EXEMPTION 2 – Extraordinary Circumstances

Exemption 2, the Extraordinary Circumstances exemption, may apply if you provide services to two or more recipients whose circumstances put them at serious risk of placement in out-of-home care. If an Exemption 2 is granted, you may work up to 360 hours total for all your recipients combined, not to exceed each IHSS recipient’s monthly authorized hours.

In order to qualify for the Extraordinary Circumstances exemption, all recipients you work for must meet at least one of the following conditions:

A. Have complex medical and/or behavioral needs that must be met by a provider who lives in the same home as the recipient.
B. Live in a rural or remote area where available providers are limited and, as a result, the recipient is unable to hire another provider.
C. Be unable to hire a provider who speaks his/her same language in order to direct his/her own care.

An additional requirement is that the recipients, with assistance from the county as needed, must have made reasonable attempts to locate and hire an additional provider(s). Prior documented attempts to utilize other providers that have resulted in detrimental effects to the recipient’s health and/or safety may be considered in meeting this requirement.

The financial impact that hiring another provider could have on the current provider is not considered when determining whether an extraordinary circumstance exists which would qualify for Exemption 2.

Even if an Exemption 2 is granted, if two or more recipients have an excess of 360 authorized IHSS hours between them, they will be required to hire another provider to work the remaining hours beyond the 360 hours allowed by the exemption.