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September XX, 2018

ALL-COUNTY LETTER NO. 18-XX

TO: ALL COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS
COUNTY FISCAL OFFICERS

SUBJECT: CLARIFICATION OF ISSUES RELATED TO IN-HOME SUPPORTIVE
SERVICES (IHSS) PROVIDER ENROLLMENT REQUIREMENTS AND
EXCLUSIONARY CRIMES

REFERENCES: ACL 09-52, DATED OCTOBER 11, 2009
ACL 10-35, DATED JULY 16, 2010
ACL 11-12, DATED JANUARY 26, 2011
ACIN I-04-12, DATED JANUARY 24, 2012
ACL 14-102, DATED DECEMBER 31, 2014
ACL 16-53, DATED JULY 7, 2016

The purpose of this letter is to provide clarification relating to the In-Home Supportive Services (IHSS) provider enrollment process and expand upon the provider enrollment requirements as explained in All-County Letter (ACL) 09-52 (October 11, 2009) and ACL 11-12 (January 26, 2011). This letter also provides counties with an updated list of Tier 2 excludable crimes, initially released in ACL 11-12.

Background

Assembly Bill Extraordinary Session 4 (ABX4) 19 (Chapter 17, Statutes of 2009) established expanded enrollment requirements for existing and prospective IHSS providers, including requiring individuals to attend a provider orientation and to submit fingerprints and undergo a criminal background check conducted by the California Department of Justice (DOJ). In order to enroll as an IHSS provider, an individual must not have been convicted of, or incarcerated following a conviction for, certain disqualifying crimes within the previous ten years. Initially, the lists of excludable crimes included only those specified in Welfare and Institutions Code (WIC) section 12305.81, i.e. Tier 1 crimes, namely:

- Specified abuse of a child (Penal Code (PC) section 273a(a) or a similar violation in another jurisdiction);
- Abuse of an elder or dependent adult (PC section 368 or a similar violation in another jurisdiction); or
- Fraud against a government health care or supportive services program.

Assembly Bill (AB) 1612 (Chapter 725, Statutes of 2010) expanded the list of exclusionary crimes to include other crimes for which an individual could be disqualified from serving as an IHSS provider. This expansion created a new category of exclusionary crimes, i.e. Tier 2 crimes, for which an individual could still enroll as a provider if he/she receive an individual waiver from a recipient or a general exception from the California Department of Social Services (CDSS). These crimes are set forth in WIC section 12305.87 and include:

- A violent or serious felony, as specified in PC section 667.5(c) and PC section 1192.7(c);
- A felony offense for which a person is required to register as a sex offender, pursuant to PC section 290(c); and
- A felony offense of fraud against a public social services program, as defined in WIC section 10980(c)(2) and 10980(g)(2).

A list of the Tier 2 crimes was included with ACL 11-12 to assist county IHSS offices and Public Authorities in determining prospective provider eligibility when reviewing Criminal Offender Record Information (CORI) documents received from the DOJ in response to the required fingerprinting.

Regulations implementing the new provider enrollment process were promulgated in June 2016 and became operative on January 1, 2017, as set forth in ACL 16-53 (July 7, 2016).

PROVIDER ENROLLMENT

The discussion below addresses common issues that have arisen related to provider enrollment.

Minors as Providers

Minors can serve as IHSS providers within the IHSS program under certain conditions as long as they comply with California labor law. Minors must be at least 12 years of age to obtain a valid work permit to work as IHSS providers. If a minor wishes to obtain a work permit to be a provider, he/she must get the form "Statement of Intent to Employ Minor and Request for Work Permit" from his/her school. The form is completed by the

minor and the recipient (as the employer) and is then signed by the minor's parent or legal guardian and the recipient (in the capacity of the prospective supervisor). After returning the completed and signed form to the school, school officials will then issue the "Permit to Employ and Work" which the minor can then present to the county IHSS office or Public Authority as verification of his/her ability to be employed and work as an IHSS provider.

Minors are restricted to the number of hours they can work each day and the services they can perform as IHSS providers based on their age. The following information is available in the California Department of Labor's pamphlet on Child Labor Laws which can be viewed on the Department's website at <https://www.dir.ca.gov/dlse/ChildLaborLawPamphlet.pdf>.

