



California's Protection & Advocacy System
Toll-Free (800) 776-5746

County IHSS Eligibility Workers Must Process the Application of Persons in Nursing Facilities and Hospitals

January 2004, Pub #5239.01

The In-Home Supportive Services regulation about applications says the following:

DSS Manual of Policy and Procedures, section 30-755.12

“Otherwise eligible applicants, currently institutionalized, who wish to live in their own homes and who are capable of safely doing so if IHSS is provided, shall upon application receive IHSS based on a needs assessment.

“121. Service delivery shall commence upon the applicant’s return home, except that authorized services as specified in Section 30-757.12 [heavy cleaning] may be used to prepare for the applicant’s return home.”

The Department of Social Services recently issued an [All County Letter \(ACL 02-68\)](#) reminding county welfare departments of their responsibility to conduct assessments of applicants ready for discharge from medical facilities and non- medical out-of-home placements.

This means that the person with a disability and the provider will know from the first day home that the provider will be paid for the services authorized.

If the county says it cannot assess you or take your application while you are in a facility, a fair hearing should be requested. We also believe that if the county refuses to follow the IHSS regulations to assist an individual with a disability move from an institution to the home, then the county violates the Americans with Disabilities Act. You may file a civil rights complaint with your county welfare department. Call a main or administrative office telephone number and say you want to file a civil rights complaint. Or you may file an ADA complaint by a letter to:

Coordination and Review Section Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.