

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



June 2, 2005

ALL-COUNTY LETTER NO.: 05-05

TO: ALL-COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: **INSTRUCTIONS FOR INTERIM IMPLEMENTATION FOR THE
IN-HOME SUPPORTIVE SERVICES (IHSS) PLUS WAIVER
PROGRAM**

REFERENCE: DEPARTMENT OF HEALTH SERVICES' ALL-COUNTY
WELFARE DIRECTORS LETTER NO. 04-27;
SENATE BILL 1104, CHAPTER 229, STATUTES OF 2004.

The purpose of this All-County Letter (ACL) is to provide counties with initial information and instructions regarding the approval of the In-Home Supportive Services (IHSS) Plus Waiver.

BACKGROUND

Prior to approval of this Waiver there were two programs providing in-home supportive services: 1) the Personal Care Services Program (PCSP), which receives federal financial participation (FFP) by offering selected in-home services performed by certain providers as a Medi-Cal benefit, and 2) the In-Home Supportive Services (IHSS) Residual Program, which receives only State and County funds, for all recipients not eligible for PCSP. In response to the Fiscal Year 2004-05 California State Budget proposal to eliminate the IHSS Residual Program, the Department of Health Services (DHS), in conjunction with the California Department of Social Services (CDSS), submitted a waiver application to the Centers for Medicaid and Medicare Services (CMS) to provide Medi-Cal covered services to recipients currently receiving services under the IHSS Residual program. The application was submitted on May 4, 2004, and final approval of the IHSS Plus Waiver was granted effective August 1, 2004. Conforming statutory changes to the Welfare and Institutions Code (WIC) are reflected in Senate Bill (SB) 1104, (Chapter 229, Statutes of 2004).

The approval of this IHSS Plus Waiver ensures a continuity of care for those affected recipients and enhances the IHSS program by allowing FFP for the vast majority of IHSS Residual Program recipients (historically precluded from federal funding due to types of authorized services or method of service delivery).

ELIGIBILITY

IHSS Plus Waiver eligibility is restricted to individuals who are requesting or receiving in-home care and who have been determined eligible for federally funded full-scope Medi-Cal and who:

- Receive personal care; protective supervision; domestic and related services; heavy cleaning; accompaniment to medical appointments or alternative resources; yard hazard abatement; or teaching and demonstration, when any of the services are provided by a spouse of the recipient or parent of a minor child recipient as allowed under Manual of Policies and Procedures, Section 30.763.41 and 30.763.45;
- Receive Restaurant Meal Allowance; and/or
- Receive Advance Payment for in-home care services.

It is important to note, if any one of the above components exists in a case, the entire case will be covered under the IHSS Plus Waiver. For example, if a recipient is receiving personal care services from someone other than a parent or spouse and is also receiving the Restaurant Meal Allowance, the entire case would be an IHSS Plus Waiver case.

Protective Supervision and Domestic and Related-Only

Protective supervision, and cases that are authorized Domestic and Related-Only services, will receive federal funding under PCSP. Counties will be notified of the effective date of the transfer of these cases to PCSP after modifications to the Case Management, Information and Payrolling System (CMIPS) are completed. In the meantime, counties should not transfer cases in CMIPS from the IHSS Residual Program to either PCSP or IHSS Plus Waiver.

Share Of Cost (SOC) Comparison

All IHSS Residual Program recipients who are eligible for federally funded full-scope Medi-Cal must move into either the IHSS Plus Waiver or PCSP. There will no longer be PCSP recipients who are eligible for the IHSS Residual Program. However, WIC Section 12305.1 (which limits the SOC of PCSP recipients, who would otherwise be eligible for the IHSS Residual Program, to the lesser of the Medi-Cal or IHSS SOC) will still apply to PCSP cases and is being expanded in legislation to include IHSS Plus Waiver cases. This will be accomplished through a payment of Medi-Cal recognized expenses made by DSS to DHS on the first day of each month.

County Medi-Cal eligibility workers (EWs) must determine Medi-Cal eligibility and they will calculate the Medi-Cal SOC for the individual or family budget unit. That Medi-Cal SOC must be reflected on MEDS along with the Medi-Cal primary aid code. County social workers (SWs) must continue to calculate the IHSS SOC for PCSP and Waiver recipients and report this IHSS SOC to CMIPS so that CMIPS can calculate the amount of the Medi-Cal recognized expense payment to be made to DHS and to prepare the SOC Spenddown File for DHS at the beginning of each month.

The balance of the Medi-Cal SOC to be paid by the recipient should be equal to the amount that the IHSS SOC would have been had the transition to Medi-Cal not taken place.

RESPONSIBILITIES

The CDSS Adult Programs Branch is responsible for the administration of the IHSS Plus Waiver and will provide oversight activities in conjunction with DHS. Staff is currently in the process of finalizing the Operational Protocol for full implementation of the IHSS Plus Waiver. The State's Operational Protocol, along with the federal Special Terms and Conditions (STC), will dictate how the IHSS Plus Waiver will operate and will delineate State and county roles and responsibilities.

CDSS will be working closely with county representatives to minimize additional workload requirements and to ensure that the IHSS Plus Waiver requirements are met in a consistent and timely manner. Once the Operational Protocol is approved, additional implementation instructions will be issued regarding such things as the remaining IHSS Residual Program, CMIPS changes, and other procedural items.

