



CDSS

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December 9, 2010

ALL-COUNTY LETTER NO.: 10-59

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY IHSS PM

SUBJECT: ACCEPTANCE OF PROVIDER CRIMINAL BACKGROUND
CHECK CLEARANCE FOR USE STATEWIDE

REFERENCE: ALL-COUNTY LETTER (ACL) 09-52, DATED OCTOBER 1, 2009
ALL-COUNTY LETTER (ACL) 09-70, DATED OCTOBER 31, 2009
ALL-COUNTY LETTER (ACL) 10-05

This All-County Letter (ACL) provides information regarding changes to the In-Home Supportive Services (IHSS) Program provider enrollment process. Specifically this letter provides information on acceptance of a provider's Department of Justice (DOJ) response status by more than one county, Public Authority (PA) and Nonprofit Consortium (NPC); DOJ subsequent arrest report update responsibility; inactive provider period of eligibility, and system modifications.

BACKGROUND

Assembly Bill, Fourth Extraordinary Legislative Session (ABX4) 19 (Chapter 17, Statutes of 2009) amended section 12301.6 and added section 12305.86 to the Welfare and Institutions Code (W&IC) to require all existing and prospective providers to submit to fingerprint imaging and to undergo a criminal background check by the DOJ at the individual's expense, as a condition of enrollment as an IHSS provider.

AB 1612 (Chapter 725, Statutes of 2010) amended W&IC sections 12301.6 and 12305.86 to require a county, PA, or NPC to accept as cleared an individual who has previously cleared a criminal background check and been deemed eligible to receive payment for providing IHSS by another county, PA, or NPC. To implement this provision, it is necessary for the California Department of Social Services (CDSS) to provide information pertaining to the criminal background check clearance in the Case Management, Information, and Payrolling System (CMIPS) in order for counties to accept the clearance.

Reason For This Transmittal

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by one or More Counties
- Initiated by CDSS

Multi-County Criminal Background & Fingerprinting Clearance

Effective October 20, 2010, active or applicant providers need only submit to a DOJ criminal background check in one county. This county will be referred to as the originating county and will continue to receive and be responsible for reviewing and evaluating all subsequent arrest information provided by the DOJ. Counties, PAs, NPCs do not have the authority to disqualify a provider based on arrest information only; however, they are advised to pursue the final disposition of any subsequent arrest information for the three crimes identified in W&IC section 12305.81 as directed in ACL 10-05. If the subsequent arrest ultimately results in a conviction for one of the disqualifying crimes, the originating county will be responsible for:

- Sending a 20-day notice to the provider informing him/her of ineligibility due to a subsequent conviction. The 20-day clock begins once the county enters the provider's ineligibility due to disqualifying crime(s) into CMIPS.
- Sending a Notice of Action (NOA) to recipient(s) served by this provider in their own county.
- Notifying within three (3) calendar days any other county where the provider is active. Those counties will be responsible for sending a NOA to recipient(s) served by this provider in their county.
- Notification must be transmitted in a manner consistent with personal information confidentiality laws, which includes the prohibition on transmitting the notification via e-mail.

The provider informing notices, (including the SOC 852) are available on the [CDSS Forms/Brochures website](https://www.cdss.ca.gov/inforesources/forms-brochures) (<https://www.cdss.ca.gov/inforesources/forms-brochures>). A new NOA message for recipients is being created to inform them of provider ineligibility and will be issued separately.

ENRL Screen Enhancements

To meet the mandated requirements of this legislation, Legacy CMIPS will be modified to allow entry and tracking of the required new data. The current ENRL Screen will be modified to include a new DOJ County field which will contain the county code of the operator who changes the fingerprint flag to "Y" (yes). Once the fingerprint field is changed, the DOJ County field will automatically populate with the county code of the staff person who made the change. Further, once changed, the DOJ County field cannot be modified or edited by county staff.

Inactive Providers

Providers with no payroll activity statewide for one year will have their eligibility to provide services automatically terminated by CMIPS. If these individuals subsequently wish to enroll as IHSS providers, they will have to reapply and complete all provider enrollment requirements to be eligible to provide IHSS services and receive payment as an IHSS provider, as previously indicated in ACL 09-70. For those providers whose eligibility has been terminated because of no payroll activity statewide for one year, CMIPS will automatically change their ENRL status to "I" (ineligible) with the reason code "86-Inactive/No payroll activity for one (1) year". All ENRL flags will be reset to "N" (no) and the provider will have to reapply for eligibility.

In addition, CMIPS will automatically update all PELG screens to "T" (terminated) status for all associated recipient cases.

Reports

Counties will receive a monthly report of providers who are ineligible due to no payroll activity statewide for one year. This report will be included in the current secure "On-Line Reports" web site. Once a provider is found ineligible due to no payroll activity statewide for one year, the originating county, PA, NPC must send a notification letter of the termination to the provider requiring response within 10 days if they wish to dispute the termination. If the provider responds and the county determines that the termination should not have occurred, the county should reset the CMIPS Provider Enrollment screen flags to "Y" (yes) and the ENRL status to "E" (eligible). If there is no response from the provider, then the county/PA/NPC can request that DOJ no longer send any subsequent notifications for that provider. The originating county, PA, NPC shall complete the [No Longer Interested Notification, Form BCIA 8302](http://ag.ca.gov/fingerprints/forms/nli.pdf) (<http://ag.ca.gov/fingerprints/forms/nli.pdf>).

Should you have questions regarding information in this ACL, please contact the Fiscal, Administrative & Systems Bureau, at (916) 651-1069.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division