



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

October 31, 2017

ALL-COUNTY LETTER NO. 17-110

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM  
MANAGERS

SUBJECT: **ADDITIONAL PROTECTIVE SUPERVISION NOTICE OF ACTION  
MESSAGES**

REFERENCE: [WELFARE AND INSTITUTIONS CODE SECTION 12300\(b\);](#)  
[MANUAL OF POLICIES AND PROCEDURES SECTIONS 10-](#)  
[116.4; 30-757.17 through 30-757.173\(a\); 30-763.456\(d\); and 21-](#)  
[115; ALL-COUNTY LETTER 15-25 \(March 19, 2015\);](#)  
[ALL-COUNTY LETTER 17-95 \(September 12, 2017\)](#)

**Purpose**

This All-County Letter (ACL) provides clarification to counties to specify means by which Protective Supervision (PS)-specific Notice of Action (NOA) messages for recipients of and applicants for In-Home Supportive Services relating to PS will be provided. These PS-specific NOA messages will allow the County social worker to select the particular PS NOA message(s), supported by the Manual of Policies and Procedures (MPP) Sections 30-757.17 through .173(a), 30-763.456(d), and *Garrett v. Anderson*, to enhance a recipient's or applicant's understanding of the county's action resulting from the assessment for PS and the specific basis for that action.

### **Function of More Case-Specific NOA Messages**

The California Department of Social Services (CDSS) created PS-specific NOA messages to ensure applicants or recipients understand the basis for the PS service determination. The County social worker will manually select the appropriate NOA message(s), in the Case Management Information and Payrolling System II (CMIPS II), based on the applicant's or recipient's circumstances. These additional NOA messages will provide detailed information regarding the PS determination. They may also assist applicants or recipients with discussing the PS determination when contacting the County social worker with questions or when deciding to request or pursue a State Hearing.

### **The NOA Messages**

The following NOA messages are developed and organized pursuant to MPP § 30.757.17 through 30-757.173(a), MPP § 30-763.456(d), and *Garrett v. Anderson*, which the county will use to provide additional applicant/recipient-specific explanation for a PS determination:

#### **MPP 30-757.17 (No risk of injury, hazard, or accident)**

PS07 NOA: You are not eligible for the services of Protective Supervision because you made changes to your home. These changes allow you to remain safely in your home when unsupervised. (MPP Section 30-757.17)

PS08 NOA: You are not eligible for the services of Protective Supervision because the case information shows you are not physically able to harm yourself. (MPP Section 30-757.17)

#### **MPP 30-757.171 (Individual is self-directing, not mentally impaired nor mentally ill.)**

PS09 NOA: You are not eligible for the services of Protective Supervision because you do not have a mental impairment or a mental illness. (MPP 30-757.171)

PS10 NOA: You are not eligible for the services of Protective Supervision because your case information shows you are self-directed in that you can understand and assess dangerous situations and can stop yourself from doing things that may harm yourself. (MPP Section 30-757.171)

PS11 NOA: You are not eligible for the services of Protective Supervision because your behavior, which causes you the risk of injury, is not related to your mental impairment or mental illness. (MPP Section 30-757.171)

**MPP 30-757.172(a)-(e)**

Protective Supervision is not authorized:

- For friendly visiting or other social activities;
- When the need is caused by a medical condition and the supervision required is medical;
- In anticipation of a medical emergency;
- To prevent or control anti-social or aggressive recipient behavior;
- To guard against deliberate self-destructive behavior, such as suicide, or when the individual knowingly intends to harm himself/herself.