General Rules Regarding Minor Employment by Age:

Minors 12-13 years old:

- May be employed to provide limited domestic services (i.e. house cleaning, laundry, etc.).
- May not provide cooking or food preparation services.
- Must have the physical strength necessary if providing services which require the provider to assist the recipient with moving, standing, sitting, etc.
- May only be employed during school holidays and vacations (which includes weekends).
- May never work on a school day, either before or after school.
- May not work before 7 am or after 7 pm during the school year.
- May not work more than eight hours in a day or 40 hours in a week during school vacations/holidays.
- Daily and weekly maximum hours for employment are not specified in statute and are at the discretion of school officials. Typically, school districts adhere to the maximum of three hours per day, 18 hours per week accorded to 14-15 year olds.

Minors 14-15 years old:

- May provide cooking or food preparation services but only while being supervised by the recipient or another individual over the age of 18.
- May work three hours per school day outside of school hours and eight hours on any non-school day.
- May not work before 7 am or after 7 pm during the school year.
- May work a maximum of three hours per day, 18 hours per week.

Minors Under 16 years old:

- Cannot provide medical accompaniment or grocery shopping/errands which would require them to operate a motor vehicle. Minors 16-17 must have a valid driver's license or permit to provide these services. If the minor has a driver's permit, he/she must be accompanied by a licensed driver over the age of 18.
- While not specifically prohibited, it is recommended they do not administer or dispense medications to recipients.

Minors 16-17 years old:

- May provide cooking or food preparation services unsupervised.
- May work four hours per school day outside of school hours and eight hours on any non-school day or any day preceding a non-school day (typically Friday).
- May not work before 5 am or after 10 pm during the school year. However, they may work until 12:30 am on any evening preceding a non-school day (typically Friday and/or Saturday).
- May work a maximum of 48 hours per week.

County IHSS offices and public authorities are encouraged to review the California Department of Industrial Relations website for additional information and updates. Please be advised that the information provided above is general in nature and that counties should address specific questions about compliance with child labor laws with their county counsel.

Expired Immigrant Work Authorization Documents

Pursuant to federal immigration law, in order to work in the United States, a non-naturalized immigrant must have: 1) a permanent resident card (also known as a green card); 2) an employment authorization document (work permit); or 3) an employment-related visa which allows an immigrant to work for a particular employer. Only the first two categories of work authorization are applicable to IHSS. If a non-citizen provider's green card or work permit has expired, he/she is not allowed to work in the United States until it is renewed. In this case, non-citizen providers should contact the U.S. Citizenship and Immigration Services (USCIS) to regain work authorization. Once work authorization is reinstated, the non-citizen provider may resume providing IHSS.

Acceptable Photo Identification

Pursuant to CDSS' Manual of Policies and Procedures (MPP) section 30-776.414, an applicant provider must present and allow the county to photocopy a valid (unexpired) positive photograph identification issued by a U.S. Federal or State government agency

or federally-recognized Native American or Alaskan Native tribal organization “[w]hen returning the completed provider enrollment form.” There is no subsequent reverification of the photograph identification document after this point. Accordingly, as long as the identification is valid and unexpired at the time of submission of the completed provider enrollment form, it is acceptable even if it is due to expire soon and/or may be expired before the completion of the provider enrollment process.

Providers Working in Multiple Counties or Transferring to New County

MPP section 30-776.463 sets for the duties of each county when a provider is providing IHSS for recipients in multiple counties within the State. The county in which he/she originally applied to become an IHSS provider and which secured his/her criminal background check from the DOJ is the “originating county.” Pursuant to MPP section 30-776.463(a)(1), the originating county is responsible for providing the new county with copies of the provider enrollment form and the provider enrollment agreement, both of which will be placed in the new county’s provider files. It is also recommended that the new county be provided copies of the identification documentation provided by the applicant provider when he/she initially applied for enrollment into the IHSS program (the photo identification and social security card) to ensure the new county has the provider’s complete file.

Because the law prohibits the provider’s CORI documentation from being transferred to the new county, the originating county will remain responsible for maintaining the CORI and for receipt of any rap-backs or notices of subsequent arrest and/or disposition information, pursuant to MPP section 30-776.463(a)(2). MPP section 30-776.463(a)(4) requires the originating county to inform the new county within three calendar days if notification is received indicating that the provider has been convicted of a subsequent disqualifying crime.

