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DRAFT

May XX, 2018

ALL COUNTY LETTER NO: XX-XXXX

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: **IMPLEMENTATION OF SENATE BILL (SB) 89 HUMAN SERVICES, MODIFICATIONS TO IN-HOME SUPPORTIVE SERVICES CASE MANAGEMENT, INFORMATION AND PAYROLLING SYSTEM**

REFERENCE: [SB 89 \(JUNE 27, 2017\)](#); [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 12300.4](#); [ACL 16-07 \(January 21, 2016\)](#), [ACL 16-22 \(April 1, 2016\)](#), [ACL 17-13 \(April 7, 2017\)](#) and [ACL 18-31 \(March 22, 2018\)](#)

This All County Letter (ACL) provides counties with information regarding the changes to the Case Management, Information and Payrolling System (CMIPS) to support Senate Bill (SB) 89 which formally established exemptions to limits on the number of authorized hours that providers in the In-Home Supportive Services (IHSS) program are permitted to work in a workweek.

This ACL describes changes to CMIPS to allow a county worker the ability to process an Extraordinary Circumstances Exemption (Exemption 2) in CMIPS when a Request for Exemption from Workweek Limits for Extraordinary Circumstances (Exemption 2) form (SOC 2305) is received from a provider.

BACKGROUND

On June 27, 2017, the legislature passed SB 89, formally establishing the existing Live-In Family Care Provider Exemption (Exemption 1) and Exemption 2 to allow IHSS providers to work more than the 66-hour workweek limitation implemented as part of the

IHSS program changes related to the Fair Labor Standards Act. These exemptions were created to maintain continuity of care and to ensure IHSS recipients who are at risk of out-of-home placement can remain safely in their homes. To be eligible for an Exemption 2 a provider must provide services for two or more recipients whose extraordinary circumstances place them at serious risk of out-of-home care and must either have a complex medical or behavioral need that requires a live-in provider, reside in a rural or remote area where available providers are limited, or are unable to find another provider who speaks the same language.

In February 2016, counties began reviewing and forwarding Exemption 2 requests to the California Department of Social Services (CDSS) to determine whether a provider met the criteria for the exemption. The CDSS staff has been responsible for processing the Exemption 2 requests and creating the exemption records in CMIPS once approved. Once the determination is made on an Exemption 2 request, CDSS is also responsible for sending approval or denial letters to the requesting county, providers and their associated recipients. As part of the implementation of SB 89, the responsibility for processing and determining provider eligibility for Exemption 2 requests will be formally transferred from CDSS to the counties on June 1, 2018.

PROCESSING AN EXEMPTION 2 IN CMIPS

When a county receives an Exemption 2 request, they are required to enter it into CMIPS. SB 89 requires the State to collect and report exemption request data and post it to the department website every three (3) months. For this reason, counties are required to enter every Exemption 2 request they receive into CMIPS. The following information describes the new and modified screens implemented in CMIPS to assist counties with processing Exemption 2 requests.

Creating an Overtime Violation Exemption 2 in CMIPS

To enter an Exemption 2 request in CMIPS, the county worker must access the *Overtime Violation Exemption* screen by selecting the "Overtime Violation Exemption" link from the left navigation menu in the "Overtime & Travel Time" tab on the provider person screen, which displays as shown below (See Figure 1).

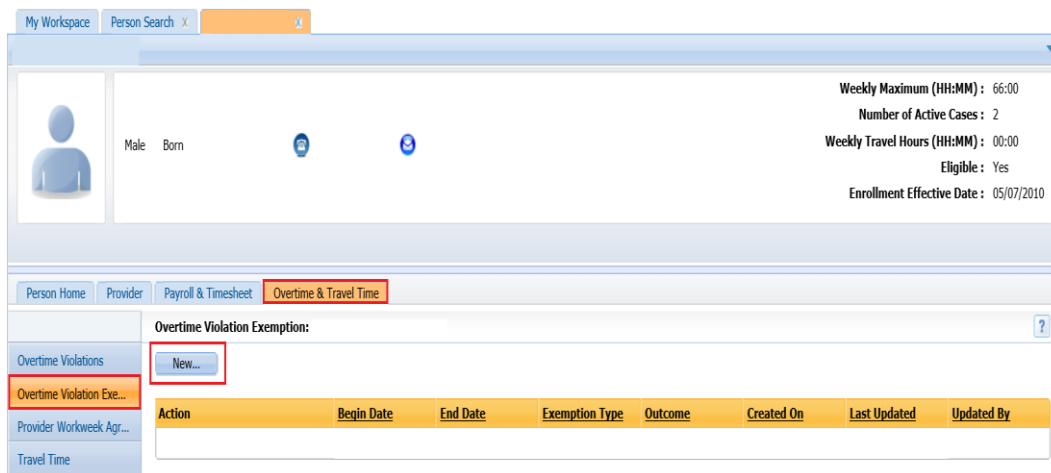


Figure 1 – Overtime Violation Exemption

To create an Overtime Violation Exemption the county worker must select the “New” button and the new *Select Exemption Type* pop-up screen displays (See Figure 2).

