases is reported.

為什麼重要？

虐待長者是普遍的情況

所有種族背景、收入水平和性別的人都會是虐待長者的受害人。

虐待長者仍然是一個隱性問題。

研究人員指出每5個虐待長者案件中只有1個被告發。

Who are Abusers?

Often an adult child, grandchild, relative or caregiver.

Abuser may:

- Be stressed out with responsibilities of caring for victim, but often financially dependent on victim
- Have a drug or alcohol problem or be mentally ill
- Blame the victim for the abuser's inability to have a successful or fulfilling life
- Have health issues of their own
- Have a history of abuse with the elder or another

誰是施虐者？

通常是成年子女、孫子女、親屬或照護者。

施虐者會：

- 對照顧受害者的責任感到壓力，但通常在財務上依賴受害者
- 有藥物或酒精問題或精神病
- 把自己無法擁有成功或充實生活怪罪於受害者
- 有個人健康問題
- 有虐待老年人或其他人的歷史

Physical Abuse

Definition according to the CDC: The intentional use of physical force that results in acute or chronic illness, bodily injury, physical pain, functional impairment, distress, or death.

肢體虐待

美國疾病控制與預防中心（CDC）的定義：有意使用肢體力量造成急性或慢性疾病、身體傷害、肢體疼痛、功能受損、痛苦或死亡。

Physical Abuse

Examples:

- Hitting, beating, pushing, shoving, kicking, pinching, etc.
- Seriously trying to cause physical harm
- Using or attempting to use a weapon
- Unreasonably restraining
- Prolonged withholding of food and nourishment

肢體虐待

例子：

- 擊打、毆打、推撞、推擠，踢踹、掐捏等行為。
- 嚴重地試圖造成身體傷害。
- 使用或試圖使用武器。
- 不合理地限制自由。
- 長時間拒絕提供食物和營養品。

Physical Abuse

Possible Signs of Physical Abuse:

- Physical injuries that are not properly cared for
- Cuts, bruises, burns, discoloration of the skin
- Dehydration or malnutrition without an illness-related cause
- Depression, fear, anger, hysteria, withdrawal or unexplained weight loss
- Soiled clothing or bed

肢體虐待

受到肢體虐待的信號：

- 身體上沒有得到適當照料而留下的傷害
- 切口、淤傷、燒傷、皮膚變色
- 沒有與疾病相關的原因導致的脫水或營養不良
- 抑鬱、恐懼、憤怒、歇斯底里、退縮或無法解釋的體重減輕
- 髒污的衣物或床

Physical Abuse

Tips for Avoiding Physical Abuse:

- Be cautious about whom you let move in with you
- Keep in contact with friends, neighbors and health care providers
- Invite friends to visit you at home on a regular basis, especially if a caregiver lives with you or is abusing you in your home.
- Ask for help when you need it

*Report if it happens

肢體虐待

避免身體虐待的建議：

- 謹慎選擇與你同住的人
- 與朋友, 鄰居和醫療保健提供者保持聯繫
- 定期邀請朋友到你的家中拜訪，尤其是當有護理人員與你同住或在家中對你施虐
- 在需要時尋求幫助

*如果發生虐待行為，請立即報告。

Legal Remedies for Elder Abuse

Purpose of Legal Remedies:

- To protect elders
- To remove abuser/abusive caregivers
- To recover damages from abusers
- To criminally prosecute and punish abusers

虐待長者的法律救濟

法律救濟目的:

