

National Senior Citizens Law Center



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CALIFORNIA'S IN-HOME SUPPORTIVE SERVICES PROGRAM: RESOURCES FOR ADVOCATES

There are many helpful resources for California legal services attorneys to refer to for assistance when representing low income seniors and individuals with disabilities access benefits through the In-Home Supportive Services program and other Home and Community Based Services.

RULES AND REGULATIONS

Statutes & Waiver

- California Welfare & Institutions Code §§ 12300 *et seq.*-- the Original or Residual Program
- California Welfare & Institutions Code §§ 14132.95, 14132.951 –the Medi-Cal Personal care Services Program and § 1115 waiver personal care services authorization
- Website for Statutes: www.leginfo.ca.gov/calaw.html
- Information about the §1115 Demonstration Waiver from the federal website for the Centers for Medicare and Medicaid Services (CMS):
<http://www.cms.hhs.gov/IndependencePlus/>

Regulations

- DSS Manual of Policies and Procedures (MPP), IHSS program, 30-700 *et seq.*
<http://www.dss.cahwnet.gov/ord/PG310.htm>
- DSS Manual of Policies and Procedures (MPP), Confidentiality, Fraud, Civil Rights, and State Hearings Manual: <http://www.cdss.ca.gov/ord/PG319.htm>
- Medi-Cal regulations: California Code of Regulations, Title 22, § 51015.2, 51145.1, 51183, 51350
- Website for Regulations: www.oal.ca.gov

Department of Social Services Publications

- All County Letters and All County Information Notices—
www.dss.cahwnet.gov/lettersnotices/default.htm
- IHSS Program forms, http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm
- Hourly Task Guidelines (HTG) Quick Reference Tool: Defines IHSS covered tasks, with cites to the MPP; grids with low and high time guidelines depending on functional index; and lists exceptions and factors for social workers consider when assessing time for services.
<http://www.cdss.ca.gov/agedblinddisabled/res/pdf/HTGQuickReferenceTool.pdf>

Department of Health Care Services

- All County Letters and All County Information Notices,
<http://www.dhcs.ca.gov/ProvGovPart/county/Pages/default.aspx>

OTHER SOURCES OF INFORMATION ABOUT THE IHSS AND MEDI-CAL PERSONAL CARE SERVICES PROGRAMS

- Disability Rights California (formerly Protection & Advocacy or PAI). A wealth of information about IHSS. http://www.disabilityrightsca.org/issues/inhome_pubs.html
 - “IHSS Fair Hearing and Self-Assessment Packet,” a very valuable tool to work through with clients.
 - “In-Home Supportive Services: Nuts and Bolts,” (Sept. 2008). A good guide for advocates, available in Spanish, Vietnamese and Chinese.
 - “Request for Information: Documenting a Patient’s Functional Limitation”—a model to send to doctors.
 - Protective Supervision Packet—not currently online, contact Disability Rights.
- “Finding and Hiring In-Home Assistance”, Humboldt County Area Agency on Aging
<http://www.a1aa.org/I&APubs/FindingandHiringAssistance.pdf>
- “The Caregiver Companion: A User-Friendly Guide to Providing At-Home Care,” Bet Tzedek (2007). Intended for family caregivers, this guide gives a good overview of other services that may be available to provide at-home assistance (e.g., Adult Day Care), and discusses other important issues for those with a family member in need of at-home care (e.g., how to find a care provider).
<http://www.bettzedek.org/PDF/BTCaregiverCompanionBook.pdf>
- California Association of Public Authorities, includes updates on budget process and impact on IHSS. <http://www.capaihss.org>

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- IHSS Coalition: Quality Homecare Begins At Home. Coalition of IHSS consumers, providers and counties; information and tips for advocacy relating to the state budget. <http://www.ihsscalifornia.org/>
 - California In-Home Supportive Services Consumer Alliance, a coalition of consumer members of IHSS governing boards: <http://www.cicaihss.org/>
 - “What about IHSS,” (2001), somewhat outdated but still helpful guide from the Department of Developmental Services: http://www.udwa.org/pdf_docs/what_abt.pdf
 - “*The In-Home Supportive Services Consumer Handbook*,” CSU Sacramento Institute for Social Research, <http://www.cdss.ca.gov/agedblinddisabled/res/pdf/ConsumerHandbook.pdf>
 - “*The In-Home Supportive Services Provider Handbook*,” CSU Sacramento Institute for Social Research, <http://www.cdss.ca.gov/agedblinddisabled/res/pdf/ProviderHandbook.pdf>
 - “*In-Home Supportive Services: Past, Present, and Future*,” County Welfare Directors Association of California, <http://www.cwda.org/downloads/IHSS.pdf>

