

**IN HOME SUPPORTIVE SERVICES
Nuts and Bolts**

**SERVICE RIGHTS AND ENTITLEMENT PROGRAMS
AFFECTING CALIFORNIANS WITH DISABILITIES**

Disability Rights California

Toll Free: 1-800-776-5746

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Introduction

Purpose of Publication

This publication is intended to help you represent yourself and others in fair hearings when there is a dispute about the number of In-Home Supportive Services (IHSS) hours you need. This information packet will also help you prepare for the County IHSS worker's initial intake assessment or the annual review. Doing a self assessment will help you figure out how many hours you think you need and what to point out to the worker who does the assessment.

This publication is also intended to explain many changes that have happened in the past year regarding how IHSS services are now administered in California. This revision includes changes in the IHSS program since PAI's IHSS Self-Assessment and Fair Hearing Packet was last updated in 2002. Some issues which existed even prior to the recent changes are now addressed here with the intent to provide a more comprehensive overview of the IHSS system.

References to "IHSS" in this publication generally will refer to all IHSS current programs: the Medi-Cal Personal Care Services Program (PCSP), the new Independence Plus Waiver (IPW) Program, and the original residual IHSS (IHSS-R) Program.

How the IHSS programs are Administered

IHSS is administered by the California Department of Social Services (CDSS). Eligibility for IHSS in each county is determined by the county welfare (or social services) departments (CWD). Medi-Cal is administered by the California Department of Health Care Services (DHCS). Eligibility for Medi-Cal (for individuals who do not receive SSI) is also determined by the CWD. However, separate units of the CWD determine IHSS and Medi-Cal eligibility at the county level. The CWD is also responsible for administering the provision of IHSS services, such as handling payroll transactions.

Where to Find the Applicable Laws

Statutes

The statutes governing the IHSS residual program are located at Cal. Welf. & Inst. Code §§ 12300 through 12317.2. The statute governing the PCSP is located at Cal. Welf. & Inst. Code § 14132.95. The statute governing the IPW is located at Cal. Welf. & Inst. Code § 14132.951. These statutes can be found at: <http://www.leginfo.ca.gov/calaw.html> and then check “Welfare and Institutions Code,” click “Search,” and click the set of code section numbers you wish to review.

Manual of Policies and Procedures

The State regulations for the IHSS and PCSP programs are called the Manual of Policies and Procedures (MPP.) The MPP sections covering the IHSS Residual and the IPW programs are at MPP §§ 30-700 through 30-776 are found here: http://www.dss.cahwnet.gov/ord/CDSSManual_240.htm

The MPP sections covering the PCSP Waiver are at MPP § 30-780 and can also be found at: http://www.dss.cahwnet.gov/ord/CDSSManual_240.htm

All County Welfare Directors’ Letters

In some of the sections below we refer to Department of Health Care Services (DHCS) All County Welfare Directors’ Letters (ACWDLs). The State Legislature has authorized DHCS to implement the new IPW program through the use of ACWDLs and similar publications instead of following the standard rulemaking process. Cal. Welf. & Inst. Code § 14132.951(h)(1). ACWDLs can be found at: <http://www.dhs.ca.gov/mcs/mcpd/MEB/ACLs/> and then click on “ACWDLs” and then the year.

All County Letters and All County Information Notices

We also refer to Department of Social Services (DSS) All County Letters (ACLs) and All-County Information Notices (ACINs). ACLs are informational and serve to provide explanatory materials for regulations, material of general interest, or interim procedural information and may also be used to trigger required responses by all counties when the basic authority for such is in regulation. (MPP § 17-001.4.) Those can be found at: <http://www.dss.cahwnet.gov/lettersnotices/default.htm> and then click “ACLs” or “ACINs” and then the year.

Availability of Applicable Laws for Non-Internet Users

One set of regulations and handbook materials (including ACLs) of the Department of Social Services, the Welfare and Institutions Code, the Health and Safety Code, and other laws relating to any form of public social service must be made available to the public during regular office hours in each central or district county office administering public social services and in each local or regional office of the department. Cal. Welf. & Inst. Code § 10608; MPP § 17-017.

Although this publication is an attempt to provide a more complete description of the IHSS system than prior Disability Rights California publications, this guide does not cover everything about how the IHSS program works. Please feel free to call us if you have more specific questions about what is covered here or questions about other areas this guide does not cover.

These materials are based on laws in effect at the time of publication. Federal and state law affecting the IHSS system can change at any time. If there is any question about the continued validity of any information in this publication, contact Disability Rights California.

Disability Rights California will monitor the development of conforming state law and regulations, so that revised state laws and regulations can be incorporated into later supplements and editions of this publication. For further information on the development of federal and state law and regulation, or clarification, please contact Disability Rights California.

Disability Rights California encourages reproduction of this document.

DISABILITY RIGHTS CALIFORNIA (DRC), is a private, nonprofit organization that protects the legal, civil and service rights of Californians who have developmental or mental disabilities. Disability Rights California provides a variety of advocacy services, including information and referral, technical assistance, and direct representation. For information or assistance with an immediate problem, call:

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