However, if an individual was determined to be ineligible to be paid as an IHSS provider in the originating county on the basis of a Tier 2 exclusionary conviction, but his/her exclusion as a provider has been waived by a recipient using an SOC 862 (IHSS Program Recipient Request for Provider Waiver), this individual waiver does not constitute a criminal background clearance. Therefore, an individual attempting to enroll in a new county must obtain a new DOJ criminal background check for use in the new county. Once the new county has received the CORI documentation, if the recipient in the new county chooses to waive the exclusion, he/she can submit an SOC 862 to allow the provider to work for him/her in the new county (see MPP section 30-776.7 and ACL 16-53). After they complete the background check, the new county will also receive any rap-backs or notices of subsequent arrest and/or disposition information from the DOJ in the same manner as the originating county. CMIPS functionality to support two or more CORIs for a provider working in multiple

counties will be in place by October 1, 2018.

Provider Orientation

Pursuant to WIC section 12301.24(e)(4), and as explained in ACL 14-102 (December 31, 2014), counties are required to permit employee labor organizations representing IHSS providers to conduct a 30-minute presentation during the required provider orientation. The orientation topics which providers are required to participate in are set forth in WIC section 12301.24(a) and MPP section 30-776.441. Because participation in the employee labor organization presentation is not a required topic, applicant provider participation in the presentation is voluntary. The employee labor organization presentation may include information on the IHSS program and the requirements of provider eligibility. However, if the county determines that the program information provided by the employee organization representatives during the presentation is misleading or incorrect, the county should take the opportunity following the labor organization presentation to provide a correction of the information. CDSS encourages counties to work with the local employee organizations to ensure that any future presentations provide accurate information.

If an applicant provider is unable to attend an in-person orientation, the county can arrange for an alternate method of delivering the orientation information. The county and the local employee organization may make a mutually acceptable arrangement to utilize web-based or other remote access tools for the employee organization presentation if necessary as long as the other requirements of WIC section 12301.24 are met.

Tier 1/Tier 2 Exclusions

If an enrolled provider with a Tier 2 conviction has been working under an individual waiver, he/she may become eligible to work with no limits after the ten-year timeframe following his/her exclusionary conviction or incarceration following the conviction has ended. While it is not necessary for the county IHSS office to track when each of the providers in the county working under individual waivers will become eligible due to the end of the ten-year exclusionary period, if the county is made aware of the end of the exclusionary period and if it can be verified that the provider has no subsequent disqualifying felony convictions, the county IHSS office should update the provider's eligibility status to Enrolled and send that provider the SOC 848A (IHSS Program Lapse of Ten-Year Timeframe for Tier 2 Crime). The situation and procedures for returning the provider to Active Enrolled status are outlined in MPP section 30-776.8 through section 30-776.82 and in ACL 16-53 (July 7, 2016).

If an individual works for a recipient prior to his/her enrollment in the IHSS program and is subsequently denied enrollment due to a Tier 1 or Tier 2 criminal conviction, the work provided is not a part of the IHSS program. Accordingly, the recipient is responsible for any payment of wages that are due to the individual. The IHSS program cannot pay for or reimburse the recipient who pays for hours worked prior to the determination of ineligibility. However, if the individual was convicted of a Tier 2 crime and the recipient agrees to an individual waiver and the individual is ultimately enrolled as a provider, the provider may be paid retroactively for authorized service hours worked by him/her prior to filing of the individual waiver (SOC 862) with the county as set forth in MPP 30-776.32 and in ACL 16-53.

CLARIFICATION REGARDING EXCLUDABLE CRIMES

Since the release of ACL 11-12, which provided counties with information and instructions regarding exclusionary crimes, counties have requested additional assistance in evaluating whether specific crimes are exclusionary based on the requirements of WIC section 12305.81 or section 12305.87. Some of the more common issues that counties seem to encounter while reviewing CORI documents are discussed below.

Additionally, an updated “plain language” list of Tier 2 exclusionary crimes is attached. However, it should be noted while every effort has been made to make the list as comprehensive and accurate as possible, the factual circumstances regarding a specific individual’s conviction, as well as subsequent statutory changes, may impact whether or not a specific conviction is a Tier 2 exclusionary crime. If you have any questions about a specific situation, CDSS suggests contacting county counsel.

