



CDSS

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GOVERNOR

DRAFT

ALL-COUNTY LETTER NO.:

TO: ALL COUNTY WELARE DIRECTORS
IHSS PROGRAM MANAGERS

SUBJECT: **IN-HOME SUPPORTIVE SERVICES (IHSS) HEALTH CARE
CERTIFICATION FORM (SOC 873) EXCEPTIONS**

REFERENCE: ACL No. 11-55. DATED JULY 27, 2011

The purpose of this All-County Letter (ACL) is to instruct counties on the implementation of Assembly Bill (AB) 106 (Chapter 32, Statutes of 2011) as it relates to the exceptions to the rule requiring a certification be obtained from a licensed health care professional prior to service authorization for In-Home Supportive Services (IHSS) applicants.

BACKGROUND

SB 72 added Section 12309.1 to the Welfare and Institutions Code (WIC) that requires the development of a certification form. The California Department of Social Services (CDSS), in consultation with the Department of Health Care Services and stakeholders, developed the In-Home Supportive Services Program Health Care Certification Form (SOC 873). The completed SOC 873 must be received prior to the authorization of IHSS services for new applicants and to allow the continuation of IHSS services for recipients. SB 72 allowed for two exceptions to this rule, one of which was amended by AB 106.

WIC 12309.1 states “the certification shall be received prior to authorization and services shall not be authorized in the absence of the certification”, but allows for two exceptions to this rule where services may be authorized prior to the receipt of the SOC 873 or alternative documentation. Those exceptions are:

- 1) IHSS services may be authorized when services have been requested on behalf of an individual being discharged from a hospital or a nursing home and services are needed to enable the individual to return safely to their own home or into the community.
- 2) Services may be authorized temporarily pending receipt of the certification when the county determines that there is a risk of out-of-home placement.

REASON FOR THIS TRANSMITTAL

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

These authorization exceptions are temporary in nature and ultimately the SOC 873 or alternative documentation must be obtained within 45 calendar days from the date the county requests it.

APPLICATION OF EXCEPTIONS

When an individual applies for IHSS services prior to being released from a hospital or a nursing home and the county determines IHSS services are needed without further delay in order for that individual to return safely home, IHSS can be granted temporarily without the SOC 873 or alternative documentation. In addition, when the county determines there is an imminent risk of out-of-home placement without immediate service authorization, IHSS services can be authorized temporarily pending receipt of the SOC 873. For example, the county determines that waiting up to 45 days for the SOC 873 would place an applicant, who has Adult Protective Services involvement, at risk of out-of-home placement, then services can be granted temporarily pending receipt of the SOC 873 or alternative documentation.

When granting one of the above exceptions, the county must request the SOC 873 as soon as administratively possible but no later than the date of the in-home assessment. If the SOC 873 or alternative documentation is not provided within the 45 days from the date it was requested, the case should be terminated prospectively using NOA code 507. If the SOC 873 is received within the 45-day timeframe and indicates no need for services, the county must terminate the case based on no need for service using NOA code 443. Applicants granted an exception will be considered temporarily eligible. Since they are still considered applicants, the 45-day time limit cannot be extended for good cause.

CMIPS INSTRUCTIONS FOR EXCEPTIONS

When entering an exception case into CMIPS, counties must enter an "E" in the MC Code field and enter the date the SOC 873 was requested from the recipient in the MC Date field. Once the MC Code and MC Date are entered, counties can continue to authorize the case as usual.

NOTICES

When an exception to the health care certification requirements has been granted, counties shall notify the applicant that his/her application for IHSS has been temporarily approved and of the requirement to obtain the SOC 873 within 45 calendar days of the county requesting it. If hours are being authorized prior to an in-home assessment, because the applicant is being discharged from a facility, counties must send form XXX. [The form/notice is under development. It will list the provisional hours assessed for each of the service categories and will not provide appeal rights because the authorized hours will be based on a preliminary assessment rather than the required in-home assessment.] Counties are reminded that if the applicant's discharge planner needs a

copy of form XXX, the county may provide this to the discharge planner with the applicant's written consent.

If hours are being authorized after an in-home assessment has been completed, but before the SOC 873 has been received, a NOA form NA 690 should be sent using the follow NOA message number XXX:

“Your application has been temporarily approved pending recipient of your health care certification form. Your eligibility will be discontinued if the form is not received within 45-days of when it was requested or if it indicates you have no need for In-Home Supportive Services (WIC 12309.1)”

For questions, please contact Marshal Browne, Manager, Adult Programs Branch, Operations and Technical Assistance Unit, at (916) 653-3850, or by e-mail at: Marshall.Browne@dss.ca.gov .

Sincerely,

EILEEN CARROLL
Deputy Director
Adult Programs Division

bc:	APD File	MS 8-17-12
	APB ACL File	MS 9-7-96
	Mngr. M. Browne	MS 9-7-96
	Orig. V. Rodriguez	MS 9-7-96

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