

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 17, 1989

ALL-COUNTY LETTER NO. 89-44

TO: ALL-COUNTY WELFARE DIRECTORS

SUBJECT: MEDI-CAL WAIVER AND MEMORANDUM OF UNDERSTANDING

The Department of Health Services (DHS) has received federal approval for a Medi-Cal Waiver to provide home and community based services to Medi-Cal recipients with Acquired Immune Deficiency Syndrome (AIDS) and AIDS Related Condition (ARC) who otherwise require the level of care provided in an acute, skilled nursing facility or intermediate care facility. This Waiver allows the Medi-Cal Program to reimburse several services which can be provided in the home or residential setting to enable the Medi-Cal recipient with AIDS and ARC, who would otherwise need to be hospitalized, to remain at home. Home attendant and choremaker care are two of the services which will be reimbursable under the AIDS Medi-Cal Waiver (Waiver) Program.

In order to provide extensive and responsive in-home services to those persons diagnosed with AIDS or ARC, DHS and the Department of Social Services (DSS) have formalized an arrangement between the two departments. Under this agreement, DSS waives In-Home Supportive Services (IHSS) regulations regarding the treatment of alternative resources, as such regulations pertain to Waiver payments.

The attached Memorandum of Understanding (MOU) between the two departments assures that services available under the Waiver Program will supplement those available through IHSS. It requires that in the administration of the IHSS Program, Counties are not to apply Manual of Policies and Procedures Section 30-763.3 in relation to Waiver payments to IHSS recipients for provider services. Specifically, all authorized IHSS benefits must be exhausted before additional services will be authorized and paid for under the Waiver Program; waiver payments are not to be treated as alternative resources to the recipient; and IHSS authorizations are not to be reduced by the amount of such payments.

If you have any questions, please contact your Adult and Family Services Consultant at (916) 445-0623.

A handwritten signature in black ink, appearing to read "Loren D. Suter", with a stylized flourish at the end.

LOREN D. SUTER
Deputy Director
Adult and Family Services

Attachment

cc: CWDA

MEMORANDUM OF UNDERSTANDING
DEPARTMENT OF HEALTH SERVICES (AIDS MEDI-CAL WAIVER)
AND DEPARTMENT OF SOCIAL SERVICES (IHSS)

This Memorandum of Understanding (MOU) formalizes an agreement between the Department of Health Services (DHS) and the Department of Social Services (DSS) regarding In-Home Supportive Services (IHSS) provided to participants in the AIDS Medi-Cal Waiver Program.

Legislation authorizing the AIDS Medi-Cal Waiver Program (AB 2892--Vasconcellos), states "To the extent that federal financial participation is available, departments within the Health and Welfare Agency shall waive regulations and general policies, and make program resources available when necessary so [the AIDS Medi-Cal Waiver Program] can be implemented."

DHS and DSS agree that, for the individual who is eligible for both IHSS and AIDS Waiver services, all County authorized IHSS benefits must be exhausted before additional domestic (Attendant and Homemaker) services are authorized and paid for under the AIDS Medi-Cal Waiver Program. DHS and DSS further agree that IHSS benefits will not be denied or reduced because an individual is eligible for or receiving services under the AIDS Medi-Cal Waiver Program.

The AIDS Medi-Cal Waiver requires that all existing resources be fully used prior to the authorization of Waiver services. Specifically, the Waiver requires that support or benefits available to a participant in the AIDS Medi-Cal Waiver Program under (a) and (b) below must be utilized before authorizing benefits under (c). We hereby affirm, that when the same support or benefits are available to an AIDS Medi-Cal Program participant from more than one source, said support or benefits shall be used in the following order:

- (a) Informal support of family, friends, and other volunteers.
- (b) Existing services under Title 16--SSI/SSP, Title 18--Medicare, Title 19--Medicaid (particularly Adult Day Health Care (ADHC), Title 20--Social Services (particularly In-Home Supportive Services (IHSS)).
- (c) Medi-Cal Waiver services.

This agreement shall be effective on the date this document is signed by both the authorized representatives of the Department of Health Services and the Department of Social Services.

Thelma Frazier
Thelma Frazier, Chief
Office of AIDS
Dept of Health Services

Feb 23/1989
Date

Loren Suter
Loren Suter, Deputy Director
Adult and Family Services Division
Dept of Social Services

March 9, 1989
Date