

Counties are Required to Process IHSS Applications from Individuals in Facilities

October 2018, Pub. # 5239.01

If you currently reside in a nursing home, hospital, or other facility and would like to move home, counties are required to process your application for In-Home Supportive Services (IHSS).

California Department of Social Services (CDSS) [All County Letter 02-68](#) outlines the responsibility of county welfare departments to conduct assessments of applicants ready for discharge from medical facilities and non-medical out-of-home placements.

The IHSS regulation about applications says the following:

“Otherwise eligible applicants, currently institutionalized, who wish to live in their own homes and who are capable of safely doing so if IHSS is provided, shall upon application receive IHSS based on a needs assessment.” (CDSS Manual of Policy and Procedures, Section 30-755.12)

“Service delivery shall commence upon the applicant’s return home, except that authorized services as specified in Section 30-757.12 [heavy cleaning] may be used to prepare for the applicant’s return home.” (CDSS Manual of Policy and Procedures, Section 30-755.121)

This means that the provider will be paid for the services authorized starting the first day the IHSS recipient is home, and that if the person is eligible for heavy cleaning services, that service may occur before the recipient returns home. Typically, after an assessment is completed in the facility, IHSS will reassess the recipient once they are at home to ensure that the facility assessment accurately reflected their actual needs.

If your county refuses to process your application or states that they are not able to assess you while you are in a facility, you should provide them with a copy of the All County Letter referenced above. If they still refuse, you should request a fair hearing. You can also contact Disability Rights California for assistance.

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For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

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