

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 4, 1979

ALL-COUNTY INFORMATION NOTICE I- 51-79

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AB 2890

REFERENCE: Manual Letter 79-8 - Dated January 26, 1979

AB 2890 (Chapter 1362, Statutes of 1978) enables disabled persons who were once eligible for SSI/SSP and who have been terminated due to engaging in substantial gainful activity, to continue to receive In-Home Supportive Services (IHSS), if their excess income, following all allowable deductions, is applied toward the cost of IHSS. With this provision, eligible individuals also retain eligibility for Medi-Cal with no liability.

However, not every disabled person who engages in substantial gainful activity is eligible under the AB 2890 program. AB 2890 amended Welfare and Institution Code Section 12305.5(a)(2) to read: "Became ineligible . . . (for SSI/SSP) . . . because the person engaged in substantial gainful activity . . ." This sentence imposes two eligibility criteria: 1) the person had to have been eligible for SSI/SSP, and 2) the person cannot have lost his/her SSI/SSP eligibility for any reason other than engaging in substantial gainful activity.


We recently reviewed a case in which an IHSS recipient was told that he would be eligible for the AB 2890 program should he accept a job offer which he was considering. However, the person was receiving a Title II disability payment in excess of the applicable SSI/SSP benefit level.

Consequently the person was not eligible for SSI/SSP because of excess income. AB 2890 would not confer IHSS eligibility should this person engage in substantial gainful activity.

The consequences of incorrect advice regarding AB 2890 can be a significant reduction in the benefits and services available to the recipient. Therefore, it is essential that persons counseling IHSS recipients pay special attention to the restrictions on the applicability of AB 2890.

Any questions concerning this letter, or concerning AB 2890 in general, should be directed to the contact person listed below.

Sincerely,


JAMES H. GOMEZ
Deputy Director

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