



COVID-19 (Coronavirus) – Tips for Getting Help at Home and IHSS Program Changes

Pub#F126.01 - Updated September 21, 2020

This information is for people who need help at home and get In-Home Supportive Services (IHSS).

We will update this flyer on an ongoing basis as we get more information.

In this fact sheet, you will learn about:

- IHSS Overview
- How to make a back-up plan
- Finding Back-Up IHSS workers
- COVID-19 Changes Affecting IHSS Applicants, Recipients and Providers
- COVID-19 Temporary Removal of IHSS Overtime Violations
- Other COVID-19 IHSS Changes
- IHSS Adverse Actions and Hearings
- IHSS Advocacy Resources.

Overview - 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**

IHSS tells people if an application is approved or denied, what services a recipient can get, and the amount of time that is approved to provide each service by providing an IHSS Notice of Action (NOA). [Ctrl + Right Click here to see what an HSS NOA form looks like](#). The IHSS NOA also provides information about deadlines for appealing if you disagree with the county. Here is where you can find more information about requesting a hearing: <https://www.cdss.ca.gov/hearing-requests>.

During the Covid-19 pandemic, some IHSS rules have changed. You can find COVID-19 All County Letters (ACLs) referred to in this publication here: <https://www.cdss.ca.gov/inforesources/2020-all-county-letters>

Making a Back-Up Plan

Make a back-up plan now. Here are tips:

1. List things you need, like medication, medical equipment, service animals, and support services.
2. Think about ways to meet your needs if there are no services.
3. Here is a sheet to help you create your own backup plan - <https://www.cdss.ca.gov/Portals/9/IHSS/Emergency/Personal-Emergency-Plan.pdf>.

You may have already planned for an emergency with your social worker during your assessment. Look at your assessment paperwork or call the county to get a copy of it. Here is a list of social services offices: <https://www.cdss.ca.gov/county-offices>.

If you get services through a different agency, call that agency for more information. For example, if you also receive Waiver Personal Care Services (WPCS), then you can call your waiver agency or the Department of Health Care Services (DHCS) for more information.

This is also a good time to call your health plan and find out what services are covered and how to get them during an emergency.

Finding Emergency Back-Up IHSS Providers

Counties have been told to create a back-up IHSS provider system. The emergency back-up IHSS provider program and an additional \$2.00 per hour for providers is available now through December 31, 2020. (All County Letter (ACL) No. 20-29 and ACL 20-75)

You can get an emergency back-up IHSS provider when your regular IHSS provider cannot work because of COVID-19. Contact your IHSS county office for more information about the IHSS emergency back-up system in your area. Here is a link for IHSS county offices:

<https://www.cdss.ca.gov/inforesources/county-ihss-offices>.

If you get services from a family member, talk to your family about back-up IHSS provider plans.

IHSS Applications

IHSS applicants must get a Health Care Certification (SOC 873) form from their doctor and give it to the IHSS program before IHSS services can be provided. Right now, you can get IHSS without the SOC 873 form. All County Information Notice (ACIN) I-28-20:

https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACINs/2020/I-28_20.pdf).

Here is how it will work. If you cannot get your doctor to fill in the SOC 873 form because of COVID-19, you can get up to 90 days to submit a SOC 873 form to IHSS. This rule will remain in effect until December 31, 2020. (ACL 20-75)

When doing this, first the county will give you IHSS services and 45 days for the SOC 873 form to be completed and returned. If you need more time, you should call county and ask for another 45 days. You should explain to the county why your doctor cannot complete the SOC 873 form yet.

Initial Assessments for IHSS Applicants

In general, most IHSS assessments will be done remotely through the end of the COVID-19 National Emergency (ACL 20-42 and ACL 20-75). Initial assessments are part of the application process. This section discusses options counties have for conducting initial assessments done as part of the IHSS application process during the COVID-19 national emergency.

❖ Assessments Basic Rule

- Counties must conduct an in-home face-to-face assessment before authorizing IHSS services. The in-home face-to-face assessment is often called a “home visit.” A “home visit” or “assessment” is part of the IHSS “initial assessment” and “reassessment” process.

❖ COVID-19 Initial Assessments

Option 1: Remote IHSS Assessment

- As of August 4, 2020, counties may conduct initial assessments via video call (e.g. Skype or FaceTime) for IHSS applicants if the applicant or anyone in the household has been exposed to, presents symptoms of, or tests positive for COVID-19. Before scheduling an initial assessment, counties will ask IHSS applicants if anyone in the household has been exposed to, presents symptoms of, or tests positive for COVID-19. If so, the assessment will be conducted by video call.