- 保護長者
- 移除施虐者/虐待性護理人員
- 對施虐者追溯損害賠償
- 對施虐者進行刑事起訴和懲罰

Remedies: Physical & Emotional Abuse or Neglect

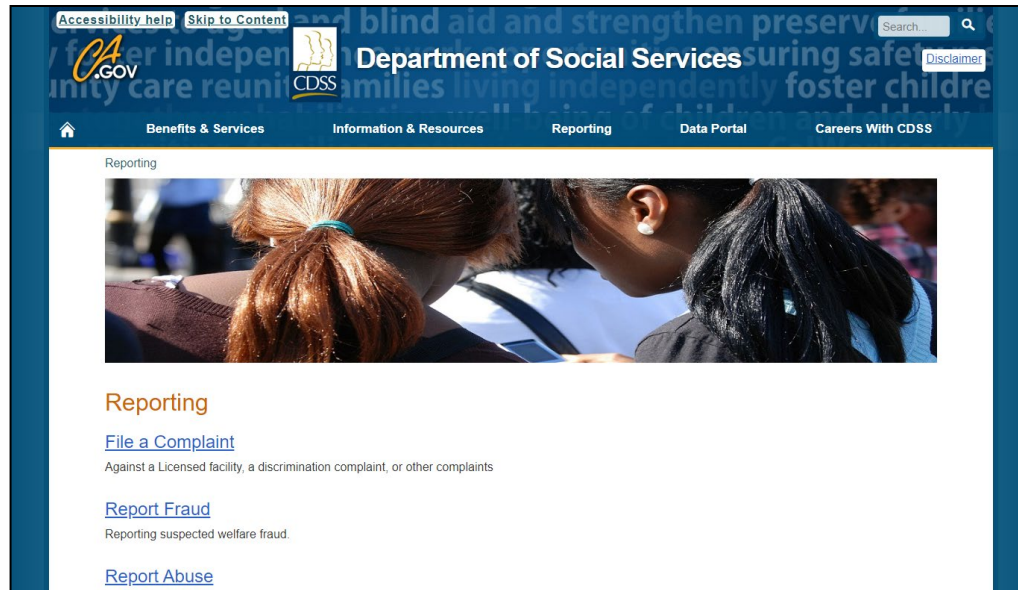
- Civil Restraining Orders:
 - Order After Hearing Restraining Elder or Dependent Adult Abuse
 - Protective order can be granted for up to five years
 - Orders automatically entered into the law enforcement system
- Criminal Protective Orders:
 - Emergency Protective Orders – requested by the police/ law enforcement on behalf of the elder. Last 5-7 days
 - Criminal Protective Orders – requested by the District Attorney on behalf of a senior who is a victim of a crime or witness to a crime
- Criminal Prosecution, Victim-Witness Services

法律救濟： 肢體和情緒虐待或疏忽照顧

- 民事限制令：
 - 長者或受撫養成人虐待聆訊後頒佈的法令
 - 保護令有效期最長可達五年
 - 法令自動錄入在執法系統中
- 刑事保護令：
 - 緊急保護令 - 由警方/執法機構代表長者提出申請。有效期為5-7天
 - 刑事保護令 - 由地方檢察官代表作為犯罪受害者或證人的長者提出申請
- 刑事起訴，受害者證人服務

If You Suspect Elder Abuse

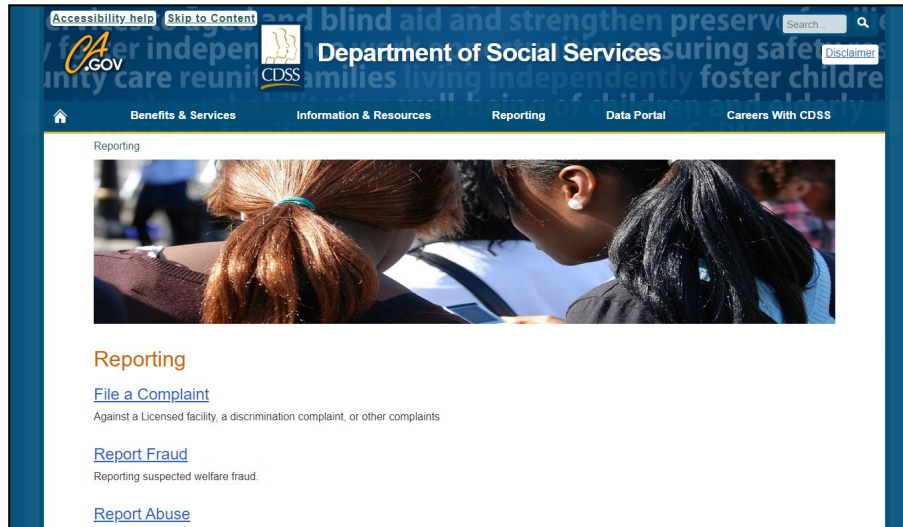
- Adult Protective Services: <https://www.cdss.ca.gov/complaints>
Report is confidential. Trained social worker will investigate



- Call your local District Attorney's Office
- Ombudsman for Long Term Care:
Investigates abuse or neglect in nursing homes and board and care facilities

如果你懷疑有虐待長者的情況：

- 成年人保護服務部：<https://www.cdss.ca.gov/complaints>
將被保密處理，並由經過培訓的社工進行調查。



- 致電你當地的地方檢察官辦公室。
- 長期護理事務監察員：
調查養老院和護理設施中發生的虐待或疏視事件。

A photograph of the Golden Gate Bridge in San Francisco, California, taken from a high vantage point on a hill. The bridge's iconic orange-red towers and suspension cables are silhouetted against a vibrant sunset sky with shades of orange, yellow, and blue. The water of the bay is visible below, with a small boat in the distance. The foreground shows a grassy hillside.

