

May 4, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-50

This All-County Letter (ACL) provides information to counties regarding the temporary change in requirements and procedures relating to criminal background checks as part of the In-Home Supportive Services (IHSS) provider enrollment process due to the COVID-19 (also known as coronavirus) pandemic.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

May 4, 2020

ALL COUNTY LETTER NO. 20-50

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

SUBJECT: **TEMPORARY CHANGE IN REQUIREMENTS AND
PROCEDURES RELATING TO CRIMINAL BACKGROUND
CHECKS FOR IHSS APPLICANT PROVIDERS**

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTIONS (WIC);
[WIC SECTION 12305.81](#), [WIC SECTION 12305.86](#),
[WIC SECTION 12305.87](#), [WIC SECTION 14132.95](#),
[WIC SECTION 14132.952](#), AND [WIC SECTION 14132.956](#);
ALL- COUNTY LETTERS [09-70](#) and [20-32](#); MANUAL OF
POLICIES AND PROCEDURES SECTIONS [\(MPP\) 30-776.4](#),
[MPP 30-776.5](#), [MPP 30-776.7](#), and [MPP 30-778](#); EXECUTIVE
ORDERS [N-47-20](#) and [N-52-20](#).

This All-County Letter (ACL) provides information to counties regarding the temporary change in requirements and procedures relating to criminal background checks as part of the In-Home Supportive Services (IHSS) provider enrollment process due to the COVID-19 (also known as coronavirus) pandemic.

BACKGROUND

Pursuant to Welfare and Institutions Code (WIC) section 12305.86 and Manual of Policies and Procedures (MPP) Section 30-776.44 et seq., as part of the IHSS provider enrollment process, all applicant providers are required to submit fingerprints to the California Department of Justice (DOJ) for purposes of obtaining a criminal background check. The background check is necessary to determine if the applicant provider has been convicted of a crime set forth in WIC section 12305.81 or 12305.87(b) which would make the individual ineligible to be paid as an IHSS provider.

On March 4, 2020, Governor Gavin Newsom proclaimed a [State of Emergency](#) in the State of California in response to the global COVID-19 outbreak and the increase in the number of positive cases throughout the State. Further, on April 16, 2020, Governor Newsom signed [Executive Order N-52-20](#) which provided

for temporary changes to certain State-mandated requirements, including the suspension of fingerprinting requirements for criminal background checks of individuals attempting to enroll as IHSS providers.

All of the guidelines and policies set forth in this ACL regarding applicant provider background checks are effective immediately upon release of this ACL and continue in force until June 15, 2020. If it becomes necessary to extend these guidelines and policies beyond that date, or if there is any change in any of the policies set forth in this ACL, the CDSS will communicate any such changes to the counties and the public as quickly as possible through a future ACL or All-County Information Notice.

TEMPORARY CHANGE TO CRIMINAL BACKGROUND CHECK PROCESS

In administering the IHSS program, CDSS is temporarily suspending the provider enrollment requirement that applicant providers be fingerprinted as a part of the criminal background check performed by the DOJ if applicant providers are unable to be fingerprinted because of the closures of live scan facilities. If applicant providers are unable to be fingerprinted, they may temporarily complete the background check requirement by requesting a DOJ name-based criminal background check. Additionally, as stated in ACL 20-32, the requirement that applicant providers complete and submit the IHSS Program Provider Enrollment Form (SOC 426) is still in effect.

Once an applicant provider has submitted the SOC 426, the county must inform him/her about the regular criminal background check requirements and related information as set forth in MPP section 30-776.53. Applicant providers must then attempt to complete the process of submitting fingerprints to the DOJ. Counties and applicant providers should check the DOJ website for an up-to-date list of open [Live Scan locations](#) in the city or surrounding community.

If a Live Scan facility is not available to the applicant provider, the county should provide the applicant provider with the COVID-19 Request for Department of Justice Name Check ([BCIA 9010-COVID-19](#)) form. Once the applicant provider has completed the Applicant Information portion and signed the form, he/she should return it to the county IHSS office or public authority, and present appropriate photo identification from a State or federal government agency as described in MPP section 30-776.414(a)(1).

County staff will then verify the applicant provider's identity and attest that no Live Scan services are available by completing and signing the Authorized Applicant Agency portion of the form. Once both the applicant provider and the county have completed their sections of the form, the county must submit the form to the DOJ, Bureau of Criminal Information and Analysis at the address indicated on the bottom of the form.

Notwithstanding the DOJ name-based criminal background check, in order to continue to be an IHSS provider after June 15, 2020, all providers enrolled pursuant to a name-based background check must complete the regular criminal background check requirements by June 15, 2020. This includes the county's receipt of Criminal Offender Record Information (CORI) based on fingerprints by June 15, 2020. County staff must inform applicant providers of this requirement and timeline at the time they submit the COVID-19 Request for Department of Justice Name Check ([BCIA 9010-COVID-19](#)) form to the county.