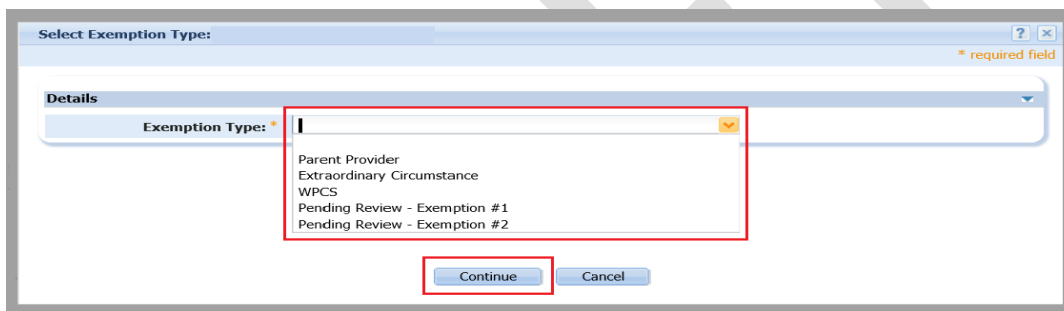


Figure 2 – Select Exemption Type

The *Select Exemption Type* screen has five (5) drop down values. When creating an Exemption 2, the county worker must select one of the following two (2) exemption types only from the Exemption Type drop down:

- Pending Review - Exemption #2 – The county worker must select this option to record the receipt of the Exemption #2 request. The Exemption 2 will remain in pending status while the research is being conducted to determine the exemption outcome.
- Extraordinary Circumstance – This option is available for counties that receive an Exemption 2 request and can make a determination of eligibility very quickly and all research has been completed. If the county does not know the outcome of the Exemption 2 request, they should not wait to enter the request in CMIPS and should select the Pending Review – Exemption #2 option.

Once the county worker selects the appropriate value, either “Pending Review – Exemption #2” or “Extraordinary Circumstance”, they must click the “Continue” button to proceed with creating the exemption.

Creating a Pending Review - Exemption #2

After selecting the Exemption type “Pending Review-Exemption #2” on the *Select Exemption Type* screen, the *Create Overtime Violation Exemption - Extraordinary Circumstance* screen will display with the “Exemption Type” field pre-populated with “Pending Review-Exemption #2” (See Figure 3 below).

Case Number	Case Name	Case Status	Program Type	Provider Status
<input checked="" type="checkbox"/>		Eligible	IHSS	Active
<input checked="" type="checkbox"/>		Eligible	IHSS	Active

Figure 3 – Create Overtime Violation Exemption– Extraordinary Circumstances Pop-up

On this pop-up, the county worker will complete the initial creation of the Exemption 2 by entering information in the following fields:

Request Received Date

- CMIPS will automatically populate the “Request Received Date” with the current date. If the “Request Received Date” is not the same as the date in the field, the county worker must enter the date the Exemption 2 request was received from the provider.

Begin Date

- CMIPS will automatically populate the “Begin Date” with the current date. This date can be changed, but it cannot be prior to the “Request Received Date.”
- Once the “Begin Date” is entered and the Exemption 2 record is saved, CMIPS will automatically inactivate any violation, including those that have already been incurred, for that payment month. The exemption applies for the entire month, even if the “Begin Date” is in the middle of a month.

Outcome

- CMIPS auto populates the Outcome with “Pending Review” for this record.

Comments

- Comments are required when entering an Exemption 2. The field remains editable and can accommodate up to 2,500 characters. The information entered here should be general information regarding the Exemption 2 request, all information pertaining to the outcome and the research completed by the county must be entered into the *Notes* on the provider’s *Person Home* screen. Guidance on what needs to be included in *Notes* regarding the determination of an Exemption 2 request and what needs to be documented in CMIPS will be issued in a forthcoming ACL. If county workers have questions about how to enter *Notes* into CMIPS, they should refer to the CMIPS Users’ Manual located in the CMIPS Portal.

