

June 8, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-68

The purpose of this All County Letter (ACL) is to remind counties of the mandatory termination process for In-Home Supportive Services (IHSS) recipients who are enrolled and receiving benefits in the Program of All-Inclusive Care for the Elderly (PACE).



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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

June 8, 2021

ALL COUNTY LETTER NO. 21-68

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

SUBJECT: INSTRUCTIONS FOR MANDATORY TERMINATION OF IN-HOME
SUPPORTIVE SERVICES FOR MEDI-CAL BENEFICIARIES
ENROLLED IN THE PROGRAM OF ALL-INCLUSIVE CARE FOR
THE ELDERLY

REFERENCE: [ALL-COUNTY LETTER 17-20](#); [ALL-COUNTY LETTER 18-10](#);
[42 Code of Federal Regulations \(CFR\) § 460.90](#);
[42 CFR § 460.154](#)

The purpose of this All County Letter (ACL) is to remind counties of the **mandatory** termination process for In-Home Supportive Services (IHSS) recipients who are enrolled in a Program of All-Inclusive Care for the Elderly (PACE) plan.

Federal and State laws require that when Medi-Cal beneficiaries enroll in a PACE plan, those beneficiaries must receive all Medi-Cal benefits through that PACE plan (42 Code of Federal Regulations (CFR) § 460.90 and § 460.154). If beneficiaries enroll in a PACE plan, they are no longer eligible to receive IHSS, and must either request termination of their IHSS or will be terminated from IHSS by the county.

In an effort to prevent cases where PACE plan enrollees continue receiving IHSS services, in violation of the law, IHSS county staff must follow the procedures described in this ACL to terminate the IHSS services for PACE plan enrollees.

BACKGROUND

The PACE model of care provides a comprehensive medical/social service delivery system using an interdisciplinary team approach that provides and coordinates all needed preventive, primary, acute, and long-term care services. Individualized PACE services are provided exclusively through the PACE program (except in the case of an

emergency) by PACE staff and contracted providers to help PACE recipients live in the community for as long as medically possible. There are no limits on the amount or duration of services and services are available 24 hours a day, seven days a week.

The PACE plan service areas are zip code specific and approved by the Department of Health Care Services (DHCS).

MANDATORY IHSS TERMINATION FOR PACE PLAN ENROLLEES

The following process was previously established in ACL 17-20 to prevent PACE plan enrollees from receiving duplicative services and resulting in overpayments through the PACE plan. However, it has been determined that not all PACE plan enrollees are being terminated from receiving IHSS. **This letter is to remind Counties that they must terminate from IHSS any participants who are enrolled in a PACE plan.**

When a PACE plan screens potential PACE enrollees, enrollees are asked if they are receiving IHSS. If the answer is yes, then the potential enrollees are informed that if they enroll in the PACE plan, their IHSS benefits will be terminated. By signing the PACE Enrollment Agreement, enrollees agree to termination of their IHSS. Once enrolled in a PACE plan, enrollees receive all personal care services exclusively through the PACE plan.

Each month, DHCS provides PACE plans with a report identifying those PACE plan enrollees who also receive IHSS. That report triggers the following mandatory process:

1. The PACE plan must send to their county IHSS point of contact a monthly active PACE plan enrollment list and notification requesting that the county terminate the specified PACE plan enrollees from IHSS.
2. When the county IHSS point of contact receives that request, the county must then terminate IHSS and issue adequate and timely [pursuant to Manual of Policies and Procedures (MPP) 22-071 and 22-072] Notices of Action (NOA) to notify the identified IHSS recipients of termination of IHSS based on enrollment in a PACE plan. Timely notice means at least 10 days before the effective date of action [MPP 22-001(t)(1)]. Social workers must use the freeform text FF01 NOA to terminate IHSS recipients who are enrolled in PACE. These FF01 NOAs should include the reason for IHSS termination. Counties may use the following message for IHSS termination:
 - You are not eligible for IHSS because you are enrolled and receiving services in a Program of All-Inclusive Care for the Elderly (PACE) plan. You cannot be enrolled in both IHSS and a PACE plan at the same time. You do not need any IHSS to safely stay in your home. (MPP 30-761)

County social workers are reminded that they must document all action(s) taken, including the reason for terminating IHSS, in the Case Management Information and Payrolling System (CMIPS) case notes.

3. Within 10 business days of receipt of the PACE plan notification, the county IHSS staff must provide the PACE plan with confirmation of the recipient's termination of IHSS. The county may choose to provide the PACE plan with a letter listing the recipients who have been terminated from IHSS and the date of their termination.

This mandatory termination of IHSS for PACE plan enrollees will prevent violation of federal and state laws that require PACE plan enrollees to receive all Medi-Cal benefits exclusively through the PACE plan. As stated above, PACE Organizations are required to timely notify the counties that an IHSS recipient has enrolled into PACE. Once the IHSS office terminates enrollment, no further follow-up action is required from the counties. DHCS has the authority to request for overpayment from PACE Organizations if timely notification is not provided.

Information regarding the PACE program and contact information to the various PACE plans within the state can be found on the CalPACE website: <http://www.calpace.org/>.

If you have any questions or need additional guidance regarding the information in this letter, please email the PACE inbox at PACE@dhcs.ca.gov.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division