Option 2: Face-to-Face IHSS Assessments

- Counties can conduct a face-to-face assessment in an applicant’s home as long as the applicant or anyone in the household has NOT been exposed to, presents symptoms of, or tests positive for COVID-19. Before conducting a face-to-face assessments/home visit, counties must collect as much information as possible over the phone in order to reduce the amount of time spent in applicant’s home. IHSS social workers may also ask if you or anyone in your family has been exposed to COVID-19 before coming to your home. If, so the IHSS social worker will conduct the assessment by video call.

During a face-to-face assessment/home visit, the IHSS social worker must take precautions recommended by public health agencies. This

includes maintaining a six-foot distance between you and other people in your home and using Personal Protective Equipment, when needed. Social workers who have been exposed to, present symptoms of, or test positive for COVID-19 may not complete a face-to-face assessment in your home. (ACL 20-26)

Reassessments

❖ Annual Reassessment Basic Rule

- Normally, counties reassess IHSS recipients every year by conducting an in-home face-to-face assessment.

❖ COVID-19 Annual Reassessments

- Counties must immediately begin doing reassessments. Counties that suspended reassessments must complete those that were suspended by December 31, 2020. Counties can conduct reassessments by video conference until the end of the COVID-19 National Emergency (ACL 20-75).

Additional IHSS Services Because of Loss of Alternative Resources

Alternative resources are basically IHSS services provided outside the IHSS program. Alternative resources can reduce IHSS hours. Some people may receive alternative resources through school or a day program, such as Community Based Adult Services. You may get alternative resources from a person as well. You may be getting services through an alternative resource and may not know it.

Many alternative resources are not currently available because schools and day programs are closed, or people are not available. Contact your social worker if you need additional IHSS hours because alternative resources are not available. **If you cannot reach your worker, you should document the request, and adjust your hours.** (March 16, 2020 Program Managers Letter: https://www.cdss.ca.gov/Portals/13/Homepage/PML_authorizedHoursAdjustments.pdf and ACL 20-26).

Follow these steps to find which alternative resources you are no longer receiving and what additional IHSS services you may need:

1. Identify the alternative resource (day program, school, person, CBAS, regional center program/services, etc.) you are no longer attending.
2. Identify IHSS tasks reduced in your NOA because of alternative resources. This is under the column “**SERVICES YOU REFUSED OR YOU GET FROM OTHERS**”, because you get services from an alternative resource.
3. Identify IHSS tasks you now need help with because of an elimination of an alternative resource. This should include both alternative resources identified in your IHSS NOA and alternative resources the county did not identify.

Some examples of IHSS tasks you may need help with because of the loss of an alternative resource include: assistance with feeding, meal prep/cleanup, diaper changes, assistance with ambulation, help with prosthesis, increased unmet need for those who need protective supervision, assistance with medications, paramedical services (such as range of motion exercises no longer being provided by a physical therapist (PT) or IHSS tasks provided as part of the receipt of nursing services which you are no longer getting due to a nursing shortage), time your IHSS provider spends ordering your food online because you can no longer shop for yourself because paratransit is no longer available to you, etc.

Remember, counties may not always identify and document alternative resources during an assessment and as part of your IHSS assessment/NOA so it is important that you advocate for yourself.

It is also a good idea to document your request for the additional time and provide an explanation as to why more time is needed. A sample letter of what a request for more time due to the elimination of alternative resources might look like is below.

COVID IHSS Provider Enrollment Process

If you know someone who wants to be a backup provider, they can become one right now. Here is information on becoming an IHSS provider:

<https://www.cdss.ca.gov/inforesources/ihss/ihss-providers/how-to-become-an-ihss-provider>.

❖ Provider Enrollment Process Basic Requirements

In order to be a paid IHSS provider, individuals must:

- Attend an in-person enrollment orientation
- Sign a Provider Enrollment Agreement Form SOC 846
- Present in-person original documents verifying identity.
- Undergo fingerprinting at an approved live scan facility and complete a Department of Justice (DOJ) background check.

❖ COVID-19 Orientations, Forms and Identification

New IHSS providers can attend an on-line enrollment orientation and sign a Provider Enrollment Agreement Form SOC 846 and submit by mail or fax until August 31, 2020. You can find Form SOC 846 here:

[https://dpss.lacounty.gov/content/dam/dpss/documents/en/ihss/SOC%20426%20\(Rcv%2006-16\)%20EN.pdf](https://dpss.lacounty.gov/content/dam/dpss/documents/en/ihss/SOC%20426%20(Rcv%2006-16)%20EN.pdf). New providers enrolled between April and August 2020 must complete the enrollment process and sign a Provider Enrollment Agreement by December 31, 2020.

