



IHSS Coalition

QUALITY CARE

BEGINS AT HOME

January 9, 2009

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

Dear Mr. Shiroy,

The National Citizens Law Center (NSCLC) is a member of the IHSS Coalition and advised us that the Department of Social Services is working on revisions to the Notice of Action (NOA) with a deadline to comment on the draft form by January 9, 2009. In making changes to the NOA, the department will be making incredibly important decisions that will affect the future of IHSS. We believe this merits broader participation by stakeholders and, while our views were not solicited, we are providing comments on the sample new and revised IHSS notices that the department shared in draft form with legal services advocates on December 12, 2008.

The IHSS Coalition strongly supports the comprehensive revision of the current IHSS NOA. The current forms are often difficult to understand and fail to explain clearly which IHSS services have been approved denied or reduced, and, if denied or reduced, the specific reasons for that denial or reduction. We ask that CDSS ensure that the revised notices provide readable and complete information that allows all consumers of IHSS services to understand their rights.

We appreciate that the draft notices include greater explanation of the actions taken as well as citations to applicable regulations, but more can be done. In particular, CDSS in its revised NOAs should:

- Continue to provide a list of all available types of services that can be covered by IHSS, even if the consumer is not authorized with time for any particular task. A list alerts the consumer to the possible IHSS services available and helps to identify areas in which services should have been assessed, but were not authorized.
- Provide specific reasons for denials or reductions in service. Although CDSS' draft notices are an improvement, they do not provide a sufficient level of specificity. For instance, if protective supervision is denied because IHSS did not receive a doctor's form or letter, the NOA should state the documentation that is needed.
- Explain in a separate notice the special rules that apply to spouse and parent providers, such as the availability of increased hours or a higher level of service if the parent or spouse provider has given up employment or is prevented from seeking full-time employment.
- Provide or refer to the information used by IHSS to assess number of hours needed, such as the consumer's functional index ranking and score, including: worksheets and other information used for assessments when approving or denying time that is a deviation from the hourly task guidelines.
- Explain the IHSS share of cost calculation, and also explain that individuals who receive Medi-Cal without a share of cost are entitled to free IHSS.

We also ask CDSS to ensure that IHSS notices are provided in a language and format that is accessible to all consumers. We understand that CMIPS II will have the capacity to produce notices in twenty three different languages. Using that capability will be essential to meet the state's obligations to 40%+ of IHSS consumers whose first language is not English. To the greatest extent possible, CDSS must ensure that the notice is readable by those at varying literacy levels. Finally, the document must be available in alternative formats for consumers with limited vision.

We urge CDSS to ensure that all relevant stakeholders have a full opportunity to comment on the development of CMIPS II and the revision of notices as the project moves forward. In particular, IHSS consumers should have further opportunity to review and comment on draft notices as the software and language is developed.

The IHSS Coalition has valued our ability to work with CDSS on important changes to the IHSS program in the past few years. The work to implement the Quality Assurance Initiative has been improved, in our view, by stakeholder input on the development of Hourly Task Guidelines and other aspects of the QA project. The work by CDSS to revise the NOA is extremely significant to IHSS consumers and providers. We would welcome the opportunity to participate if further opportunities arise for comments and input on changes to the NOA.

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