



California's protection and advocacy system
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Fact Sheet on IHSS:
New Medical Certification Requirement

8-18-11, Publication #F059.01

Starting August 1, 2011, In-Home Supportive Services (IHSS) recipients and applicants must have a licensed health care professional provide a medical certification of their need for IHSS.

- Most *new applicants* will need to submit the medical certification before they can receive IHSS.
- Current IHSS *recipients* will need to submit the medical certification around the time of their reassessments.ⁱ

The medical certification form is called SOC 873.ⁱⁱ Your county will provide you with the form. Along with the form, you will receive a letter, in a language that you can read, explaining the requirements.ⁱⁱⁱ

1. What Information Must a Licensed Health Care Professional Provide?

A licensed health care professional must say all of the following:

- You are unable to perform some activities of daily living^{iv} independently, *AND*
- Without IHSS, you are at risk of placement in out-of-home care, *AND*
- You have a physical or mental condition or functional limitation that causes your need for IHSS.

The SOC 873 form also asks for other information.

2. Who are Licensed Health Care Professionals?

A licensed health care professional can be a “physician, physician assistant, regional center clinician or clinician supervisor, occupational therapist, physical therapist, psychiatrist, psychologist, optometrist, ophthalmologist, or public health nurse” who is licensed by the appropriate regulatory agency and is “acting within the scope of his or her license or certificate.”^v Others may also be licensed health care professionals. It is helpful to develop a relationship with a licensed health care professional.

3. Does My Health Care Professional Have to Submit Information on the SOC 873 Form?

No. The information must be provided by the health care professional, but it does not have to be provided on the SOC 873 form. It may be easier just to use the form. But for some people, the paramedical form, available on the DSS website at

<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC321.pdf>,

may include all the necessary information. Regional center Individual Program Plans and other documents may also provide the necessary information.^{vi} Please make sure that the documents that you submit have accurate information about you. You can talk to the person or organization who created the documents if they are not accurate. For example, you can talk to your regional center case manager if your IPP is not accurate.

4. How Long Can I Take to Provide the Medical Certification?

You have 45 days from the date of your assessment. You can either get the medical certification filled out yourself, or ask the county to help get it—but ultimately, you have to make sure the county gets this information.

If you are already getting IHSS, you may be able to get a good cause extension of the 45-day timeline. If you make a good faith effort to provide the medical certification but you don’t succeed due to factors beyond your control, you can receive a good cause extension. There is no good cause extension for applicants (but see question 5 for ways that applicants can get extra time).

If you don't want to wait until the reassessment, you can get the SOC 873 form, as well as the SOC 874 or 875 cover letters, on the internet at <http://www.dss.cahwnet.gov/cdssweb/PG168.htm#soc>.

5. I am Applying for IHSS. Can I Get it Without Medical Certification?

Ordinarily, new applicants cannot get IHSS until the county has the medical certification. However, there are two exceptions:

- If you are being discharged from a hospital or nursing facility, and you need IHSS in order to return home safely, then you can receive IHSS before the medical certification is provided.
- IHSS may be authorized temporarily while the county is waiting for the certification if you are at risk of out-of-home placement.^{vii}

These exceptions are important because they may make allow you to move home or stay at home rather than moving to (or staying in) a hospital or nursing facility. You should not have to wait around for paperwork to be filled out if the waiting time could force you into an institution or keep you from returning home.

6. What Should I do if I Have Good Cause for Needing Extra Time, or I Qualify for IHSS Without Providing Medical Certification, But the County Says No?

We recommend that you take the following steps:

- Talk to your county worker and explain the law. You could give them this fact sheet, which summarizes the law.
- Ask for an appeal if you get a notice of action denying or terminating your IHSS, and go to a hearing. See question 9.
- Call Disability Rights California to get more information.

7. Do I Have to Pay to Get Medical Certification?

No, we believe you should not have to pay to get medical certification. Most Medi-Cal recipients either receive Medi-Cal managed care (Medi-Cal with an HMO) or will soon transition into it. If you receive Medi-Cal managed care, then your doctor must fill out the medical certification form without charging you. They can ask Medi-Cal to pay them.^{viii} If you receive

regular (“fee for service”) Medi-Cal, then Disability Rights California believes that your doctor still must fill out the form without charging you. Some doctors or health care professionals may ask you to pay to get the form completed. Please call Disability Rights California if your doctor refuses to fill out the form, or says that you will be charged.

8. What are Some Other Tips for Getting Medical Certification?

We suggest calling your doctor or health care professional’s office to talk about your need to have the medical certification form filled out. Often what a doctor’s office does is to have a staff member fill out the form, then the doctor or licensed health care professional reviews and signs it. You may find it useful to mail the form with a cover letter that says the following:

*Enclosed is a form to be filled out and signed by the doctor **[or other health care professional]**.*

[Alternative 1, for people already receiving IHSS]** I need the form filled out and signed to continue to get In-Home Supportive services (IHSS) that helps me **[or my daughter, son, husband, wife, etc.]** stay at home safely. IHSS helps me with _____ **[list the services you receive]

or

[Alternative 2, for people applying for IHSS]** I need the form filled out and signed as part of my application for In-Home Supportive Services (IHSS) to help me stay at home safely. I am asking for IHSS help with _____ **[list the services that you need]

In the blank spaces for listing services, you should include a word or two that describes a few of the services you need—for example, changing bed sheets, laundry, cooking meals, dressing, bathing, laundry, etc.

Alternatively, some people find it useful to schedule an appointment with their health care professional to get the form filled out.

9. What Will Happen if No Medical Certification is Provided or My IHSS is Not Approved? Can I Appeal and Get a Hearing?

If the county does not receive the medical certification, you should expect to receive a notice of action saying that your application for IHSS has been denied, or your IHSS is being terminated. You will have a right to ask for an appeal so you can explain in a hearing with an administrative law judge why the county's decision was wrong. Please review the back of your Notice of Action for information about how to ask for a hearing. Also look at chapter 8 of Disability Rights California's In-Home Supportive Services Nuts and Bolts manual, which summarizes the hearing process. This manual is available at <http://www.disabilityrightsca.org/pubs/547001Index.htm>.

ⁱ This change results from a new law, SB 72, which added Welf. & Inst. Code section 12309.1. This statute addresses all the changes summarized in this document, and it is available on the Internet at <http://www.leginfo.ca.gov/calaw.html>.

ⁱⁱ The SOC 873 form is available on the California Department of Social Services forms website, at <http://www.dss.cahwnet.gov/cdssweb/PG168.htm#soc>. The California Department of Social Services has issued All-County Letter (ACL) 11-55 explaining this new requirement and attaching the medical certification form, SOC 873. This document is available on the DSS website at <http://www.dss.cahwnet.gov/lettersnotices/PG2438.htm>. However, please note that DSS will likely be issuing additional ACLs, some correcting issues with ACL 11-55. These ACLs will be available on the same website.

ⁱⁱⁱ Welf. & Inst. Code section 12309.1(d), Government Code 7395.2. The cover letters, forms SOC 874 and 875, are available at <http://www.dss.cahwnet.gov/cdssweb/PG168.htm#soc>.

^{iv} Activities of daily living include eating, bathing, dressing, using the toilet, walking, getting out of bed or a chair, housekeeping, preparing meals, shopping for food or other necessities, taking medication, etc. ACL 11-55, page 2 of SOC 873.

^v Welf. & Inst. Code section 12309.1(a).

^{vi} Welf. & Inst. Code section 12309.1(b), (c).

^{vii} Welf. & Inst. Code section 12309.1(a)(2)(A).

^{viii} Welf. & Inst. Code section 12309.1(g).