

June 6, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-38

This All County Letter serves to notify counties of their responsibilities in monitoring In-Home Supportive Services Advance Pay recipients' reconciliation of timesheets when a provider is deceased or their whereabouts are unknown and in determining if an overpayment has occurred.



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

June 6, 2024

ALL COUNTY LETTER (ACL) NO. 24-38

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

SUBJECT: MONITORING OF IN-HOME SUPPORTIVE SERVICES ADVANCE
PAY RECIPIENT RECONCILIATION OF TIMESHEETS WHEN A
PROVIDER IS DECEASED OR WHEREABOUTS UNKNOWN
AND DETERMINATION OF OVERPAYMENTS

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) §12300\(a\),
WIC §12304\(b\), WIC §12304\(d\), WIC §12305.8; MANUAL OF
POLICIES AND PROCEDURES \(MPP\) §30-767.133,
MPP 30-769.737, MPP 30-768.213, MPP 30-768.3,
MPP 30-769.737; ALL COUNTY INFORMATION NOTICE
NO. I-27-19, DATED MAY 7, 2019](#)

The purpose of this All County Letter (ACL) is to inform counties of their responsibility to determine if an overpayment has occurred when the provider of an In-Home Supportive Services (IHSS) recipient with Advance Pay is deceased or their whereabouts are unknown before timesheets have been reconciled and to provide guidance on completing the necessary processes for making such a determination.

BACKGROUND

The Advance Pay Option allows recipients to receive an advanced payment for their monthly authorized IHSS services and pay their provider(s) directly for the provision of their authorized services. [\(WIC §12304\(a\)\)](#). Advance Pay is available only to Severely Impaired IHSS recipients, as defined by [WIC §12303.4\(b\)](#) and [WIC §12304\(d\)](#) in the IHSS Residual (IHSS-R), IHSS Plus Option (IPO), and Community First Choice Option (CFCO) programs.

In accordance with [MPP §30-769.737](#), recipients receiving Advance Pay are responsible for submitting reconciling timesheets at the end of each month. When a recipient fails to submit reconciling timesheets within 45 days of the issuance date of the advance payment, there is a rebuttable presumption that the unreconciled amount is an overpayment. ([MPP §30-768.213.](#)) Because this presumption is rebuttable, counties

should attempt to assist recipients with any identified reconciliation challenges. However, if these attempts are unsuccessful, counties may establish an overpayment and collect any unreconciled amount per [MPP §30-768.3](#).

The [WIC §12305.8\(b\)](#) defines “overpayment” as “the amount paid by the Department or the State Department of Health Services to a provider or recipient, which is in excess of the amount for services authorized or furnished pursuant to this article.”

RECIPIENT RESPONSIBILITIES IN RECONCILING ADVANCE PAY TIMESHEETS

Advance Pay recipients or their legal guardian or conservator are responsible for ensuring that reconciling timesheets are submitted to the county timely per [MPP §30-769.737](#). Recipients enrolled in the Advance Pay option *must* ensure reconciling timesheets are submitted within 45 days from the issuance date of advance payment.

Failure to submit timesheets within 90 days from date of payment allows counties to change a recipients’ payment method from Advance Pay to payment in arrears. ([MPP §30-767.133](#).) Please note: If a recipient is deceased, the county may consider the Advance Pay amount reconciled.

COUNTY RESPONSIBILITIES

Unreconciled Timesheets Due to Provider Death or Whereabouts Unknown

Recipients enrolled in the Advance Pay option must ensure reconciling timesheets are submitted within 45 days from the issuance date of Advance Payment. If the payment remains unreconciled after 45 days from the date of payment issuance, the county should research and evaluate each situation and contact the recipient to determine why the timesheet(s) has not been reconciled.

When an Advance Pay timesheet(s) has not been reconciled due to provider death or unknown whereabouts, the county may consider the provider’s last timesheet as reconciled when the following requirements are met:

- The non-spouse provider is deceased or their whereabouts are unknown *within* 45 days from the last Advance Pay warrant issuance, but before the timesheet(s) in question was signed and submitted; AND
- *Prior* to the 45-day period from the last Advance Pay warrant issuance closing, the recipient signs the timesheet(s) and writes “Deceased” or “Provider Whereabouts Unknown” in place of the provider’s signature.
- Note that if a recipient is the spouse of the deceased provider, the recipient may legally sign the provider’s timesheet on their behalf (again, within the 45-day period from the last Advance Pay warrant issuance), and the county may consider the deceased provider’s last timesheet as reconciled.

Overpayment Determination and Recovery

Recipients receiving Advance Pay may not use their payment for anything other than the purchase of authorized IHSS service hours, must pay their provider(s) timely, and must ensure reconciling timesheets are submitted within 45 days from the date each monthly IHSS advance payment is issued. ([MPP §30-769.737](#))

When a recipient fails to submit reconciling timesheets within 45 days of the issuance date of the advance payment, there is a rebuttable presumption that the unreconciled amount is an overpayment. ([MPP §30-768.213](#)) Counties should determine what part (if any) of the amount of Advance Pay is an overpayment due to failure to reconcile timesheets. If any portion of Advance Pay amounts were *not used* for purchase of IHSS service hours, those amounts *must* be considered an unreconciled overpayment, and the county shall initiate overpayment recovery.

In cases where counties determine that Advance Pay timesheet amounts were unreconciled, but payment was used for the purchase of IHSS services, such amounts should not be considered an overpayment, and the county can consider the timesheets reconciled. To reconcile, counties must print out the timesheets and recipients must write either “Provider Deceased” or “Provider Whereabouts Unknown” on each applicable timesheet and submit the timesheets to the Timesheet Processing Facility to be processed. Counties should also make good faith attempts to assist recipients in determining that a provider’s whereabouts is unknown. For example, ensuring that recipients and counties attempt contact with the provider via their last known telephone number, email, and street address.

Counties should evaluate evidence on a case-by-case basis to determine potential advance payment overpayment amounts and should then initiate overpayment recovery against recipients accordingly. The type of documentation or evidence that may be used by the recipients to refute a county’s overpayment determination remains a county decision. Please note: County reconciliation determinations may be subject to state review if required, such as pursuant to a federal audit or due to an inquiry from a recipient and/or other state agency.

The Case Management, Information, and Payrolling System generates tasks alerting counties when Advance Pay timesheets have not been reconciled. In May 2019 CDSS developed the IHSS Advance Pay Overpayment Recovery Notice of Action form (NA 1282) to assist counties with Advance Pay overpayment recovery. Further details can be found in [All County Information Notice No. I-27-19](#).

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If you have any questions or need additional guidance regarding the information in this letter, please contact CDSS' Adult Programs Division, Program Integrity Unit via email at ihss-pi@dss.ca.gov.

Sincerely,

Original Document Signed By

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

cc: CWDA