Definition of “Dangerous or Deadly Weapon”

Any felony in which the defendant used a dangerous or deadly weapon is a Tier 2 exclusionary crime (see WIC section 12305.87(b)(1) and Penal Code (PC) section 1192.7(c)(23)). There is a distinction between weapons that are inherently dangerous or deadly (such as a gun or switchblade) and those items which are not dangerous or deadly in their ordinary use (such as scissors, hammers, baseball bats, or kitchen knives) but that could be used in a dangerous or deadly manner based on the facts of a particular incident.

When items that are not inherently deadly or dangerous are used as weapons, the factual circumstances determine if the weapon is dangerous or deadly. Courts have held that in making this determination, the following factors are considered: (1) the manner of the weapon’s use; (2) the location of the injuries inflicted; and (3) the extent of the injuries.

For example, a felony conviction under PC section 273.5, Infliction of Corporal Injury on a Cohabitant, would not be a Tier 1 or Tier 2 crime on its face. However, if the individual used a dangerous or deadly weapon while committing the felony, it would be a Tier 2 conviction. If the individual used a gun while committing the crime, it would be a Tier 2 crime because a gun is inherently dangerous or deadly. However, if a pair of scissors had been used, a factual analysis would have to be done to determine if a dangerous or deadly weapon was used during the commission of the felony. If the scissors were used to cut the victim's hair against his/her will, they would likely not be considered to be a dangerous or deadly weapon. However, if the scissors were used to stab the victim in the abdomen, they would likely be considered a dangerous or deadly weapon.

Counties have also submitted questions regarding whether an automobile can be considered a dangerous or deadly weapon when an individual has a felony conviction for Driving Under the Influence (DUI). If the automobile was being used in its ordinary manner, i.e. driving, without intent to harm someone, it would not be considered a dangerous or deadly weapon, and the individual could not be excluded from being a provider based on a Tier 2 conviction. However, as discussed below, if the felony DUI resulted in Great Bodily Injury (GBI) to anyone other than an accomplice, it would be a Tier 2 conviction. Please be advised that this supersedes the information provided in ACIN I-04-12.

Definition of "Great Bodily Injury"

Any felony in which the defendant personally inflicts great bodily injury upon any person other than an accomplice is a Tier 2 exclusionary crime (see WIC section 12305.87(b)(1) and PC sections 667.5(c)(8) and 1192.7(c)(8)). PC section 12022.7(f) defines GBI as "a significant or substantial physical injury." Additionally, courts have held that the term "serious bodily injury" is essentially equivalent to and synonymous with the term "great bodily injury" as used in PC section 1192.7(c)(8) (see *People v. Moore*, 10 Cal. App. 4th 1868, at 1871). Thus, anywhere that "serious bodily injury" is used in the PC, it is synonymous with GBI and should be treated the same when determining if the conviction is for a Tier 2 crime. For purposes of this ACL, we will refer to the two terms collectively as "GBI." It is important to remember that, in order for a felony conviction to be disqualifying based on the infliction of GBI, the GBI must have actually been inflicted, not just threatened or have the potential to have occurred.

The decision to include a sentencing enhancement for causing GBI to a victim is made by the judge or jury during the defendant's trial, and the sentencing enhancement typically would be documented in the CORI.

Even if the underlying felony conviction is not exclusionary, the GBI sentencing enhancement would make the conviction a Tier 2 exclusionary crime.

There are certain situations in which GBI may be sustained by a victim and the sentencing enhancement is not included with the CORI. This usually occurs when the PC considers the infliction of the injury an element of the crime for which the individual has been convicted. For example, a felony conviction for violating PC section 273d(a), “infliction of corporal punishment or *injury* on a child *resulting in a traumatic condition*” may include the infliction of GBI on the victim if the “traumatic condition” meets the definition of GBI.

Differentiating Types of Manslaughter

Only voluntary manslaughter is a Tier 2 exclusionary crime (PC sections 667.5(c)(1) and 1192.7(c)(1)). The manslaughter Penal Code section, PC section 192, contains three subsections which set forth three types of manslaughter charges: subsection (a) is voluntary manslaughter, subsection (b) is involuntary manslaughter, and subsection (c) is vehicular manslaughter. Thus, only a conviction for violating subsection (a) of PC 192, voluntary manslaughter, is a Tier 2 exclusionary conviction.

