

3.6% Across the Board Cuts to IHSS

I got a notice cutting my IHSS (In-Home Supportive Services) by 3.6%. Can I appeal?

No, you cannot appeal unless there was a math mistake. The budget law says there are no exceptions to the cut. However, if you think the county did not give you enough hours before, you can ask for a reassessment.

If your hours are increased after the reassessment, the 3.6% reduction will apply to the increased number of hours.

If your hours are not increased or were not increased as much as you think they should have been increased, you can appeal that.

You will receive aid paid pending only if you are appealing a math mistake or the County did not apply your “unmet need” (see below).

How long will the cut last? How is the cut applied to my hours?

The cut in hours will continue until the end of June 2012. The budget law says that beginning July 1, 2012, you will be entitled to receive all the authorized hours. This may change, as the budget will be reviewed again soon. You are the one to decide how the reduced hours will be used for the services authorized.

What if I get additional IHSS hours under the nursing facility/acute hospital home and community based services (HCBS) waiver?

If the hours authorized by the County are reduced, your IHSS hours under the waiver can be increased by the same amount. Contact your State Medi-Cal case manager with In-Home Operations.

What if I have unmet need that is documented?

Unmet needs are needs that the county recognized you had, but were not covered by IHSS because the maximum number of hours of IHSS that you can get per month is 283 per month. If the County has documented that you need more than 283 hours of IHSS, the 3.6% reduction will be based on 283 hours authorized for payment (about 10.2 hours) but the reduction will be taken first from unmet need. However, under the budget law, protective supervision is not considered “unmet need.”

What is an example of unmet need?

You can find out if the county has found that you have unmet needs by looking at the bottom of your most recent notice of action before the 3.6% notice.

If the county has authorized payment for 283 hours a month and has also recognized an additional 47 hours of unmet need, then the 3.6% reduction will be taken first from unmet need. For those whose documented unmet need means there will be no reduction below 283 hours, the total need is listed on the 3.6% notice as 295 but we are assured the computer has the correct unmet need amount.

What should I do if I think I have unmet needs?

If you are authorized to receive 283 hours a month by the county for services other than protective supervision and you believe the county

should have also documented unmet need, you can ask for a reassessment and appeal if you disagree with the reassessment.

What if I qualify for IHSS with a share of cost?

Because of special rules that apply only to people who qualify for Medi-Cal funded IHSS with a share of cost, you may not be affected by the 3.6% reduction. Call us and say you qualify for IHSS with a share of cost and want to talk to an advocate about the 3.6% reduction.

What if I want more information about this cut?

See our longer fact sheet (#F047.01) summary of IHSS budget cuts and program changes on our website:

<http://www.disabilityrightsca.org/pubs/F04701.pdf> Or ask us to send you a copy.

Here is the link to the budget bill itself:

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1601-1650/ab_1612_bill_20101006_amended_sen_v97.html