HOME AND COMMUNITY-BASED SERVICES WAIVERS

- “*The Nursing Facility/Acute Hospital Waiver: The Basics*,” Protection & Advocacy, Inc., <http://pai-ca.org/advocacy/HCBSWaivers/WaiverFactSheet.pdf>
- “*HCBS Waiver Application*,” California Department of Health Care Services, <http://www.dhcs.ca.gov/formsandpubs/publications/Documents/In-Home%20Operations%20HCBS%20Waiver%20Application.pdf>
- “*HCBS Plan of Treatment*,” California Department of Health Care Services, <http://www.dhcs.ca.gov/formsandpubs/publications/Documents/In-Home%20Operations%20HCBS%20Plan%20of%20Treatment.pdf>
- “*Procedure for Completing the HCBS Waiver Plan of Treatment*,” California Department of Health Care Services, [http://www.dhcs.ca.gov/formsandpubs/publications/Documents/In-Home%20Operations%20HCBS%20Plan%20of%20Treatment%20\(Instructions\).pdf](http://www.dhcs.ca.gov/formsandpubs/publications/Documents/In-Home%20Operations%20HCBS%20Plan%20of%20Treatment%20(Instructions).pdf)
- “*NF/AH Waiver (Amended 07-01-2007)*,” California Department of Health Care Services, [http://www.dhcs.ca.gov/formsandpubs/publications/Documents/NFAH%20Waiver%20\(Amended%2007-01-2007\).pdf](http://www.dhcs.ca.gov/formsandpubs/publications/Documents/NFAH%20Waiver%20(Amended%2007-01-2007).pdf)

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- “*HCBS IHO Waiver (Amended 07-01-2007)*,” California Department of Health Care Services,
[http://www.dhcs.ca.gov/formsandpubs/publications/Documents/HCBS%20IHO%20Waiver%20\(Amended%2007-01-2007\).pdf](http://www.dhcs.ca.gov/formsandpubs/publications/Documents/HCBS%20IHO%20Waiver%20(Amended%2007-01-2007).pdf)
 - “*HCBS Waiver Application Glossary of Terms and Abbreviations*,” California Department of Health Care Services,
<http://www.dhcs.ca.gov/formsandpubs/publications/Documents/Glossary%20of%20Terms%20and%20Abbreviations.pdf>

IN-HOME OPERATIONS

- “*In-Home Operations*,” California Department of Health Care Services,
http://www.dhcs.ca.gov/formsandpubs/publications/Documents/IHO_InfoPacket.pdf

MULTIPURPOSE SENIOR SERVICES PROGRAM

- “*The Multipurpose Senior Services Program May Be the Answer to Staying at Home Rather Than Going to a Nursing Home*,” Protection & Advocacy, Inc.,
<http://www.pai-ca.org/pubs/539501.htm>
- “*New Multipurpose Senior Services Program Waiver Aid Codes*,” California Department of Health Services,
<http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/c03-22.pdf>
- “*The Caregiver Companion, Appendix B: MSSP Sites*,” Bet Tzedek Legal Services,
<http://houseofjustice.org/PDF/BTCaregiverCompanionBook.pdf>

MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION: CALIFORNIA COMMUNITY TRANSITIONS

- “*California Pathways/ Money Follows the Person*,” UCLA Department of Medicine,
http://www.dhcs.ca.gov/services/ltc/Documents/CA_Pathways_MFP_FinalRpt.pdf
- “*California Community Transitions, Appendix V: Description of Medi-Cal Waivers Chart*,” California Department of Health Services,
http://www.dhcs.ca.gov/services/ltc/Documents/MFP_Demo_CCT_Application.pdf

USEFUL CONTACTS FOR ADVOCATES:

- National Senior Citizens Law Center, (510) 663-1055, www.nslc.org
- Disability Rights California, (800) 776-5746, www.pai-ca.org
- Local Legal Aid and Title III legal services organizations
- Benefits Counselors with Independent Living Centers. For a directory, go to www.cfilc.org

For questions, more information, or to report a broken link, contact Anna Rich or Katharine Hsiao in NSCLC's Oakland office.

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