Definition of Health Care or Supportive Services Program (for Purposes of Tier 1 Exclusion)

As set forth in WIC section 12305.81(a)(1), “fraud against a government healthcare or supportive services program” is a Tier 1 exclusionary crime. In order to be a Tier 1 exclusionary crime, the fraud must have been perpetrated against a Medicare or Medicaid funded program or against a program providing services under Title V, Title XX, or Title XXI of the federal Social Security Act. Accordingly, prior fraud against the IHSS program would be considered a Tier 1 crime and disqualify an individual from being an IHSS provider for ten years following the conviction and/or incarceration. In addition, fraud against one of the programs listed below, which are fully or partially funded under Title V, Title XX, or Title XXI of the Social Security Act, would also be a Tier 1 crime and make an individual ineligible to be a provider. Please note, the following list of programs is not exhaustive.

- **Title V (Maternal and Child Health Services Block Grant):** Sudden Infant Death Syndrome Program; Oral Health Program; Breastfeeding Program; California Birth Defects Monitoring Program; California Diabetes and Pregnancy Program; Childhood Injury Prevention Program; Fetal and Infant Mortality Review Program; Local Health Department Maternal, Child, and Adolescent Health Program; Maternal, Child, and Adolescent Health in Schools Program; and Regional Prenatal Programs of California.

- Title XX (Block Grants to States for Social Services): There are currently no identified government health care or supportive services programs funded under Title XX in California.
- Title XXI (State Children's Health Insurance Program): Healthy Families Program and the Access for Infants and Mothers (AIM) Program.

An individual convicted of felony fraud against any other public social services program, as specified in WIC section 12305.87(b), such as welfare, food stamps, or workers' compensation, could be found ineligible to work in the IHSS program as an IHSS provider under a Tier 2 conviction, as set forth in MPP section 30-701(t)(2)(C).

Failure to Register as Sex Offender

Certain individuals whose convictions fall under the requirements of PC section 290(c) are required for the remainder of their lives while residing in California to register as a sex offender with the chief of police of the city in which they reside or the sheriff of the county in which they reside if living in an unincorporated area or city with no police department. Individuals who fail to register as a sex offender when required to do so can be found guilty of a misdemeanor, as stated in PC section 290.018(a). However, a conviction for failure to register as a sex offender is a separate conviction from his/her initial sex crime conviction. A conviction for failure to register as a sex offender is not a Tier 2 crime, even if the underlying sex crime conviction was a Tier 2 crime.

Additionally, incarceration for failure to register as a sex offender is not an extension of the incarceration for the underlying sex crime conviction.

Human Trafficking

In November 2012, PC 290 was amended to require individuals convicted of violating subsections (b) and (c) of PC section 236.1, human trafficking, to register as sex offenders. Because these sections are felonies for which an individual must register under subdivision (c) of Section 290 of the Penal Code, pursuant to WIC section 12305.87(b)(2), an individual with a conviction for violating PC 236.1(b) or (c) is excluded from working as an IHSS provider based on a Tier 2 exclusionary crime.

Federal Conviction

If a county receives a CORI with a conviction of a federal crime listed, the county should determine the crime is a Tier 1 or Tier 2 exclusionary crime. If the crime is the equivalent of a Tier 1 or Tier 2 exclusionary crime that is referenced by its common law name in WIC section 12305.81, PC section 667.5(c), or PC 1192.7(c), then it would be an exclusionary crime.

For example, under PC section 1192.7(c)(19), one of the crimes listed as a “serious felony” (i.e. a Tier 2 crime) is “bank robbery,” which is typically a federal crime. If an individual had a federal felony conviction for bank robbery within the previous 10 years listed on his or her California CORI from the DOJ, he or she would be excluded from serving as an IHSS provider based on a Tier 2 conviction.

Kidnapping vs. Child Abduction

Kidnapping is a Tier 2 crime because it is a violent or serious felony pursuant to PC sections 667.5(c)(14) and 1192.7(c)(20). However, it should be noted that, according to case law, kidnapping is not synonymous with child abduction (*In re Michele D.*, 29 Cal. 4th 600, at 614). According to the Court, there is a fundamental difference between kidnapping and child abduction in terms of the person targeted by the offense; the first is a crime against the person being kidnapped, the second against the parents of the abducted child. Because child abduction is a distinct crime from kidnapping, and child abduction is not a violent or serious felony pursuant to PC sections 667.5(c) and 1192.7(c), it is not a Tier 2 crime.

