



California's protection and advocacy system  
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Fact Sheet on IHSS:  
**You Need a New Medical Certificate**

8-18-11, Publication #F059.PE

Starting August 1, 2011, if you are applying or already get In-Home Supportive Services (IHSS) you must have a medical certificate from a certified health care professional saying you need help at home.

- Most new people will need to send the medical certificate before getting IHSS.
- *If you are already getting IHSS, you will need to send in the medical certificate when you get it.<sup>i</sup>*

The medical certificate is called SOC 873.<sup>ii</sup> Your county will give you the form. You will also get a letter written in your language, explaining what is needed from you.<sup>iii</sup>

**1. What information must a licensed health care professional give you?**

A licensed health care professional must say:

- You can't do some everyday activities<sup>iv</sup> by yourself, *AND*
- If you do not have help at home, you might get sent to a place outside of your home, *AND*
- You need help at home because you have a physical or mental problem or have limits in what you can do.

The form also asks for other information.

## **2. Who is my licensed health care professional?**

A licensed health care professional can be a: doctor, doctor's assistant, regional center clinician or clinician supervisor, therapist, psychiatrist, psychologist, eye doctor, or nurse licensed by the proper agency and is "acting within the scope of his or her license or certificate."<sup>v</sup> Other people may also be licensed health care professionals. It is helpful to get to know your licensed health care professional.

## **3. Does my health care professional have to write information on the form?**

No. The health care professional has to give the information, but does not have to write it on the form. It may be easier to use the form. But for some people, another form is available on the website:

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

and may have all the information needed. Regional Center Individual Program Plans and other documents may also give the information that is needed.<sup>vi</sup> Please make sure that the documents sent have correct information. You can talk to the person or office that made the documents if they are not correct. For example, you can talk to your regional center case manager if your plan is not correct.

## **4. How long can I take to send the medical certificate?**

You have 45 days from the date you see your health care professional. You can fill out the medical certificate yourself, or ask the county to help—but in the end, you have to make sure the county gets the certificate.

If you are already getting help at home, you may be able to get more time after the 45-day period. If you try to provide the medical certificate but you can't do it because of things that you could not control, you can have more time for "good cause." People who are applying for the first time can't receive more time for "good cause" (but see question 5 for ways that people who are applying for the first time can get more time).

If you don't want to wait until your new test, you can get the form and the cover letters on the internet at <http://www.dss.cahwnet.gov/cdssweb/PG168.htm#soc>.

## **5. If I am applying, can I get IHSS without a medical certificate?**

Most of the time, people who are applying for the first time cannot get help at home until the county has the medical certificate. Unless:

- A hospital or nursing center says you're ready to go home and you need help at home to go home safely, then you can get help at home before you have your medical certificate.
- Help at home may be approved for a short time while the county is waiting for the certificate if you are at risk of having to get help at a place outside of your home.<sup>vii</sup>

These reasons are important because they may let you go to your home or stay at home rather than moving to (or staying in) a hospital or nursing home. You shouldn't have to wait for forms to be filled out if the waiting time could mean you have to go to a hospital or keep you from returning home.

## **6. What should I do if I have a good reason for needing extra time, or I qualify for help at home without providing a medical certificate, but the county says no?**

We suggest that you do these things:

- Talk to your county worker and explain the law. You could give them this fact sheet, which explains the law.
- Ask for a change on the decision (appeal) if you are told your help at home has been ended or turned down. You can also go to a hearing.
- Call Disability Rights California for more information.

## **7. Do I have to pay to get a medical certificate?**

No, we do not think you should have to pay for a medical certificate. Most people who receive medical care from the government either get Medi-Cal managed care or will change to it soon. If you get Medi-Cal managed care,

then your doctor must fill out the medical certificate form without making you pay. They can ask Medi-Cal to pay them.<sup>viii</sup> If you get regular (“fee for service”) Medi-Cal, then Disability Rights California thinks that your doctor should still fill out the form without making you pay. Some doctors or health care professionals may ask you to pay to get the form completed. Please call Disability Rights California if your doctor does not want to fill out the form, or says that you will have to pay.

## **8. What are some other tips for getting a medical certificate?**

We suggest you call your doctor or health care professional’s office to tell them you need to have the medical certificate form filled out. Often someone at the doctor’s office will fill out the form, and then the doctor or licensed health care professional will read and sign it. It may help to send the form with a letter saying:

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

***[Choice 1, for people already getting help at home]** 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 \_\_\_\_\_ **[write the services you receive]***

*or*

***[Choice 2, for people applying for help at home]** 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 \_\_\_\_\_ **[write the services that you need]***

In the spaces, you should write a word or two about some of the things you need help with —like, changing bed sheets, laundry, cooking, getting dressed, baths.

You could also meet with your health care professional to get the form filled out.

## 9. What Will Happen if No Medical Certificate is Given or My IHSS is Not Approved? Can I ask for a review on the decision and get a hearing?

If the county does not get the medical certificate, you should get a letter (Notice of Action) saying that your request for help at home has been denied, or that your help at home will be stopped. You can ask for a review on the decision so you can explain in a hearing with a Judge why the county's decision was wrong. Please read the back of your letter to find out 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 explains how hearings work. You can get this manual at <http://www.disabilityrightsca.org/pubs/547001Index.htm>.

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<sup>i</sup> This change happened because of a new law, which added Welf. & Inst. Code section 12309.1. This law talks about all the changes in this document, and it is on the Internet at <http://www.leginfo.ca.gov/calaw.html>.

<sup>ii</sup> The SOC 873 form is available on the California Government website, at <http://www.dss.cahwnet.gov/cdssweb/PG168.htm#soc>. The State of California has provided a letter explaining this new rule and the medical certificate form, SOC 873. This is available at <http://www.dss.cahwnet.gov/lettersnotices/PG2438.htm>. Please note that the State will probably be writing more letters and some will fix problems with Letter 11-55. These letters will be on the same website.

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

<sup>iv</sup> Day to day activities include eating, baths, getting dressed, using the toilet, walking, getting out of bed or a chair, house work, cooking, shopping for food or other things you need, like taking medicine. ACL 11-55, page 2 of SOC 873.

<sup>v</sup> Welf. & Inst. Code section 12309.1(a).

<sup>vi</sup> Welf. & Inst. Code section 12309.1(b), (c).

<sup>vii</sup> Welf. & Inst. Code section 12309.1(a)(2)(A).

<sup>viii</sup> Welf. & Inst. Code section 12309.1(g).