Recordkeeping and 360° Caregiving Rights Toolkit

The Women's Employment Rights Clinic (WERC)
Natalia Ramirez Lee



GOLDEN GATE
UNIVERSITY

SCHOOL OF LAW



紀錄備存和360° 護理權益工具包

婦女就業權益中心 (WERC)

Natalia Ramirez Lee



GOLDEN GATE
UNIVERSITY

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Personnel Records: Under Labor Code §1198 and §432

- maintain a copy of each employee's personnel records for a period of not less than four years after termination of employment
- make a current employee's personnel records available for inspection, and
- if requested by the employee or representative, provide a copy of records
- make a former employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the location where the employer stores the records



人事紀錄：

按照勞工法例 § 1198 和 § 432

- 在解除僱傭關係後，保留每位僱員的人事紀錄副本至少四年。
- 允許審查現時僱員的人事紀錄，並且，
- 如有僱員或代表提出要求，提供人事紀錄副本
- 確保前僱員的人事紀錄可以被審查，如僱員或代表提出要求，在僱主存放紀錄的地點提供一份副本。

Time and Pay records under Labor Code §226

- Time records showing when employee began and ended each work period,
- Record must include meal periods, split shift intervals and total daily hours worked.
- Total wages paid each payroll period
- Value of board, lodging, or other compensation
- Total hours worked in the pay period by employee and applicable rate of pay.
- Itemized wage statement for each pay period for employee.
- Accrual and usage of paid sick leave
- Any deductions to wages for meals, or lodging.



時間和支薪紀錄 按照勞工法例 § 226

- 時間紀錄顯示僱員每個工作時段開始和結束時間
- 紀錄必須包括用餐時間，分班時段及每日工作總時數
- 每個支薪期的工資總額
- 吃宿費用或其他補償金
- 僱員在支薪期的總工作時數及適用的工資支薪率
- 在僱員每個支薪期提供列明工資單
- 累積和已使用的有薪病假
- 任何在工資中扣除的吃宿費用



Pay Stub Information (Cal. Lab. Code 226)

The image shows a close-up of a pay stub. At the top, there are some numbers: 4,389.00 and 3,971.11. Below these, the word "TOTAL" is printed in bold. Further down, there is a section titled "Deductions" with a column labeled "Cu". Under "Deductions", there are entries for "Withholding" and "Insurance".

TOTAL	4,389.00
	3,971.11
Deductions	
	Cu
Withholding	31
Withholding	1
Insurance	

- Pay Period
- Gross wages
- Itemized Deductions
- Net Wages
- Total Hours
- Applicable Hourly Rates
- Employer's Name and Address
- Employee Name and Address
- Sick/vacation leave acquired

	4,389.11
TOTAL	4,389.11
	351.11
	3,971.11
er Deductions	Cu
Withholding	31
Withholding	1
nsurance	

工資單信息 按照勞工法例 § 226

- 支薪期
- 稅前工資
- 列明扣款
- 淨工資
- 總工時
- 適用的時薪率
- 僱主姓名和地址
- 僱員姓名和地址
- 所得的病假/假期

SAMPLE – CAREGIVER TIMESHEET

Should fill out weekly with exact hours

Employee Name:

Week of	Time In	Time Out	Meal Period Time out	Meal Period Time In	Total Daily Hours
Sunday					
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Total Hours					

Housekeeping Task	Weekly Total Amount of Time
Laundry	
Cooking	
Cleaning	
Gardening	
Other Housekeeping tasks	

I certify that the above record is true and correct.