**The following NOA messages will also provide more applicant/recipient - specificity and replace the original NOA Code PS02. Counties will now choose one or more of the following PS02 messages.**

PS12 NOA: You are not eligible for the services of Protective Supervision because the supervision you are requesting is for friendly visiting or social activities. [MPP Section 30-757.172(a)]

PS13 NOA: You are not eligible for the services of Protective Supervision because your need for PS is caused by a medical condition and the assistance and supervision you need is medical in nature. [MPP Section 30-757.172(b)]

PS14 NOA: You are not eligible for the services of Protective Supervision because the case information shows that, although you have fallen recently or have demonstrated a tendency to fall, it is not due to your mental impairment or mental illness. [MPP Section 30-757.172(c)]

PS15 NOA: You are not eligible for the services of Protective Supervision because your risk of injury is in anticipation of a medical emergency; and Protective Supervision cannot be authorized to help monitor for medical emergencies that might happen. [MPP Section 30-757.172(c)]

PS16 NOA: You are not eligible for the services of Protective Supervision because your behavior, which puts you at risk of injury, is aggressive or anti-social. Protective Supervision cannot be authorized to prevent or control anti-social or aggressive recipient behavior. [MPP Section 30-757.172(d)]

PS17 NOA: You are not eligible for the services of Protective Supervision because the potentially dangerous activity you engage in is deliberate, self-

destructive behavior where you knowingly and intentionally try to harm yourself.  
[MPP Section 30-757.172(e)]

### **MPP Section 30-763.456(d) (Routine Childcare)**

PS18 NOA: You are not eligible for the services of Protective Supervision because the case information shows the type of supervision needed is similar to routine childcare. [MPP Section 30-763.456(d)]

### **Garrett v. Anderson**

PS19 NOA: You are not eligible for the services of Protective Supervision because you do not need more supervision than a child of your same age without a mental impairment or mental illness. (*Garrett v. Anderson*)

The following NOA messages will also provide more applicant/recipient - specificity and replace the original NOA Code PS01. Counties will now choose one or more of the following PS01 messages.

### **MPP 30-757.173(a) (The individual does not have a 24/7 need for supervision to remain safely at home.)**

PS20 NOA: You are not eligible for the services of Protective Supervision because the case information shows you do not need supervision 24-hours-a-day to remain safely at home. [MPP Section 30-757.173(a)]

PS21 NOA: You are not eligible for the services of Protective Supervision because the case information shows that your need for supervision is infrequent and episodic; therefore, supervision is not needed 24-hours-a-day. [MPP Section 30-757.173(a)]

PS22 NOA: You are not eligible for the services of Protective Supervision because the case information shows your need for supervision is at predictable times; therefore, supervision is not needed 24-hours-a-day. [MPP Section 30- 757.173(a)]

### **CMIPS Functionality for NOA Messages**

Counties should select one or more of the above NOA messages in CMIPS II that addresses the PS determination for the particular recipient or applicant. These NOA

messages are not auto-generated, but are instead manually selected to reflect the specific information for the particular recipient or applicant.

### **To Create or Modify a Manual NOA**

1. In the Content Area tabs, click the **Evidence & Authorization** tab.
2. In the Page Navigation bar, click the **Program Evidence** link. The system displays the Program Evidence screen.
3. In the **Manual NOAs** area, click the **Create/Modify NOAs** button. The system displays the Modify Manual NOAs screen.
4. Select the applicable PS NOA Code checkbox.
5. Click the **Save** button. The selected Manual NOAs display on the Program Evidence screen.

### **NOA Message Translations**

The NOA messages will be translated into the current threshold languages: Armenian, Chinese, and Spanish. For questions on translated materials, please contact Language Services at (916) 651-8876.

Counties shall ensure that effective bilingual services are provided. The requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient. In the event CDSS does not provide translations of a notice, it is presently the county's ongoing responsibility to provide translation or interpretive services as applicable if an applicant or recipient requests it. More information regarding translations can be found in MPP Section 21- 115.

Questions and/or requests for clarification on the information transmitted in this ACL may be directed to the Adult Programs Division, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

### ***Original Document Signed By:***

DEBBI THOMSON  
Deputy Director  
Adult Programs Division

c: CWDA