

November 22, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-97

This All-County Letter (ACL) provides information to counties on the extension of the provision of State Supplemental Paid Sick Leave (SPSL) for providers of In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) who are impacted by the COVID-19 pandemic. This ACL further provides information to counties on the extension of the provision allowing IHSS providers to claim a Medical Accompaniment special transaction for those recipients who need to obtain a COVID-19 vaccination or booster shot.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

November 22, 2022

ALL COUNTY LETTER NO. 22-97

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

SUBJECT: EXTENSION OF PROVISION OF STATE SUPPLEMENTAL PAID
SICK LEAVE FOR IN-HOME SUPPORTIVE SERVICES AND
WAIVER PERSONAL CARE SERVICES PROVIDERS AND
EXTENSION OF MEDICAL ACCOMPANIMENT SPECIAL
TRANSACTION FOR COVID-19 VACCINATION/BOOSTERS

REFERENCE: [ALL-COUNTY LETTER \(ACL\) 22-18](#) (MARCH 9, 2022) AND [ACL 22-25](#) (MARCH 18, 2022); [LABOR CODE SECTION 246\(a\)\(2\) and 248.7](#); [ASSEMBLY BILL 152](#) (CHAPTER 736, STATUTES OF 2022)

This All-County Letter (ACL) provides information to counties on the extension of the provision of State Supplemental Paid Sick Leave (SPSL) for providers of In-Home Supportive Services (IHSS) and Waiver Personal Care Services (WPCS) who are impacted by the COVID-19 pandemic. This ACL further provides information to counties on the extension of the provision allowing IHSS providers to claim a Medical Accompaniment special transaction for those recipients who need to obtain a COVID-19 vaccination or booster shot.

SUPPLEMENTAL STATE PAID SICK LEAVE PROVISIONS

On February 9, 2022, in response to the continued state health crisis related to the COVID-19 pandemic, Governor Gavin Newsom signed [Senate Bill \(SB\) 114](#) into law, which added Labor Code (LC) section 248.7 to provide IHSS and WPCS providers who are impacted by the COVID-19 pandemic with up to 40 hours of SPSL if the requested sick leave involves specified circumstances related to COVID-19. Further, IHSS and WPCS providers could receive up to an additional 40 hours of SPSL if the provider or a family member for whom they are providing care tests positive for COVID-19 via a diagnostic test. The SB 114 applied retroactively back to January 1, 2022, and was set to expire on September 30, 2022. The instructions to counties on the implementation of the SPSL was communicated through the issuance of [ACL 22-18](#) (March 9, 2022).

On September 29, 2022, Governor Newsom signed into law [Assembly Bill 152](#) which amended LC section 248.7(e) to extend the provision of the SPSL granted through LC section 248.7 until December 31, 2022.

All provisions related to the use of SPSL by IHSS and WPCS providers, including allowable reasons, number of allowable hours usable for SPSL, and county responsibilities set forth in [ACL 22-18](#) continue to remain in effect for the extended duration of the SPSL.

As stated in [ACL 22-18](#), the SPSL will not have any impact on the 24 hours of annual paid sick leave IHSS providers currently receive pursuant to LC section 246(a)(2). As provided in LC section 248.7(b)(4), a provider is not required to use any other paid or unpaid leave (including paid sick leave provided under LC section 246(a)(2)) prior to or in lieu of the provider using SPSL. Further, as stated in LC section 248.7(c), if the provider is provided COVID-19 related paid sick leave for any of the same reasons set forth in LC section 248.7(b)(1) from any federal or local law that becomes effective on or after January 1, 2022, the amount of that paid sick leave benefit “may be counted towards the total number of COVID-19 supplemental paid sick leave to which the provider is entitled under” the SPSL granted pursuant to LC section 248.7(b)(2).

MEDICAL ACCOMPANIMENT FOR COVID-19 VACCINATIONS/BOOSTERS

As part of the changes made to the State of California’s COVID-19 vaccination plan, additional statewide directed measures became necessary to protect particularly vulnerable populations to ensure that there is a sufficient, consistent supply of workers in high-risk care settings. These measures were designed to improve vaccination rates and ensure that both the individuals being served and the workers providing those services are fully protected from COVID-19 infection.

As stated in [ACL 22-25](#) (March 18, 2022), all IHSS recipients who need assistance from their providers in obtaining a COVID-19 vaccination or booster and currently have authorized time for Medical Accompaniment can use those service hours for that purpose. For recipients who are not authorized time for Medical Accompaniment to medical appointments but require this IHSS service to obtain a vaccine or booster or who may need additional authorized hours for this purpose, the CDSS reinstated the COVID-19 Medical Accompaniment special transaction to allow payment to be made to providers for up to two hours per vaccine appointment, including the first vaccine shot, the second vaccine shot, and the vaccine booster shot, per recipient, for a total of six hours. The COVID-19 Medical Accompaniment special transaction applied retroactively back to January 1, 2022, and has been extended from June 30, 2022, to December 31, 2022.

To request this payment, providers are to complete the COVID-19 Medical Accompaniment Claim Form and have the recipient sign the Claim Form. The provider submits the Claim Form to the county IHSS office. Note: under this process, the state statutory maximum number of hours of 195 or 283 per month still applies. Any hours

claimed through this process that would increase the recipient's hours above the applicable statutory maximum will not be eligible for payment.

REVISION OF TEMP 3021

The CDSS has revised the California COVID-19 Supplemental Paid Sick Leave Request Form for IHSS/WPCS Providers (TEMP 3021) to reflect the extended expiration date of the SPSL to December 31, 2022.

If a provider submits a request on a TEMP 3021 form with a revision date of 4/21 or 2/22 that does not include the updated information on the eligibility dates, that form can still be accepted by the county. If such a form is received, the county IHSS staff shall accept the form and contact the provider to obtain additional information, if needed, to accurately process the form. It is not necessary for the county to request the provider submit an updated form. Any additional information collected by the county to process the claim should be annotated on the form and initialed by the county IHSS staff person.

Questions or requests for clarification regarding the information in this ACL should be directed to the Adult Programs Division, Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By:

LEORA FILOSENA, P.M.P.
Deputy Director
Adult Programs Division