_____ Date

_____ Employee Signature

*****To Be Completed By the Employer*****

Rate: \$	Total Hours Worked	Pay Owed
Regular		
Overtime (1.5x)		
Double Time (2x) (depends on applicable law)		
TOTAL PAY		
	Accrued this week	Used this week
Paid Time Off (<i>vacation, holidays</i>)		
Paid Sick Time		
Balance		



Penalty to Employer

- The Labor Code provides penalties for an employer's failure to comply with Section 226. A failure by an employer to permit a current or former employee to inspect or copy records within 21 calendar days of the request entitles the current or former employee or the Labor Commissioner to recover a seven-hundred-fifty-dollar (\$750) penalty from the employer.
- Labor Code § 1198.5 requires that a copy of the records be made available within a "reasonable" amount of time, "but not later than 30 calendar days from the date the employer receives a written request." An employer's failure to comply within this timeframe entitles an employee to recover a seven hundred fifty-dollar (\$750) penalty from the employer



對僱主的懲罰

- 勞工法例向未有遵守第226條的僱主提供懲罰。在收到要求的21個歷日內，如果僱主不能向現時僱員或前僱員提供審查或紀錄副本，僱主可被懲罰750美元給予現時僱員或前僱員或勞工委員。
- 勞工法例 § 1198.5 規定必須在「合理」時間內備有記錄副本，「但不得遲過僱主收到書面要求日期的30個曆日」。僱主未能在這時限內提供紀錄副本，僱主可被懲罰750美元給予僱員。

360° Caregiving Rights Toolkit

- Designed to educate families and professionals who hire caregivers to work in private homes.
- Navigate the complex maze of state and federal laws to set conditions of employment, including hours, pay and benefits.
- The toolkit is now available on WERC's website in Tagalog, Mandarin and Spanish.

家務工作: 支持



家務工作與護理

家務工作與護理是兩種不同的工作。家務工作包括清潔、洗衣、煮飯、購物等。護理工作包括協助老人起床、洗澡、穿衣、吃飯、散步等。

家務工作與護理的區別

- 家務工作是為了維持家庭的運作。
- 護理工作是為了照顧老人的生活起居。

家務工作與護理的權利

- 家務工作與護理的權利是不同的。
- 家務工作與護理的權利是由法律規定的。


家務工作與護理的權利

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Trabajo sa Bahay/Sahod



Repetitive Movements by Age Management to Reduce Painful "Strains"

Repetitive movements are a common cause of musculoskeletal injury. This document provides information on how to reduce the risk of repetitive movements in the home.

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Trabajo Doméstico: Compensación



PREGUNTAS FRECUENTES ACERCA DE LA COMPENSACIÓN

Para Familias y Profesionales que Contratan Cuidadores a Caseros o Asistentes para el hogar en una Casa Particular.

¿Cuánto debe pagarse a un cuidador?

Debe pagar el tiempo de trabajo real y las horas extras correspondientes a todas las horas trabajadas.

¿Qué horas son compensables? ¿Qué horas no?

Si la paga al cuidador que se queda en sus instalaciones, incluso si el cuidador no lo está haciendo voluntariamente, debe pagarse por esas horas.

¿En qué casos el cuidador gana la noche y pagando según sea necesario, debe pagarse por esas horas, incluso durante las horas que el cuidador está dormido?

Si se permite que el cuidador se quede en las instalaciones de residencia a cambio de alojamiento por su respuesta al llamado, debe pagarse esas horas.

¿Qué es el salario mínimo?

Los Estados Unidos, incluido el estado de California, tienen leyes que establecen el salario mínimo. California, el estado de Nueva York y el estado de Washington, DC, tienen leyes que establecen el salario mínimo para los cuidadores. Los estados que incluyen California y San Francisco tienen salarios mínimos más altos. El salario mínimo gubernamental se aplica a los cuidadores que son empleados, pero que debe pagarse de manera diferente.

Salario mínimo estatal: <http://www.dir.ca.gov/DIR/MinimumWage.html>

360° 護理權益工具包

- 旨在教育聘請在私人住宅工作護理員的家庭和專業人士
- 認識複雜的州政府與聯邦法律，來設定僱用條件，包括工時、工薪與福利。
- 這工具包在WERC的網站上提供，有菲律賓語、普通話和西班牙語版本。

家務工作: 支薪



(在家務工與護理員解薪)

應酬條件和護工多少?
你必須至少支付最低工資和所有加班工作時間的工資。


什麼工作時間?
你必須對你僱工在何處配下的所有時間。

- ✓ 當家務工人在家或在住所，即使他們沒有提供服務，你也必須支付這些時間的費用。
- ✓ 如果你要求護工在夜間或假期工作，即使護工假期已滿了，你也必須為此提供時間。
- ✓ 如果你不支付護工在夜間或假期的費用，你必須為此提供時間。

