June 28, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-40-19

A previously released All County Letter provided counties with instructions for implementing the dispute process for In-Home Supportive Services workweek and travel time violations and established the State Administrative Review (SAR) process. A previously released All County Information Notice transmitted a revised SAR form (SOC 2273) and notices to providers and recipients regarding the outcome of the County Dispute review (SOC 2282 and SOC 2283). This notice is to provide clarification to counties regarding their responsibility to properly notify providers and recipients of the county’s decision to uphold third or fourth violations for exceeding workweek and/or travel time limits and provide the SAR form.
June 28, 2019

ALL COUNTY INFORMATION NOTICE NO. I-40-19

TO: ALL COUNTY WELFARE DIRECTORS
    ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: CLARIFICATION OF COUNTY RESPONSIBILITIES RELATED TO THE THIRD AND FOURTH VIOLATION UPHOLD NOTICES TO PROVIDERS AND recipiENTS AND THE IN-HOME SUPPORTIVE SERVICES STATE ADMINISTRATIVE REVIEW REQUEST FORM

REFERENCE: ALL COUNTY LETTER 16-46; ALL COUNTY INFORMATION NOTICE I-92-18; SENATE BILL 855 and SENATE BILL 873

The purpose of this All County Information Notice (ACIN) is to provide clarification to counties regarding their responsibility to properly notify In-Home Supportive Services (IHSS) providers and recipients of the county’s decision to uphold third or fourth violations for exceeding workweek and/or travel time limits, following the completion of the county’s review of the County Dispute filed by the IHSS provider and to provide the State Administrative Review (SAR) form.

BACKGROUND

On May 16, 2016, All County Letter (ACL) 16-46 was released to provide counties with information and policies for implementing the provisions of Senate Bill (SB) 855 and SB 873 that established limits on the number of authorized hours that providers in the IHSS and Waiver Personal Care Services programs are permitted to work in a workweek and travel time compensation policies. The ACL 16-46 established instructions for implementing the County Dispute process for workweek and travel time violations, and established the SAR process. Additionally, county notices were introduced to ensure
IHSS providers and recipients were properly informed of the outcome of the County Dispute review. On January 2, 2019, ACIN I-92-18 was released to notify counties about revisions to the SAR form, In-Home Supportive Services Program Request for State Administrative Review of Third or Fourth Violation for Exceeding Workweek and/or Travel Time Limits form (SOC 2273), and the 3rd and 4th Violation Uphold Notices for the provider, In-Home Supportive Services Program Notice to Provider Upholding Third or Fourth Violation for Exceeding Workweek and/or Travel Time Limits (SOC 2282), and the recipient, In-Home Supportive Services Program Notice to Recipient Upholding Provider’s Third or Fourth Violation for Exceeding Workweek and/or Travel Time Limits (SOC 2283).

COUNTY RESPONSIBILITIES
As a result of changes to these notices and the SAR form, they are no longer system generated in the Case Management, Information and Payrolling System (CMIPS). Instead, counties are required to retrieve these from the California Department of Social Services (CDSS) forms website, manually or electronically complete the required information, print, and mail these notices and the SAR form timely to the provider and recipient following the County Dispute process when upholding the provider’s violation. Counties must also document in CMIPS when this action has been completed.

Disabling of these notices and the SAR form in CMIPS did not result in any changes to any other functions, processes or policies that the counties are required to follow for the County Dispute process or the SAR process overseen by CDSS. The County Dispute process and the SAR process as outlined in ACL 16-46 are still in place.

Additionally, counties should discard any old printed versions of these notices and the SAR form maintained in their offices and replace them with the current versions.

CAMERA-READY COPIES AND TRANSLATIONS OF FORMS

Camera-ready copies of the English language versions of the notices and form referenced in this ACIN are available on the CDSS Forms-Brochures web page. These notices and the form have been translated into the three threshold languages, Armenian, Chinese and Spanish, and they are currently available on the Translated Forms and Publications web page.

The designated Forms Coordinator for your county must distribute translated forms to each program and location. Each county shall provide bilingual/interpretive services and written translations to non-English or limited-English proficient populations, as required by the Dymally-Alatorre Bilingual Services Act (California Government Code Section 7290 et seq.) and by state regulation (CDSS Manual of Policies and Procedures Division 21, Civil Rights Nondiscrimination, Section 115).
Questions about accessing the forms may be directed to the Forms Management Unit at fmudss@dss.ca.gov. Questions about translations may be directed to the Language Services Unit at LTS@dss.ca.gov.

Questions regarding the content of this ACIN may be directed to the Appeals, Administrative Review and Reimbursement Bureau, Adult Programs Division at (916) 651-3488.

Sincerely,

*Original Document Signed By:*

DEBBI THOMSON
Deputy Director
Adult Programs Division