



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

Date XX, 2018

ALL- COUNTY LETTER (ACL) NO. XX-18

TO: ALL- COUNTY WELFARE DIRECTORS  
ALL IHSS PROGRAM MANAGERS

SUBJECT: IN-HOME SUPPORTIVE SERVICES STATE HEARINGS  
CLARIFICATION FOR CHANGES IN ADVANCE PAY

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) §§12300\(a\),12304;](#)  
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) §§ 30-768.213,](#)  
[30-676.133,](#)  
[ALL-COUNTY LETTER \(ACL\) No.14-68, DATED October 3, 2014.](#)

REASON FOR THIS TRANSMITTAL

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

This ACL provides clarification regarding IHSS state hearings and aid-paid pending associated with recipients whose Advance Pay option is changed to payment in arrears.

**BACKGROUND**

Advance Pay is an option available only to select IHSS recipients pursuant to WIC §12300(a) in the IHSS Residual (IHSS-R), IHSS Plus Option (IPO), and Community First Choice Option (CFCO) programs. The Advance Pay option allows recipients to receive an advanced payment for their monthly authorized IHSS services and pay their provider(s) directly for the provision of their authorized services per WIC §12304. This option is an alternate to the common practice whereby an individual provider is paid directly by CDSS upon submission of a timesheet.

Recipients receiving Advance Pay must pay their provider(s) each month and must also ensure their providers submit signed timesheets twice a month for reconciliation purposes pursuant to MPP §30-768.213.

**ADVANCE PAY CHANGES AND STATE HEARINGS**

If timesheets are not reconciled 90 days from the payment issue date, counties may change a recipient's Advance Pay method to payment in arrears, whereby payment will be made directly to a provider upon submission of a timesheet, per MPP §30-767.133.

Recipients who are dissatisfied with any action of the county department relating to their application for or receipt of public social services have the right to request a state hearing in accordance with WIC § 10950. A change from Advance Pay to payment in arrears relates to the individual's receipt of public social services. Thus, a county's action of changing an IHSS recipient from Advanced Pay and placing their provider(s) on payment in arrears affords the recipient the right to request a state hearing.

The MPP § 22-072.5 requires aid paid pending whereby aid continues to be paid in the same amount as if the county's action had not occurred while an applicant or recipient is waiting for a state hearing. However, aid paid pending is not applicable when adjusting to payment in arrears as the amount of IHSS services to which a recipient is entitled is not at issue, and the recipient will continue to receive the same amount of aid. This change only impacts the method of how a recipient's provider will receive payment for providing IHSS. Therefore, when counties change a recipient's payment method from Advance Pay to payment in arrears, counties will issue a Notice of Action which will inform the recipient of the right to request a state hearing to dispute the payment method, however the recipient will not be eligible to receive aid paid pending. In other words, the recipient does not have the right to request maintaining his/her Advance Payment status while awaiting a state hearing.

For questions regarding:	Contact the:
– Eligibility requirements for Advance Pay	Policy and Operations Bureau at (916) 651-5350
– CMIPS II Procedures/Entries for Unreconciled timesheets process	Systems Operations and Data Analysis Bureau via e-mail at: <a href="mailto:CMIPSII-Requests@dss.ca.gov">CMIPSII-Requests@dss.ca.gov</a>
– Overpayments Resulting From Unreconciled Advance Pay Timesheets	Cash Assistance and Program Integrity Bureau via e-mail at <a href="mailto:ihss-pi@dss.ca.gov">ihss-pi@dss.ca.gov</a>

Sincerely,

**Original Document Signed By:**

DEBBI THOMSON,  
Deputy Director  
Adult Programs Division

c: CWDA