As of September 1, 2020, new IHSS providers can attend an orientation either in-person or online. Individuals who want to become a provider should contact their [county IHSS office](#) or [county Public Authority](#) for information about the Provider Orientation process. Photocopying original provider identification documents can be submitted by mail until December 31, 2020. Providers who gave the county photocopies of original identification documents will not have to present their original documentation on or after January 1, 2021. (ACL 20-75)

IHSS Providers can be enrolled while county waits to receive identifying documents and providers complete the orientation process. IHSS recipients are still required to complete Recipient Designation of Provider Form SOC 426A:

<https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC426A.pdf>.

ACL 20-32 has more information about how it is easier to become an IHSS provider during COVID.

❖ Fingerprinting and DOJ Background Checks

IHSS temporarily suspended the required DOJ fingerprinting background checks provided at live scan facilities for providers who are unable to get fingerprinted because the live scan facility in their area is closed due to COVID-19. (ACL 20-50) Providers unable to get fingerprinted at closed live scan facilities were allowed to complete the “Applicant Information” part of a COVID-19 Request for Department of Justice Name Check form. You can find the form here:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/bcia-9010-covid-19.pdf>. The county then completes and forwards the form to the DOJ. IHSS providers were still required to complete the fingerprinting background check by July 31, 2020.

IHSS providers who have not completed the fingerprinting background check by June 31, 2020 will no longer be an eligible IHSS provider until they complete the DOJ fingerprinting background check. (ACL 20-67)

IHSS recipients will still be required to complete a Recipient Designation of Provider Form SOC 426A:

<https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC426A.pdf>.

IHSS recipients will also be required to complete and sign a “TEMP 3019” form. You can find the form here:

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Forms-and-Brochures/2019/Q-T/TEMP3019.pdf>. This form acknowledges an IHSS recipient’s decision to hire an IHSS caregiver who has not completed a DOJ fingerprinting background check. IHSS may also ask an IHSS recipient if they are aware that the provider who is being enrolled has not been fingerprinted and note the response in the county case management system.

Parent Providers in Two Parent Households for Children under 18

❖ *Basic Parent Provider Rule*

A parent may be an IHSS provider for their child if:

- A parent leaves a full-time job or cannot work full time because the parent must care for their child and
- There is no one else who can care for the child and

- Without the parent's care the child is at risk of institutionalization.

❖ Basic Two Parent Household Rule

- Generally, in a two-parent household, a parent may only be an IHSS provider if they meet the criteria above and
- The second parent is considered "unavailable" because the second parent works, attends an education or vocational program, or is conducting employment searches or has a mental or physical disability which prevents them from providing IHSS services.

From April 23, 2020 until August 3, 2020, IHSS parent providers in a two-parent household were allowed to continue to be a paid IHSS provider if the second parent was no longer "unavailable" because the parent was not working or attending a school or vocational program due to COVID-19.

If the second parent is still available in the home after August 3, 2020 then the first parent will no longer be able to be paid as the IHSS parent provider. (ACL 20-75)

IHSS Provider Sick Leave

IHSS providers can get COVID-19 sick leave through December 31, 2020. (ACL 20-75) COVID-19 sick leave does not affect existing IHSS paid leave.

- Providers who work 40 hours or more per week can get 80 hours of sick leave.
- Providers who work less than 40 hours per week can get the average number of hours worked over a two-week period.

COVID-19 sick leave is available to employees who cannot work for one of the following reasons:

- Provider is in quarantine,
- Provider has been told by doctor to quarantine,
- Provider has symptoms and is seeking doctor's help,
- Provider is caring for person who is in quarantine or has been told by doctor to quarantine,

- Provider is caring for his/her child whose school or child care has closed or childcare provider is not available because of COVID-19 or, has another COVID-19 related problem.

To claim sick time, providers must complete a COVID-19 Provider Sick Leave (TEMP 3021) Form: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Forms-and-Brochures/2019/Q-T/TEMP3021.pdf> (ACL 20-40)

COVID-19 Personal Protective Equipment (PPE) for IHSS Providers and Recipients

IHSS Public Authority offices are now distributing face masks and gloves to any IHSS providers and recipients who request it. ACL 20-62: https://mcusercontent.com/73901133dd7ea1a5581344daf/files/755117fd-036c-42ee-93a6-fc6195fdf352/20_57.pdf

Contact your IHSS county office for more information about how to contact the public authority in your county. Here is a link for IHSS county offices: <https://www.cdss.ca.gov/inforesources/county-ihss-offices>.

