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December 22, 2010

ALL-COUNTY LETTER (ACL) NO.:

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY 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: IN-HOME SUPPORTIVE SERVICES (IHSS) PLUS OPTION (IPO)

REFERENCES: ALL-COUNTY INFORMATION NOTICE (ACIN) I-33-10, DATED APRIL 21, 2010; ACL 05-05, DATED JUNE 2, 2005; ACL 07-08, DATED JANUARY 26, 2007; ALL COUNTY WELFARE DIRECTOR'S LETTER (ACWDL) 06-04, DATED FEBRUARY 3, 2006; AND WELFARE AND INSTITUTIONS CODE (WIC) §14132.952

This ACL provides counties with further information regarding the implementation of the IPO.

**Background**

In 2004, California implemented a Social Security Act §1115 Demonstration Waiver, the IHSS Plus Waiver (IPW) program. This Waiver allowed California to move almost all of the IHSS-Residual (IHSS-R) recipients into either the IPW or Personal Care Services Program (PCSP), and receive Federal Financial Participation (FFP) for services to these recipients. The IPW was limited to five years with a possibility of renewal; however, during that time, CMS initiated new options to allow recipients in the IPW to be served in the State Plan.

The US Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), approved a Social Security Act §1915(j) Self-Directed Personal Assistance Services (PAS) State Plan Option program for California. Per WIC §14132.952, this State Plan Option is known as the IPO. Effective October 1, 2009, the IPO program replaced the IPW program. The new IPO program continues federal funding for the IPW population.

**Transition of the IPW Population to the IPO**

- Effective October 1, 2009, the IPW population was moved into the new IPO program. The transition to the IPO was seamless for IPO recipients and no notices were issued.
- IPO recipients will be informed of this transition during reassessments beginning February 1, 2011.
- The Medi-Cal secondary aid code for this population will continue to be 2L.

- IPW and IPO program expenditures will be differentiated in the CMIPS Legacy and CMIPS II systems based upon service date (i.e., service dates through September 30, 2009 are IPW expenditures, and service dates beginning October 1, 2009 are IPO expenditures).
- Individuals who are eligible for full scope FFP Medi-Cal, and have their services provided by a spouse or parent (if the individual is a minor child); or receive Restaurant Meal Allowance or Advance Pay are eligible for the IPO program.

### **Medi-Cal Exemptions**

- In accordance with ACWDL #06-04, under the new IPO program, IHSS wages for spouse and parent care providers will continue to be exempt for Medi-Cal as they were under the IPW program.

### **IPO Program Hours/Services**

- Non-Severely Impaired (NSI)/Severely Impaired (SI) Cases
  - IPO recipients will continue to receive a maximum of 195 hours for NSI cases and 283 hours for SI cases [WIC §14132.952(b)].
- Services for the IPO program are the same as for the PCSP.

### **Differences Between the IPW and IPO**

The IPO is a State Plan Option, and therefore follows the State Plan PCSP regarding eligibility as follows:

- For IPW eligibility, a recipient must have had a disability determination completed when the linkage to Medi-Cal was not based on the individual being disabled according to Medi-Cal definitions [Manual of Policies and Procedures (MPP) §30-785(b)(1)].
- For the IPO program, eligibility is the same as for PCSP, i.e., a recipient is eligible when she/he is a categorically or medically-needy Medi-Cal beneficiary as defined in WIC §14050.1, §14051, and §14051.5, who has a disabling condition that causes functional impairment that is expected to last at least 12 consecutive months, or that is expected to result in death within 12 months and who is unable to remain safely at home without the services. Thus, the IPO does not require a disability determination in accordance with Medi-Cal definitions.