COUNTY RESPONSIBILITIES

Once the CORI based on the name check has been received by the county, the county shall follow the standard procedures for determining the applicant provider's eligibility or ineligibility to be paid as an IHSS provider as set forth in MPP section 30-776.58. If the county determines the applicant provider is ineligible to enroll as a provider due to a Tier 1 or Tier 2 conviction listed on the CORI, the county should continue to follow the procedures set forth in MPP section 30-776.63. Recipients may still sign individual waivers for applicant providers with Tier 2 disqualifying convictions as set forth in MPP section 30-776.7 to allow the applicant provider to enroll as their provider. Additionally, applicant providers with Tier 2 disqualifying convictions may still request a general exception as set forth in MPP section 30-778 et seq.

REQUEST TO HIRE PROVIDER WITH DEPARTMENT OF JUSTICE CRIMINAL BACKGROUND CHECK VIA NAME ONLY (TEMP 3019)

During this period, IHSS recipients must acknowledge that they have chosen to hire an individual as their provider who has not undergone fingerprinting by the DOJ. This is accomplished by having the recipient sign a Request to Hire Provider with Department of Justice Criminal Background Check via Name Only ([TEMP 3019](#)) form. The recipient may complete the required supplemental form and provide it to the county at the time that he/she completes the IHSS Recipient Designation of Provider (SOC 426A) form. In order to expedite the process to allow services to be provided to the recipient as soon as possible, prior to receipt of the forms, counties may choose to contact the recipient by telephone to validate the hiring of the provider and obtain verbal acknowledgement from the

recipient that he/she is aware the applicant provider has not been fingerprinted by the DOJ. The county worker should then annotate the case record in CMIPS accordingly.

INFORMATION REGARDING TEMPORARY CHANGES TO PROVIDER ENROLLMENT PROCESS DUE TO THE COVID-19 PANDEMIC (TEMP 3020)

To supplement the existing notices that counties use to inform IHSS applicant providers and IHSS recipients of the eligibility/ineligibility of an IHSS applicant provider, CDSS developed a temporary cover letter, Information Regarding Temporary Changes to Provider Enrollment Process Due to COVID-19 Pandemic ([TEMP 3020](#)), to be enclosed with the notices. This cover letter explains the changes to the provider enrollment process due to the COVID-19 pandemic and the regular fingerprinting background check requirements must be fulfilled by June 15, 2020 to continue to be an enrolled IHSS provider after June 15, 2020.

PROVIDER ENROLLMENT PROCESS IN CMIPS

To track providers who have not completed all the regular provider enrollment requirements, county staff must use the "County Use" fields on the *Provider Details* screen. As counties work with providers to complete the regular provider enrollment requirements, it is imperative that the information in the "County Use" fields be deleted after each provider enrollment requirement is completed to ensure providers are not made ineligible erroneously.

Provider Background Checks

Counties must enter "Need Fingerprints" in the "County Use 4" field for those providers who have only received a name-based background check through DOJ. As discussed above, the deferral of the fingerprinting requirement is only valid until June 15, 2020, unless extended by the Department. All IHSS providers that have not completed the fingerprinting printing background check process by June 15, 2020, including the county's receipt of the CORI, will no longer be eligible to be paid as an IHSS provider until such time as the requirement is completed.

On June 15, 2020, the CMIPS vendor will run a batch job to update the "Eligible" field to "No" and change the flag to "No" on the "DOJ Background Check" field on the *Provider Details* screen, depending on what is entered in the "County Use 4" field.

Provider Orientation

Notwithstanding the requirement that providers complete the regular background check requirements by June 15, 2020, the deferral period for the orientation and completion of the SOC 846 still ends on June 30, 2020, as specified in ACL 20-32. Counties must enter the words "SOC 846/Orientation" in the "County Use 3" field to identify a provider that has not completed the SOC 846 and/or the Provider Orientation.

Providers will have until September 30, 2020 to complete the orientation and SOC 846 requirements. On September 30, 2020 the CMIPS vendor will run a batch job to update the "Eligible" field to "No" and change the flag to "No" on the "Orientation, SOC 846" field on the *Provider Details* screen, depending on what is entered in the "County Use 3" field. Counties can utilize their data downloads to identify providers that require outreach for completion of any of these deferred requirements.

CAMERA READY COPIES AND TRANSLATIONS

For camera-ready copies in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain these notices from the CDSS webpage at: [Forms/Brochures](#).

When completed per MPP Section 21-115.2, including Armenian, Chinese and Spanish forms and notices, the translations will be posted on our website. Copies of the translated forms and notices can be obtained at: [Translated Forms and Publications](#).

For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the notice along with the *GEN 1365-Notice of Language Services* and a local contact.

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If you have any questions regarding the policy and requirements set forth in this ACL, you may direct them to the CDSS, Adult Programs Division, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division

Links:

[TEMP 3019 \(5/20\)](#) - In-Home Supportive Services Program Request To Hire Provider With Department Of Justice Criminal Background Check Via Name Only

[TEMP 3020 \(5/20\)](#) - Information Regarding Temporary Changes To The In-Home Supportive Services Provider Enrollment Process Due To The COVID-19 Pandemic