



IHSS Coalition

QUALITY CARE

BEGINS AT HOME

April 1, 2009

Randy Shiroy
Adult Programs Branch
California Department of Social Services
DSS 744 P Street, MS 19-92
Sacramento, CA 95814
VIA FAX: (916) 229-3160

RE: DRAFT Notice of Action – IHSS

Dear Mr. Shiroy,

Thank you for your invitation to comment on the revised draft Notices of Action (NOAs). As we explained in our January 9, 2009 letter, the IHSS Coalition strongly supports overhaul of the current IHSS NOA in order to give consumers and their advocates clear and comprehensive information about IHSS eligibility and services. We appreciate the work that the Department of Social Services has done so far, but we think that much more needs to be done in order to achieve this goal.

The most recent versions of the new NOAs are a step forward in terms of giving consumers necessary information. In particular, we strongly support the NOAs' inclusion of a list of IHSS covered services with descriptions of those services, citations to the applicable legal code, and some specific reasons for denials or reductions in services. We also appreciate the elimination of the improper phrasing from the earlier drafts suggesting IHSS recipients who receive services for more hours than the standard guidelines have "special need(s)." IHSS statute and regulations allow all recipients to receive the hours needed to accomplish a task, without needing to prove the existence of a "special need."

Some important information is still missing from the revised draft NOAs. Although DSS may intend to provide additional notices that will explain issues, such as the share of cost calculation, the relation to Medi-Cal share of cost provisions, and the special rules that apply to parent and spouse providers, these notices were not provided to us. We cannot evaluate the sufficiency of the NOAs without seeing all of the forms that will be provided. Similarly, some of the explanatory notes on page 2 of the NOAs appear to be generic form explanations, but DSS has not provided us with a list of the possible draft explanations. In particular, there should be similarly detailed explanations of why hours are being increased. The NOAs also fail to provide or refer to the additional information used by IHSS to assess number of hours needed, as we requested in our previous letter. This information could become particularly important if California lawmakers fail to avert the crisis threatened by the IHSS cuts currently planned for July 2009.

Finally, the most important factor that DSS remains is readability. The notice is very dense and hard to read, and will leave many IHSS consumers and providers confused and overwhelmed. DSS should keep in mind that the audience for the notices include significant numbers of individuals with visual and cognitive impairments. IHSS should provide a cover page with a clear and simple summary of the most important information – including the number of hours awarded, the total hours increased or decreased, the IHSS Social Worker's contact information, and the consumer's right to appeal an adverse decision. We strongly suggest that DSS conduct a readability review of the entire text in order to identify confusing language and to keep the NOA as accessible as possible. We also reiterate our concerns that NOAs be provided in the consumer's preferred language and in an alternative format if needed.

Individual members of the IHSS Coalition will provide DSS with additional feedback prior to the April 3, 2009 discussion session. We expect DSS to fully engage all stakeholders as it continues to develop new notices and figure out ways to communicate about this complex yet vitally important program.

Sincerely,

AARP-California

California Alliance for Retired Americans (CARA)

California Association of Public Authorities for IHSS (CAPA)

Californians for Disability Rights, Inc. (CDR)

California Disability Community Action Network (CDCAN)

California Foundation for Independent Living Centers (CFILC)

California In-Home Supportive Services Consumer Alliance (CICA)

California Senior Legislature

California United Homecare Workers (CUHW)

Congress of California Seniors

Gray Panthers California

Herbert M. Meyer, Consumer of IHSS Services, Marin County.

IHSS Public Authority of Marin County

Independent Living Services of Northern California

John Wilkins, IHSS Coalition Chair (Fresno IHSS Consumer)

Marin Center for Independent Living

National Senior Citizens Law Center (NSCLC)

Nevada Sierra Regional IHSS Public Authority

Northern California ADAPT

Older Women's League California (OWL)

Personal Assistance Services Council of Los Angeles County

Protection & Advocacy, Inc.

Quality Homecare Coalition

Resources for Independent Living

San Francisco IHSS Public Authority

Service Employees International Union – State Council:

SEIU United Long Term Care Workers

SEIU United Healthcare Workers West

SEIU Local 521

United Domestic Workers of America/AFSCME