

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**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

May 19, 2000

ALL-COUNTY LETTER NO. 00-34

TO: ALL COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

SUBJECT: INTERAGENCY AGREEMENT REGARDING IN-HOME SUPPORTIVE SERVICES PROVIDED TO PARTICIPANTS IN THE MULTIPURPOSE SENIOR SERVICES PROGRAM

This All-County Letter (ACL) supersedes the October 15, 1986 ACL 86-100 regarding programs serving individuals in the Multipurpose Senior Services Program (MSSP) Medi-Cal Waiver. ACL 86-100 referred to the Memorandum of Understanding (MOU) between the California Department of Social Services (CDSS), In-Home Supportive Services (IHSS) and the California Department of Aging (CDA).

The purpose of this letter is to transmit an updated copy of the Interagency Agreement (IA) and also to inform the counties that there have been no substantial changes since the last MOU. The IA specifies that the order in which the programs must be utilized is IHSS and then MSSP. For example, all authorized IHSS benefits must be exhausted before additional services will be paid for under the MSSP. It is also important that funds from other programs not be used to augment IHSS provider wages.

This IA continues to formalize an ongoing agreement between CDSS and CDA in relation to MSSP program payments for provider services for IHSS recipients. The IA continues to require that CDSS waive the application of the requirements contained in Manual of Policies and Procedures (MPP) 30-763.6 in relation to MSSP payments for provider services for IHSS recipients. This section of the regulations requires County Welfare Departments (CWD) to explore and utilize alternative resources in lieu of IHSS Program funded services.

This waiver will allow MSSP to supplement their clients' IHSS awards under the following conditions:

- a. For cases currently authorized to receive the statutory maxima, CWD will not reduce the authorization of services when the MSSP grants an additional level of service over and above the IHSS maxima.

- b. For cases assessed at a level less than the maxima, the CWD will not consider additional hours authorized by MSSP as an alternative resource and will continue to authorize services at their assessed need level.

The authority for this waiver is contained in the second paragraph of Welfare and Institutions Code (W&IC) Section 9562 (b), which states:

“To the extent permitted by federal law, each department within the Health and Human Services Agency, including departments designated as single state agencies or the programs described in section 9561, shall waive regulations and general policies and make resources available which are necessary for the administration of this chapter, upon request of the agency.”

If you have any questions regarding this letter the Adult Programs Division at (916) 653-5403.

Sincerely,

Original Document Signed By Donna L. Mandelstam on 5/19/00

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division