

March 16, 2018

ALL COUNTY LETTER (ACL) NO. 18-30

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

SUBJECT: **IMPLEMENTATION OF ASSEMBLY BILL (AB) 1021 REQUIRING  
COUNTIES TO ACCEPT IN-HOME SUPPORTIVE SERVICES  
(IHSS) APPLICATIONS BY TELEPHONE, FACSIMILE, IN  
PERSON, OR IF THE COUNTY IS CAPABLE, THROUGH  
ONLINE SUBMISSION**

REFERENCE: [ASSEMBLY BILL \(AB\) 1021](#); [WELFARE & INSTITUTIONS CODE  
\(WIC\) SECTION 12301.17](#); [WIC 11050](#); [MANUAL OF POLICIES  
AND PROCEDURES \(MPP\) SECTION 30-009.22 et seq.](#), [MPP 30-  
759.2](#); [All County Letter \(ACL\) No. 12-36](#); [ACL No. 17-18](#)

This All County Letter (ACL) provides counties with information for implementing the provisions of AB 1021, which was enacted on July 31, 2017 and added Section 12301.17 to the California Welfare & Institutions Code (WIC), requiring that counties accept In-Home Supportive Services (IHSS) applications by telephone, through facsimile (fax), or in-person; and if the county is capable, it shall also accept applications online, by e-mail, or other electronic means.

## **BACKGROUND**

The requirements regarding how an individual applies for the IHSS program is set forth in WIC Section 11050. Related regulations in the California Department of Social Services' Manual of Policies and Procedures (MPP), specifically Sections 30-009.22 *et seq.*, and 30-759.2, further specify the application requirements of IHSS applicants as well as county responsibilities in assisting with the application process and processing applications. These existing regulations are consistent with the requirements of newly

### **REASON FOR THIS TRANSMITTAL**

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

enacted WIC Section 12301.17. Pursuant to MPP Section 30-009.221, “[a]ny person shall have the right to apply for services or to make an application through another person on his behalf.” Once an individual or their authorized representative indicates that they wish to apply for IHSS, an application shall be taken immediately (MPP Section 30-009.222). Existing regulations require the submission of written applications, and does not preclude acceptance by mail, fax, in-person or through electronic means. As specified in MPP Section 30-009.223, “The application shall be in writing on a form prescribed or approved by the Department, dated and signed, and shall include all information necessary to establish eligibility.” Additionally, MPP Section 30-009.224, specifies that “[i]f the request for services is received by telephone or letter, a social service staff member, with the express authorization of the applicant, may sign the application. However, such an application does not meet the requirements of 30-009.23 for establishing eligibility. Eligibility information must be verified or the applicant must sign the application statement during a face-to-face contact.”

### **COUNTY RESPONSIBILITY**

Counties shall establish appropriate processes and procedures necessary to meet the requirements of WIC Section 12301.17. Specifically, counties must facilitate acceptance of applications by telephone, through fax, or in-person; or, if the county is capable of accepting online applications, or applications via e-mail, by e-mail or other electronic means. Additionally, counties shall continue to assist IHSS applicants and facilitate application submission processes, which includes informing applicants of the various means for submitting applications.

For in-person application submissions, counties should establish a secure IHSS application drop-off box. If a county currently offers lobby services that allow for face-to-face application submittal, they may continue to do so in lieu of an IHSS application drop-off box. For applications being submitted through fax, counties shall designate staff to receive fax submissions daily to ensure the protected date of eligibility is honored, in accordance with ACL No. 12-36. Counties are not mandated to create an online application submission portal; however, when accepting applications through designated IHSS county e-mail inboxes, counties must establish the appropriate procedures to prevent unreasonable delay in processing applications sent to the designated e-mail inbox. The protected date of eligibility for applications submitted through e-mail shall be the date the e-mail was received in the inbox.

The CDSS provided policy direction through ACL No. 12-36 and 17-18, which addressed the application and referral processes, including processing telephone applications. ACL No. 12-36 mandates that the date services are requested, either by telephone or through submission of the Application for Social Services (SOC 295) form, whichever is earlier, shall be the applicant’s protected date of eligibility. Submission of the SOC 295 may be conducted by fax, e-mail or in-person. Furthermore, counties are required to provide IHSS program applicants with a confirmation number upon receipt of an application for IHSS. Once the application is entered in the Case Management Information and Payrolling System II (CMIPS II), and the system generates the seven-

digit case number (confirmation number) that is assigned to the applicant, counties are required to provide the IHSS program applicants with the confirmation number either orally before the end of the telephone call during which the application is taken, or in writing once the application is entered into CMIPS II. Counties must communicate the confirmation number timely, regardless of the means by which an application was appropriately submitted.

Questions and/or requests for clarification on the information transmitted in this ACL may be directed to the Adult Programs Division, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

***Original Document Signed By:***

DEBBI THOMSON  
Deputy Director  
Adult Programs Division