42 Code of Federal Regulations (CFR) Part 441.464 require social workers to complete the following enhanced assessment processes during assessments/reassessments:

- Notify recipients they will receive a Notice of Action (NOA) indicating each of their services and the hours allotted for each service
- Inform recipients they may make changes to their budget hours if needed
- Inform recipients of their right to request a fair hearing if their request for a budget adjustment has been denied or the amount of the budget has been reduced
- Inform recipients of the voluntary disenrollment process

Social workers shall receive training on the following:

- Utilizing a person-centered planning philosophy for assessments
- The Risk Management process and completing the Individualized Back-Up Plan and Risk Assessment Form

42 CFR Part 441.476 requires a more in-depth risk assessment than what was required for the IPW.

- Individualized Back-Up Plan and Risk Assessment Form
  - Form Description

The IPW required that the Individual Emergency Back-Up Plan (SOC 827) must be completed for each applicant/recipient in the program. With the IPO, both a Risk Management Plan and an Individual Emergency Back-Up Plan must be completed. Thus, a new form was developed for IPO cases – the Individualized Back-Up Plan and Risk Assessment Form (see attachment). This process will require the recipient and the social worker to identify risks based on tasks the recipient is able to complete, and those personal care and domestic and related services for which the recipient may need assistance. Assistance may be met through IHSS or with other formal or informal services. Identified risks may be mitigated through the authorization of hours in the service plan. The risk management plan must be the result of discussion and negotiation between recipients and/or recipients' representatives and social workers. Social workers will attend training through the Social Worker Training Academy on the risk assessment process and completing the new form for IPO recipients.

    - Example of mitigating potential risk:

A recipient needs oxygen treatments during a power outage. The social worker and recipient should discuss what to do to mitigate the risk. The social worker codes the special need in CMIPS to ensure first response notification and identifies neighbors or friends who can check up on the recipient in case of an emergency or natural disaster to mitigate the risk. If the recipient refuses any service, the social worker must clearly document the service refused and the identified risks, and that the recipient elects to assume the risks associated with not receiving the service.
  - Pilot

CDSS developed the Individualized Back-Up Plan and Risk Assessment Form with input from counties and stakeholders. The form was piloted in five counties: San Diego, San Joaquin, Lassen, Mariposa and Tuolumne. Time study data, county averages and operational issues were compiled from all five counties and this information, as well as stakeholders' input, was utilized in finalizing the form.
  - Usage of the Form

Effective February 1, 2011, all recipients in the IPO program shall begin using the new Individualized Back-Up Plan and Risk Assessment Form. Counties are instructed to continue using the existing Individual Emergency Back-Up Plan Form (SOC 827) for all recipients in the IPO program through January 31, 2011.

Counties shall continue using the SOC 827 for all recipients in the PCSP and IHSS-R programs.

- Translation of the New Form

The Individualized Back-Up Plan and Risk Assessment Form will be available in the four State threshold languages: English, Spanish, Armenian and Chinese as required by §7295.2 of the Government Code.

## **Training**

CDSS and CSUS are currently developing an IPO training curriculum to include the enhanced assessment process, the new risk assessment process and instructions for completing the new Individualized Back-Up Plan and Risk Assessment Form. The IPO training will begin as a pilot and is tentatively scheduled to commence in the Spring of 2011. After the pilots and possible regional trainings, CSUS will offer this training in various counties throughout the state. More information will follow specifying the training details for each county. The IPO training will ultimately be incorporated into the IHSS Training Academy, *IHSS 101 Training*.

## **Regulations**

CDSS is in the process of developing regulations for the IPO and an ACL regarding IPO regulations will be issued in the near future.

## **Time Study Code**

Counties are instructed to continue using the same IPW time-study code for all IPO activities including completing the new Individualized Back-Up Plan and Risk Assessment Form.

## **CMIPS**

Legacy CMIPS currently does not have the capacity to generate the new Individualized Back-Up Plan and Risk Assessment Form; however, the form will be generated and auto populated in CMIPS II.

If you have questions regarding any of this information, please call the Waiver and Policy Development Unit at (916) 651-5350 or send an email to [APBpolicy@dss.ca.gov](mailto:APBpolicy@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

EILEEN CARROLL  
Deputy Director  
Adult Programs Division

Attachment

c: CWDA

DRAFT