No IHSS Overtime Violations through August 31, 2020

Counties must allow IHSS providers more flexibility to provide needed services. This gives you flexibility to assign hours to providers for services that are a “critical need.” If your provider gets an overtime violation because your provider was providing you with IHSS services that are a “critical need,” your provider’s violation can be removed through August 31, 2020. (Program Manager Letter, March 19, 2020: https://www.cdss.ca.gov/Portals/13/Homepage/IHSSPML_GovEO_031920.pdf and ACL 20-32 and ACL 20-32)

As of September 1, 2020, violations for exceeding overtime and travel time limits will begin again. Going forward, counties should use the process in ACL 16-46 to determine if requests to rescind overtime and travel time violations for services that are necessary because of COVID-19 can be granted.

Counties can override overtime violations if:

- 1) the additional hours are necessary to meet an unanticipated need;

- 2) the additional hours are related to an immediate need that could not be postponed until a backup provider arrives; and
- 3) the additional hours are related to a need that would have a direct impact on the IHSS recipient and would have been needed to ensure their health or safety.

COVID-19 may require IHSS that providers to work more overtime, in which case an exception can be granted. Reasons for an exception would be the same as the exemption reasons above. Counties should consider these situations when determining whether to override an overtime or travel time violation. If you think you need an exception, you should request one from your county worker. (ACL 20-103, <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/20-103.pdf>)

Electronic Visit Verification (EVV)

- ❖ **EVV Basic Rule:** By January 1, 2021, all IHSS recipients and providers are supposed to use the EVV system. County enrollment is occurring in waves; not every county is coming online at the same time.
- ❖ **Covid-19 Rule:** If a recipient or provider is unable to sign-up for a telephone or electronic timesheet, they can continue to use paper timesheets in the near term.

COVID-19 IHSS Adverse Actions

As of July 2020, counties may stop or decrease IHSS services (ACL 20-75). IHSS applicants and recipients have 90 days to appeal a change in services or decision with which they disagree by asking for a hearing. If you ask for a hearing before the change is supposed to happen your IHSS service continue at the same level until the outcome of your hearing. Here is how you can ask for a hearing: <https://www.cdss.ca.gov/hearing-requests>

IHSS Fair Hearings

The state is only holding hearings by phone until further notice.

- IHSS recipients and applicants have a right to a hearing to contest an IHSS denial or reduction in services.

- Some in-person hearing requests will be postponed until in-person hearings are allowed again. Postponements for in-person hearings are being granted on a case-by-case basis. If the recipient is entitled to aid paid pending, aid paid pending will continue until the outcome of the in-person hearing in cases where postponements are granted.
- You can find more information about hearings online:
<https://www.cdss.ca.gov/hearing-requests>

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>

Sample Letter - Requesting More IHSS Services Because of a Loss of Alternative Resources

Date

County IHSS Program

Address or Email:

Attention: IHSS Social Worker

Name of IHSS Recipient:

Case No.:

Dear IHSS Social Worker:

I am sending you this letter to request approval and to document my child's need for more IHSS hours because of a loss of alternative resources. I am my child's parent provider.

Before Covid-19 social distancing requirements, my child had been attending a school program for five hours during the day. My child's school program is no longer available because of COVID-19.

At my child's school program, my child received assistance with the following IHSS tasks:

1. XX hours: Meal preparation, feeding and meal clean up. Lunch which takes approximately 20 minutes to complete all tasks.
2. XX hours: Paramedical services. Physical therapy (PT) session at school twice per week for a ½ hour each session. I have been training by my child's PT to provide my child with this service at home. I am in the process of obtaining an SOC 321 form completed by child's PT.
3. XX hours: Assistance with diaper changes approximately twice per day. Each diaper change takes approximately 15 minutes to complete.
4. XX hours: Repositioning in wheelchair. My child needs to be repositioned in their wheelchair once per hour about five times per day. It takes about 3 minutes each time they are repositioned.

Since my child's school program ended on XX, 2020, I have been providing my child with the IHSS tasks above. I am asking that IHSS grant my child approval of the XX hours of IHSS tasks my child now needs because of COVID-19 related loss of their educational program as required in All County Letter 20-26, https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/ACL_20-26.pdf. This is in addition to the other IHSS services they are currently getting.

Thank you,

Parent