Parole/Probation Violation

If an individual who has been convicted of an exclusionary crime and received probation or parole as part of his or her sentencing and then returned to jail as a consequence of violation a condition of his or her parole or probation, the incarceration for the parole/probation violation should be considered “incarceration following the conviction” for an exclusionary crime as the parole/probation was part of the sentence for the initial exclusionary crime.

For example, on May 1, 2006, an individual was convicted of an exclusionary crime and was incarcerated from that date until May 1, 2008, after which he or she was released on a year’s probation. On September 15, 2008, the individual’s probation was revoked because he or she violated a curfew, and he or she was returned to jail until November 1, 2008. Although the revocation of the probation was for a relatively minor infraction, the incarceration from September 15, 2008, to November 1, 2008, was part of original sentence the individual received due to his initial conviction for the exclusionary crime. Therefore, the last day of incarceration for the exclusionary crime would be November 1, 2008, and he or she would not be eligible to be enrolled as an IHSS provider until November 1, 2018.

Felonies Reduced to Misdemeanors

Occasionally, counties will receive a CORI indicating that an applicant provider has a disqualifying conviction for a felony Tier 2 exclusionary crime within the previous ten years. However, the CORI will also show that the conviction was reduced to a misdemeanor, pursuant to Penal Code section 17. In such a situation, the applicant provider would be eligible to work as an IHSS provider as the CORI shows that his conviction for the disqualifying crime was for a misdemeanor and WIC section 12305.87 specifies that only felonies are considered to be exclusionary crimes for which an individual can be determined ineligible to be a provider.

However, if the applicant provider states that he/she worked as an IHSS provider during the time period after his/her initial felony conviction, but before it was reduced to a misdemeanor, and is attempting to collect retroactive payment for authorized services he/she provided during that time period, that retroactive payment should be denied. The individual was not eligible to work as an IHSS provider before the felony was reduced to a misdemeanor unless the IHSS recipient for whom he/she was working at the time submits an individual waiver for the provider for that time period.

USE OF COURT ORDERS/COURT DOCUMENTATION

Counties have inquired regarding whether court orders and/or court documentation can be used to determine an individual's eligibility to be enrolled as a provider prior to the receipt of the CORI from the DOJ. WIC section 12305.86(c) states that "the county shall deny or terminate the applicant's request to become a provider of supportive services to any recipient of the In-Home Supportive Services program" when the county has received "notice from the Department of Justice that a prospective or current provider has been convicted of a criminal offense specified" in WIC section 12305.81 or section 12305.87. Accordingly, eligibility determinations must not be made using court orders or court documents alone.

If the county is aware of an applicant provider's conviction of a disqualifying felony Tier 2 crime during the initial provider enrollment process (either via court documents or through a statement of admission by the applicant provider himself/herself), the county office must still receive the CORI verifying the conviction information before determining the applicant provider is ineligible due to an exclusionary crime. Likewise, if the county discovers that a currently enrolled provider has received a subsequent conviction for a Tier 2 crime through means other than the receipt of an amended CORI or rap-back, the county cannot terminate the provider based on that information until the county office receives the amended CORI or rap-back from the DOJ.

However, if the county becomes aware of an applicant provider's or currently enrolled provider's conviction of a disqualifying Tier 1 crime in a jurisdiction outside the State of California (via court documents or other official documentation), the county office can immediately make the determination of ineligibility for the applicant provider or enrolled provider. Since convictions in jurisdictions outside of California will not appear on the CORI issued by the DOJ, it is not necessary to receive a CORI or rap-back before ineligibility determination for applicant providers convicted of Tier 1 convictions outside of California.

Additionally, there are certain circumstances where the use of court documentation is appropriate and/or necessary. For example, sometimes a condition of the convicted individual's sentencing is that he/she is specifically banned from working as an IHSS provider for ten years. This information can only be learned from court documentation. In such a circumstance, even if the underlying conviction is not for an exclusionary crime, the county IHSS office should classify them as ineligible in a manner similar to a Tier 1 conviction to ensure that he/she could not serve as an IHSS provider in another county even with an individual waiver or general exception. The county should then document in the applicant provider's case notes that the individual is subject to a ban for ten years from working as an IHSS provider based on a court order.

If you have any questions about this ACL, please contact the Adult Programs Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
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Adult Programs Division