

In-Home Supportive Services (IHSS) Disagreements, Complaints and Requesting a New IHSS Social Worker

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What is IHSS?

IHSS is a Statewide program that provides home care services to help eligible people with disabilities remain in their own homes.

IHSS provides help with:

- Domestic and Related Services: meal preparation, cleaning, laundry
- Personal Care Services/Non–Medical Care: bathing, feeding, dressing, grooming and toileting.
- Paramedical Tasks: assistance with medications, injections, bowel and bladder care.
- Protective Supervision: monitoring persons with cognitive or mental impairments to prevent injury.
- Transportation Services
- Accompaniment to medical appointments

What do IHSS Social Workers Do?

Your IHSS social worker is responsible for determining your eligibility and need for IHSS services. Your IHSS social worker will do this by providing you with an assessment when you first apply for IHSS, and by conducting annual reassessments after that. The purpose of an assessment and reassessment is to determine what services you need and how much time you need to receive IHSS services in order for you to remain safe at home. When the assessment is complete, your IHSS social worker is required to

send you an IHSS Notice of Action (NOA). [Click here to see an example of what an HSS NOA form looks like.](#)

IHSS Notice of Action to Approve, Deny or Change Benefits

Your IHSS social worker must send you an IHSS NOA each time a decision is made related to your eligibility for IHSS. For example, once your IHSS application has been processed, your county IHSS social worker will send you an IHSS NOA. Your IHSS social worker will also send you an IHSS NOA if your hours are increased, decreased or your IHSS services are terminated. IHSS is also required to send to you an IHSS NOA if there is some other change that is made to your IHSS services.

Why are IHSS Notices of Action Important?

IHSS NOAs are very important because they have information about:

- The change or action the county intends to take.
- The reason for the change or action.
- The regulations that support the county's decision.
- Information about your hearing rights and right to have your IHSS services continue while your hearing is pending.
- Information about deadlines for appealing if you disagree with the county.

IHSS is required to send your IHSS NOA 10 days before the change in your IHSS services is supposed to happen. (California Department of Social Services Manual of Policies and Procedures (MPP) 22-001(t)(1)). This is meant to give you time to ask for a hearing before the change is supposed to happen so that your benefits can continue at the same level. If the county does not give you advance notice of the change in your IHSS benefits, the county must reinstate your IHSS benefits retroactively. (MPP 22-049.523)

Requesting a Hearing to Challenge IHSS Decisions

If you disagree with the county's decision about your IHSS benefits, you have the right to ask for a hearing. There are two deadlines that you must know about when asking for a hearing.

- ❖ 90 Day Deadline for Requesting a Hearing

You only have 90 days to ask for a hearing from the date of the IHSS notice or action or inaction with which you disagree. Here is where you can find more information about asking for a hearing:

<https://www.cdss.ca.gov/hearing-requests>. If you believe you need a Home Hearing, you may want to review our publication entitled, [Right to Request a Home Hearing](#) for more information about how to get a home hearing.

❖ Aid Paid Pending your Hearing

Aid Paid Pending is a rule which prevents your IHSS NOA from taking effect while your hearing is pending.

If you ask for a hearing before the change in your IHSS NOA is supposed to happen, your IHSS services will continue at the same level until the outcome of your hearing. (MPP 22-072.5) Aid Paid Pending IHSS services are not considered an overpayment, even if you lose your IHSS hearing. (MPP 30-768.111)

For example, if you get an IHSS NOA reducing or terminating your IHSS benefits and you ask for a hearing before the change in the IHSS NOA is supposed to happen, your IHSS benefits will not change pending your hearing. However, if you do not ask for a hearing before the change is supposed to happen then the IHSS NOA will take effect.

Why Should I ask for a Hearing?

It is important to remember that the right to an IHSS hearing belongs to you. It's an important right because it gives you an opportunity to challenge the county's decision and to ask for the IHSS services that you believe you need to remain safe at home. Requesting a hearing is important also because if you disagree with an IHSS NOA or action and you don't ask for a hearing, then the action and/or IHSS NOA will take effect. If you wait too long to ask for a hearing, you may also lose your right to dispute your NOA or the county's decision.

At your hearing you will have an opportunity to go before an Administrative Law Judge (ALJ) who is knowledgeable about IHSS rules. During your hearing, the ALJ assigned to your hearing will listen to you and the county

and is required to decide how the IHSS rules should be applied to you in your case. This is not a right you want to give up easily. For information about how to prepare for your IHSS hearing and advocate for more IHSS services, you may visit our [IHSS Self Advocacy Resource webpage](#).

Customer Service Issues and Requesting a new IHSS Social Worker

If you believe that your IHSS social worker has behaved in an unprofessional or inappropriate way, you may want to contact your IHSS social worker's supervisor for assistance or to file a complaint. You may also request a new IHSS social worker. If the county does not have another IHSS social worker available it can assign to you, the county may deny your request. If the county has an IHSS social worker available, it may assign you a new IHSS social worker. If the county refuses to assigned you a new IHSS social worker, you can contact the [California Department of Social Services, Adult Programs](#) at: 916-651-8848. You may also contact your local board of supervisors for help with obtaining a new IHSS social worker.

Discrimination Complaints

If you believe that your IHSS social worker or the county welfare department has discriminated against you because you have a disability, you can file a discrimination complaint with the [California Department of Social Services, Civil Rights Division](#). You only have 180 days from the date the alleged discrimination occurred to make a complaint or request an investigation. If you have a dispute with the county about your IHSS benefits as explained above, you should request an IHSS hearing. You may also visit our [Disability-Related Discrimination Self-Advocacy Resource webpage](#) for more information about your rights as a person with a disability.

Provider Grievance Complaint Process

The county is required to respond and resolve payment inquiries from recipients and providers. (MPP 30-767.6) The county also has a grievance procedure it must follow when a grievance or complaint is received about the processing of payment for IHSS services for recipients that get IHSS under the Personal Care Services (PCSP) Program. (MPP 30-767.6) Providers may also reach out to their Union for help with payroll

issues. IHSS care providers can contact the IHSS county office or Public Authority for information about how to contact their union. Here is a link for IHSS county offices: <https://www.cdss.ca.gov/inforesources/county-ihss-offices>.

How to Get More Information About Your Rights

If you have a question about your legal rights:

- Call DRC's intake line at: 1-800-776-5746.
- Call DRC's Office of Clients' Rights Advocacy (OCRA) at:
 - Northern California 1-800-390-7032 (TTY 877-669-6023)
 - Southern California 1-866-833-6712 (TTY 877-669-6023)

IHSS Self Advocacy Resources

DRC IHSS Self-Advocacy Publications:

<https://www.disabilityrightsca.org/publications/in-home-supportive-services-ihss>

In-Home Supportive Services (IHSS): A Guide for Advocates:

<https://www.disabilityrightsca.org/publications/in-home-supportive-services-ihss-advocates-manual>