

PLEASE READ CAREFULLY



STATE OF CALIFORNIA-
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
ADULT PROGRAMS DIVISION

Important Information for the **In-Home Supportive Services (IHSS) Recipient:**

This notice is regarding a **recent change in state law that affects IHSS recipients and providers.** (Welfare and Institutions Code section 12300.4) The new law legally establishes the **Extraordinary Circumstances Exemption** which allows the provider to work over 66 hours per week, but no more than 360 authorized IHSS hours per month for two or more recipients included under the exemption. To be granted an exemption, you and your family must have tried all options for hiring an additional provider(s) so that your authorized service hours can be worked within the workweek limitations.

What is an Extraordinary Circumstances Exemption?

The Extraordinary Circumstances Exemption, or Exemption 2, applies to providers who provide services for two or more recipients whose extraordinary circumstances place them at serious risk of placement in out-of-home care, and all recipients meet at least one of the following criteria:

- **Criteria A** – The recipient(s) served by the provider have complex medical and/or behavioral need which must be met by the applying provider who lives in the same home as the recipient.
- **Criteria B** – The recipients for whom the individual provides services reside in a rural or remote area where available providers are scarce and, as a result, they are unable to hire another provider.
- **Criteria C** – The recipients served by the provider are unable to hire a provider who speaks his/her same language in order to direct his/her own care.

Note: The provider need not live in the same home as the recipients to qualify for Criteria B and C.

Your provider was sent an informational notice about the exemption and provided an Request For Exemption From Workweek Limits For Extraordinary Circumstances (Exemption 2) (SOC 2319). To be considered for the exemption, your provider must complete the SOC 2319 form and submit it to the county.

The submission of an SOC 2319 does not mean that the request will be approved. If your provider chooses to request an exemption and submits an SOC 2319 form, the county will evaluate his/her eligibility for the exemption. An eligibility determination will be issued to you and your provider within 30 calendar days of the county's receipt of the SOC 2319.

This notice gives you information about the
Extraordinary Circumstances Exemption.