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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
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June 29, 2015

ALL COUNTY LETTER (ACL) NO. 15-57

REASON FOR THIS TRANSMITTAL

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

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

SUBJECT: **RESTORATION OF THE SEVEN PERCENT REDUCTION IN IHSS
PROGRAM RECIPIENTS' AUTHORIZED SERVICE HOURS
PURSUANT TO SENATE BILL (SB) 97**

REFERENCE: [ACL NO. 13-47, DATED JUNE 7, 2013](#); [ACL NO. 14-35, DATED
MAY 27, 2014](#)

This ACL provides information and instructions for counties to implement restoration of the seven percent reduction in IHSS recipients' authorized service hours, in accordance with the provisions of SB 97 (Chapter 11, Statutes of 2015). Effective July 1, 2015, the seven percent reduction in effect since July 1, 2014, pursuant to Welfare and Institutions Code (WIC) section 12301.02, will no longer be applied to each IHSS recipient's authorized service hours.

BACKGROUND

In May 2013, Senate Bill 67 (Chapter 4, Statutes of 2013) was enacted in furtherance of the settlement agreement reached by the parties in the *Oster v. Lightbourne, et al.* and *Dominguez v. Brown, et al* lawsuits. The legislation added WIC sections 12301.01 and 12301.02, which required the California Department of Social Services (CDSS) to implement an eight percent reduction in each IHSS recipient's total authorized service hours for one year, effective July 1, 2013, and, thereafter, an ongoing seven percent reduction in each IHSS recipient's authorized service hours.

Because WIC section 12301.02(a)(4) specified that the seven percent reduction would first be taken from any documented unmet need (excluding protective supervision), a recipient who had a documented unmet need before the reduction would have experienced a reduction of less than seven percent; thus, the restoration for these recipients will be less than seven percent.

The SB 97 suspends WIC section 12301.02 for a period of one year, July 1, 2015, through June 30, 2016. At a later date a special legislative session will convene to address an ongoing funding source in order to continue the seven percent restoration beyond one year, which may enact legislation to repeal WIC section 12301.02.

STATE RESPONSIBILITIES

Beginning in mid-June 2015, the CDSS began mailing Notices of Action (NOAs) along with an informational notification to all current IHSS recipients who experienced a reduction in authorized service hours. In order to complete the mailings before the restoration goes into effect, the mailings began before SB 97 was signed into law. Thus, the notification informs recipients that there is *proposed* legislation that, *if signed into law*, will restore the seven percent reduction in their authorized service hours which has been in effect since July 1, 2014, and that, if the *proposed* legislation is enacted, starting July 1, 2015, their hours will be restored to the unreduced level based on their most recent assessment. The notification also states that if the legislation is not enacted, recipients' authorized service hours will remain the same.

Those recipients who did not experience a reduction because the entire seven percent reduction was accounted for by unmet need hours will receive the unmet need NOA message, which includes their amount of unmet need hours. The unmet need NOA message will appear each time a NOA is generated for a recipient with unmet need.

CASE MANAGEMENT INFORMATION AND PAYROLLING (CMIPS) II FUNCTIONALITY AND DATA ENTRY

CMIPS II will perform a one-time process that restores the Authorized to Purchase hours by seven percent for all existing recipient cases that are in "Eligible" and "Presumptive Eligible" status. This restoration in hours will apply to the recipient's authorized to purchase hours and any provider who is employed by the recipient (and who is not assigned hours) will be able to work the restored hours and claim them on their timesheet in order to be paid. The system will automatically end the current authorization for existing cases that contain open authorization segments and create a new assessment beginning July 1, 2015. If the end date of the current authorization is in the past, CMIPS II will automatically bring the authorization current with an end date of June 30, 2015, and then build a new assessment with a begin date of July 1, 2015.

During the initial implementation of the seven percent restoration, CMIPS II will delete all Pending Evidence and a new authorization will be created for every active case with the effective date beginning July 1, 2015. Once the restoration is implemented, system edits will not allow creation of eligibility segments that extend beyond the June 30, 2015 date. Cases entered after the initial batch run and any ongoing changes to existing authorizations that begin prior to July 1, 2015 will require two authorizations: one authorization for any days of service through June 30, 2015, and, a second authorization created beginning July 1, 2015. Users will also have to create two eligibility segments for cases that are in "Leave" status when the initial batch run is executed and are subsequently brought to "Eligible" status. CMIPS II will also be modified to apply the seven percent restoration to newly created and reactivated recipient cases that have authorizations that extend beyond the July 1, 2015 date. CMIPS II will produce a one-time notification for all active recipients in "Eligible" and "Presumptive Eligible" status whose hours are being restored.

Copies of all NOAs generated as part of the initial implementation of the seven percent restoration will be viewable by selecting the Forms and Correspondence link on the Cases tab of the side-bar menu in CMIPS II.

After the seven percent restoration has been applied to the recipient's total authorized hours, CMIPS II will automatically update the provider hours associated to that recipient. In some rare instances, when hours have been assigned to multiple providers, the providers' assigned hours will not match the recipient's total authorized hours after the seven percent restoration. In such instances, the case owner will receive a task notification so the discrepancy in hours can be rectified. Recipients who choose to assign their restored hours differently must contact the county and the recipient may be required to complete a new Recipient Request for Assignment of Authorized Hours To Providers form (SOC 838). Counties are responsible for implementing requests for reassignment of hours.

Questions regarding the content of this ACL may be directed to the Adult Programs Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By Hafida Habek for

EILEEN CARROLL
Deputy Director
Adult Programs Division

c: CWDA