最低工資是什麼?
聯邦、州、和州縣市的法律都有規定最低工資。你必須支付你僱用的護工每一小時，最低工資的工資。這包括所有時間，包括在夜間、假期、和公共假期。請向你的護工查詢你應得的最低工資。請向你的護工查詢你應得的最低工資。

州級工具: https://www.dir.ca.gov/dlse/FAQ_MinimumWage.htm

Trabaho sa Bahay/Sahod



Katungkulan ng Katungkulan ng mga Manggagawa sa bahay ng Pibaang Tahanan

Magkano ang dapat kang bayaran sa kung manggagawa?
Dapat kang magbayang ang kani na minimum wage at katungkulan bayaran ang kani na oos na bahay na pati na rin ang nangagap na overtime.

Ano ang "oras na nagbabayad"?
Katungkulan ng bayaran ang kani nang oras na nasa bahay ang katungkulan sa kung pang-araw-araw.

- ✓ Kung kailangan mong magbayad sa kung ng trabaho ang kung manggagawa, kani na hindi kailangan magbayad sa overtime, dapat kang bayaran sa kung oras na kani.
- ✓ Kung kailangan mong magbayad ng pati ang kung katungkulan ang oras katungkulan sa kung katungkulan: dapat kang bayaran ang kung oras na kani, kani na katungkulan ang katungkulan.
- ✓ Kung hindi na pang-araw-araw ang katungkulan sa kung oras ng pang-araw-araw, dapat kang bayaran ang kung oras na kani.

Ano ang ginagamit na pagbabayad o minimum wage?
Ang mga pagbabayad, pang-araw-araw ng pagbabayad, pati na rin ang minimum wage, kani na hindi kailangan magbayad sa overtime, dapat kang bayaran sa kung oras na kani.

Sala MW: https://www.dir.ca.gov/dlse/FAQ_MinimumWage.htm

Trabajo Doméstico: Compensación



PREGUNTAS FRECUENTES ACERCA DE LA COMPENSACIÓN
Para Familias o Profesionales que Contratan Directamente a Cuidadores o Asistentes para Trabajar en una Casa Particular

¿Cuánto debo pagarle a un cuidador?
Debe pagar al menos el salario mínimo y las horas extras correspondientes a todas las horas trabajadas.

¿Qué horas son consideradas "horas trabajadas"?
Debe pagarle el cuidador por todas las horas que este bajo su control.

- ✓ Si se pide al trabajador que se quede en sus instalaciones, incluso si el cuidador no lo está ayudando activamente, debe pagarle por esas horas.
- ✓ Si requiere que el cuidador pase la noche y responde según sea necesario, debe pagarle por esas horas, incluso durante las horas que el cuidador está dormido.
- ✓ Si no permite que el cuidador se vaya durante períodos de inactividad o durante los descansos por si se requiere atención, debe pagarle esas horas.

¿Cuál es el salario mínimo?
Los leyes federales, estatales y a veces locales rigen el salario mínimo. Debe pagar el salario mínimo más alta. Generalmente, el salario mínimo más alta es el salario mínimo de California. Sin embargo, algunos ciudades como Los Angeles o San Francisco tienen salario mínimo aún más alto. El salario mínimo generalmente aumenta anualmente (sea sea en enero o julio), así que debe asegurarse de mantenerse al día.

Salario mínimo estatal: https://www.dir.ca.gov/dlse/FAQ_MinimumWage.htm

360° Caregiving Rights Toolkit

Handouts

- Overtime Flowchart
- Pay FAQs
- Terminating a Caregiver
- Employer Obligations

Videos

- Am I an Employer?
- Hiring through a Homecare Agency
- Hiring Directly
- Domestic Work Pay
- Legal Obligations



360° 護理權益工具包

單張

- 超時工資指引表
- 工資常見問題
- 解僱一名護理員
- 僱主責任

短片

- 我是否一名僱主?
- 通過一間家護機構僱用護理員
- 直接僱用護理員
- 家政工薪酬
- 法律責任



360° Caregiving Rights Toolkit

Toolkit Available at:

<https://law.ggu.edu/academics/clinics/womens-employment/>



360° 護理權益工具包

- 索取工具包網頁：

<https://law.ggu.edu/academics/clinics/womens-employment/>