In the interim, counties must use the following instructions for all applicants who are requesting in-home care and those IHSS Residual Program recipients who meet at least one of the IHSS Plus Waiver eligibility criteria listed previously. These instructions apply only to those recipients who do NOT receive Supplemental Security Income/State Supplementary Payment (SSI/SSP) or other Medi-Cal linked cash-based assistance, such as CalWORKs, Refugee Cash Assistance, Foster Care, or Adoption Assistance Program. SSI/SSP and Medi-Cal linked cash-based assistance recipients are automatically eligible for zero SOC Medi-Cal and therefore no separate Medi-Cal eligibility determinations are needed. For this initial phase of IHSS Plus Waiver implementation, counties are hereby instructed to:

- Ensure that Medi-Cal eligibility determinations for individuals requesting or receiving in-home care are completed by county Medi-Cal EWs prior to October 1, 2005,
- Ensure that county Medi-Cal program staff continue to take responsibility for the Medi-Cal case and all Medi-Cal eligibility functions including Medi-Cal share of cost determinations, annual Medi-Cal redeterminations and issuance of all Medi-Cal Notices of Action related to eligibility and SOC,

- Ensure that all Medi-Cal eligible IHSS Residual Program recipients with at least one of the IHSS Plus Waiver eligibility criteria are determined eligible for IHSS Plus Waiver, and,
- Ensure that the Medi-Cal SOC, if any, is determined under Medi-Cal rules by a Medi-Cal EW and IHSS SOC is determined under IHSS rules by the IHSS SW. The Medi-Cal SOC will be reported to MEDS by the Medi-Cal EW and the IHSS SOC is reported to CMIPS by the IHSS SW for compiling the Medi-Cal SOC Spenddown File and processing the spenddown payment to DHS.

Additionally, requirements in the STC include informing recipients about the IHSS Plus Waiver through notices, outreach, marketing or training. CDSS will be sending recipients an official notice which will contain all the information required by the STC. Counties have the option to provide recipients additional notices, outreach, marketing or training. However, all marketing materials must be sent to CDSS and DHS for review which will then be sent to CMS for review and approval. CMS must approve all marketing materials prior to use.

CASE MANAGEMENT, INFORMATION AND PAYROLL SYSTEM (CMIPS)

Until modifications are made to CMIPS there are to be no changes in the way counties currently enter case data into CMIPS including the coding of the PCSP "Yes/No" indicator. CMIPS is being modified to automatically move all affected cases to IHSS Plus Waiver or PCSP at a later date (estimate October 2005.) Attempts to manipulate case coding at this time will only create the need for exception handling during the automated conversion.

However, as Medi-Cal determinations are completed by Medi-Cal EWs, counties can use the SOC work-around process announced in the recent Electronic Bulletin Board (EBB) #05003, dated April 20, 2005. This EBB provides instructions to counties on entering the Medi-Cal SOC on CMIPS when the Medi-Cal SOC is lower than the IHSS-R SOC.

There are no changes in provider payroll processing.

Attached is a list of the total number of IHSS Residual recipients who meet the IHSS Plus Waiver eligibility criteria and the number who currently show a SOC, by county.

Any questions regarding these policy instructions should be directed to a Adult Program Operations Bureau, IHSS Plus Waiver Unit Analyst at (916) 229-4000.

Sincerely,

Original Document Signed By

JOSEPH M. CARLIN
Acting Deputy Director
Disability and Adult Programs Division

Attachment

IHSS Residual recipients who meet the IHSS Plus Waiver eligibility criteria and the number who currently show a SOC, by county.

COUNTY	IHSS-R RECIPIENTS WITH WAIVER ELIGIBILITY CRITERIA		COUNTY	IHSS-R RECIPIENTS WITH WAIVER ELIGIBILITY CRITERIA	
	WITH SOC	WITH SOC		WITH SOC	WITH SOC
01 Alameda	649	77	30 Orange	699	33
02 Alpine	1	1	31 Placer	99	17
03 Amador	10	3	32 Plumas	19	4
04 Butte	333	44	33 Riverside	1044	132
05 Calaveras	20	6	34 Sacramento	688	75
06 Colusa	25	8	35 San Benito	21	6
07 Contra Costa	291	67	36 San Bernardino	1586	186
08 Del Norte	39	5	37 San Diego	1957	243
09 El Dorado	68	20	38 San Francisco	336	57
10 Fresno	775	88	39 San Joaquin	387	29
11 Glenn	38	7	40 San Luis Obispo	125	14
12 Humboldt	209	21	41 San Mateo	111	29
13 Imperial	387	75	42 Santa Barbara	179	32
14 Inyo	7	0	43 Santa Clara	419	38
15 Kern	284	31	44 Santa Cruz	163	24
16 Kings	118	19	45 Shasta	134	26
17 Lake	158	52	46 Sierra	0	0
18 Lassen	12	3	47 Siskiyou	41	8
19 Los Angeles	7396	682	48 Solono	168	28
20 Madera	100	11	49 Sonoma	206	37
21 Marin	63	15	50 Stanislaus	279	13
22 Mariposa	23	7	51 Sutter	38	3
23 Mendocino	121	27	52 Tehama	69	19
24 Merced	214	27	53 Trinity	6	0
25 Modoc	12	3	54 Tulare	179	16
26 Mono	7	3	55 Tuolumne	17	0
27 Monterey	372	64	56 Ventura	224	25
28 Napa	46	8	57 Yolo	65	20
29 Nevada	93	29	58 Yuba	39	1
			Total:	21169	2518