



WILL LIGHTBOURNE
DIRECTOR

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



EDMUND G. BROWN JR.
GOVERNOR

November 10, 2011

ALL-COUNTY LETTER (ACL) NO.: 11-76

TO: ALL COUNTY WELFARE DIRECTORS
IHSS PROGRAM MANAGERS

**SUBJECT: IN-HOME SUPPORTIVE SERVICES (IHSS) HEALTH CARE
CERTIFICATION FORM SOC 873 EXCEPTIONS**

REFERENCE: All-County Letter (ACL) No. 11-55 DATED JULY 27, 2011

This All-County Letter (ACL) instructs counties on the implementation of Assembly Bill (AB) 106 (Chapter 32, Statutes of 2011) as it relates to the exceptions to the rule requiring a certification be obtained from a licensed health care professional prior to the authorization for In-Home Supportive Services (IHSS) applicants.

BACKGROUND

Senate Bill (SB) 72 (Chapter 8, Statutes of 2011) added section 12309.1 to the Welfare and Institutions Code (WIC) that requires the development of a certification form. The California Department of Social Services (CDSS), in consultation with the California Department of Health Care Services and stakeholders, developed the In-Home Supportive Services Program Health Care Certification Form (SOC 873). The completed SOC 873 must be received prior to the authorization of IHSS services for new applicants and to allow the continuation of IHSS services for current recipients. SB 72 allowed for two exceptions to this rule as it relates to applicants, one of which was amended by AB 106.

WIC 12309.1(a)(2) states “the certification shall be received prior to service authorization, and services shall not be authorized in the absence of the certification.” However, there are two exceptions that permit the authorization of services prior to the receipt of the SOC 873 or alternative documentation. Those exceptions are:

| REASON FOR THIS TRANSMITTAL |
|---|
| <input type="checkbox"/> State Law Change |
| <input checked="" type="checkbox"/> Federal Law or Regulation Change |
| <input type="checkbox"/> Court Order |
| <input checked="" type="checkbox"/> Clarification Requested by One or More Counties |
| <input type="checkbox"/> Initiated by CDSS |

1. IHSS services may be authorized when services have been requested on behalf of an individual being discharged from a hospital or a nursing home and those services are needed to enable the individual to return safely to their own home or into the community.
2. Services may be authorized temporarily pending receipt of the certification when the county determines that there is a risk of out-of-home placement.

These authorization exceptions are temporary in nature and ultimately the SOC 873 or alternative documentation must be obtained within 45 calendar days from the date the certification is requested by the county.

GRANTING EXCEPTIONS FOR APPLICANTS

When an individual applies for IHSS services prior to being released from a hospital or a nursing home and the county determines IHSS services are needed for that individual to return home safely, IHSS can be granted temporarily prior to receipt of the SOC 873 or alternative documentation. In addition, when the county determines there is an imminent risk of out-of-home placement without immediate service authorization, IHSS services can be temporarily authorized pending receipt of the SOC 873. For example, an Adult Protective Services worker advises the county that an IHSS applicant is at imminent risk of out-of-home placement without IHSS services in place. If the county determines that waiting up to 45 calendar days for the SOC 873 to be returned would place an IHSS applicant at risk of out-of-home placement, services can be granted temporarily pending receipt of the SOC 873 or alternative documentation.

When granting one of the above exceptions, the county must request the SOC 873 as soon as administratively possible but no later than the date of the in-home assessment. If the SOC 873 or alternative documentation is not provided within 45 days from the date it was requested (or within 90 days if a good cause extension has been granted — see below), the case must be terminated prospectively with a timely 10-day notice using Notice of Action (NOA) code 507. If the completed SOC 873 is received by the county within the 45-day timeframe and indicates no need for services, the county must terminate the case prospectively with a timely 10-day notice using NOA code 443.

Applicants granted an exception will be considered temporarily eligible pending receipt of the SOC 873. If the SOC 873 or alternative documentation is received after the 45th day, counties can follow their standard operational procedures to determine whether to rescind the termination or require a new application.

For applicants who have been granted an exception, the 45-day time limit can be extended an additional 45 calendar days for good cause: for a total of 90 calendar days. Good cause means a substantial and compelling reason beyond the exempted applicant's control. In order to be eligible for a good cause extension, the exempted

applicant must show good faith efforts in trying to obtain the SOC 873 or alternative documentation. Counties have the discretion to determine on a case-by-case basis when good cause exists. Exempted applicants must notify the county of the need for a good cause extension no later than 45 calendar days from the date the county requested the SOC 873. (Recipients must also notify the county of the need for a good cause extension no later than 45 calendar days from the date of the in-home assessment.) After the 45th day, a good cause extension can no longer be granted.

CMIPS INSTRUCTIONS FOR EXCEPTIONS

When entering an exception case into CMIPS, counties must enter an “E” in the Medical Certification (MC) Code field and enter the date the SOC 873 was requested from the applicant in the MC Date field. Once the MC Code and MC Date are entered, counties can continue to authorize the case as usual.

NOTICES

When an exception to the health care certification requirements has been granted, counties shall notify the applicant that his/her application for IHSS has been temporarily approved and of the requirement to submit a completed SOC 873 within 45 calendar days of the date the certification is requested. If hours are being authorized prior to an in-home assessment, because the applicant is being discharged from a medical facility, counties must send the “In-Home Supportive Services Program Notice of Provisional Approval Health Care Certification Exception Granted” (SOC 876) in lieu of a regular NOA (NA 690). The SOC 876 lists the provisional hours assessed for each of the service categories and does not provide appeal rights because the authorized hours shown will be based on a preliminary assessment rather than the required in-home assessment. The SOC 876 must be completed manually by the counties. Following the in-home assessment, counties must notify the applicant of the assessed hours by sending the NA 690, which provides appeal rights. Counties are reminded that if the applicant’s discharge planner needs a copy of the SOC 876, the county may provide this to the discharge planner with the applicant’s written consent.

If hours are being authorized after an in-home assessment has been completed, but before the SOC 873 has been received, an NA 690 should be sent using the following NOA message number 508:

“Your application has been temporarily approved pending receipt of your health care certification form. Your eligibility will be discontinued if the form is not received within 45 days of the date it was requested or if the form indicates you have no need for In-Home Supportive Services. (WIC 12309.1)”

FORMS/CAMERA-READY COPIES AND TRANSLATIONS

For a camera-ready copy of English and Spanish forms, contact the Forms Management Unit. If your office has internet access, you may obtain these forms from the California Department of Social Services (CDSS) web page at:
www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

Please note CDSS is in the process of translating the SOC 876 into the threshold languages: Spanish, Armenian and Chinese. Copies of the translated forms and publications in all other required languages can be obtained at:
www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact the Adult Programs Division, at (916) 651-5350.

Your County Forms Coordinator will distribute translated forms to each program and location. Each county must provide bilingual/interpretive services and written translations to non-English or limited-English proficient populations, as required by the Dymally-Alatorre Bilingual Services Act (Government Code section 7290 et seq.) and/or by state regulation (MPP Division 21, Civil Rights Nondiscrimination, section 115).

Questions about accessing the forms may be directed to the Forms Management Unit; questions about translations may be directed to the Language Services Unit.

For questions, please contact the Adult Programs Division, at (916) 651-5350.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division