End Date

- CMIPS will automatically future date the “End Date” of an Exemption 2 for 12 months after the “Begin Date”. This field is editable, but CMIPS will not allow a user to enter an “End Date” that is after 12 months from the Begin Date.

Recipients

- The county worker must select all recipients displayed in the “Select Recipients” cluster by checking the box next to the “Case Number” field. County user will only be able to select recipients that are in either “Active” or “On Leave” status. Counties cannot add an exemption for a provider that works for only one recipient and/or provides WPCS services.

Modifying a Pending Review-Exemption #2

Once the research is complete and the county worker is ready to enter an outcome on an existing Pending Review – Exemption #2 record, they must access the *Modify Overtime Violation Exemption – Extraordinary Circumstance* screen. To modify the Exemption 2 record, the county worker must access the *Overtime Violation Exemption* list screen by selecting the “Overtime Violation Exemption” link from the left navigation menu in the “Overtime & Travel Time” tab on the provider person screen. The county worker will select the “Edit” link next to the existing Pending Review - Exemption #2 record which will display the *Modify Overtime Violation Exemption – Extraordinary Circumstance* screen (See Figure 4).

Modify Overtime Violation Exemption - Extraordinary Circumstance:

* required field

Details

Request Received Date: 02/15/2018

Exemption Type: Pending Review - Exemption #2

Outcome Due Date: 03/17/2018

Created On: 02/15/2018 16:35

Begin Date: 02/15/2018

End Date: 02/28/2019

Outcome: Pending Review

Outcome Reason: [Dropdown Menu]

Letter Date: [Text Field]

Created By: [Text Field]

Comments

Comments: Approved

Recipients

Case Number	Case Name	Program Type
		IHSS
		IHSS

Figure 4 – Modify Overtime Violation Exemption – Extraordinary Circumstances pop-up

The county worker must indicate the “Outcome” and “Outcome Reason” by selecting “Approved” or “Denied” and the appropriate reason for the determination. CMIPS will only allow a county user to select one “Outcome Reason” from the drop-down menu for an approval or denial. If more than one reason applies, counties must select the most predominant reason for the selected outcome and then include the additional reasons in the *Notes* tab on the *Person Home* screen, along with the rest of the required documentation related to the Exemption 2 request.

Denying a Review-Exemption #2

When choosing an outcome value of “Denied”, the county worker must select one of the following denial outcome reasons from the “Outcome Reason” drop down list:

- Does not Meet Complex Medical/Behavioural Needs
- Does not Live in Rural/Remote Area
- Does not Meet Language/Communication Barrier
- Did Not Use Initial Interpretive Assistance
- Did Not Explore and Exhaust
- Other Active Provider on Case
- Ability to Work with Other Providers

The county worker completing the screen must enter the “Letter Date” with the date the denial letter is going to be sent to the provider and recipient. This letter is not system generated and the date must be recorded in CMIPS by the county worker to record the denial of the Exemption 2.

Once the “Outcome” is entered into CMIPS and the record is saved, a nightly batch job will run and the “End Date” will be automatically populated with the last day of the denial month.

Approving a Pending Review-Exemption #2

When choosing an outcome value of “Approved”, the county worker must select one of the following approval outcome reasons from the “Outcome Reason” drop down list:

- Complex Medical/Behavioural Needs
- Lives in Rural/Remote Area
- Language/Communication Barrier

Upon approval of the “Pending Review – Exemption 2”, in the nightly batch job, CMIPS will populate the End Date to the Pending Review – Exemption 2. The End Date will be the last day of the month in which the county worker approved the exemption. CMIPS will automatically create a new exemption with an “Extraordinary Circumstance” exemption type with a “Begin Date” of the first day of the following month after the month in which the exemption was approved by the county worker. CMIPS will also automatically populate an “End Date” that is 12 months in the future from the “Begin Date”. To save the Exemption 2 record the county worker must also enter in the “Letter Date” to record when the approval notification is going to be sent.

Creating an Extraordinary Circumstance Exemption

When the Exemption outcome is already known by the county, the county worker may add the exemption with an exemption type “Extraordinary Circumstance” to CMIPS without first creating a “Pending Review-Exemption #2”.

When the county worker selects Exemption Type “Extraordinary Circumstance” on the *Select Exemption Type* screen, the *Create Overtime Violation Exemption-Extraordinary Circumstance* screen will display with exemption type “Extraordinary Circumstance” pre-populated in the “Exemption Type” field. Once they access the *Create Overtime Violation Exemption – Extraordinary Circumstance* screen, the county worker should follow the same steps as they would when they are entering a Pending Review – Exemption #2 record, including entering the “Request Received Date”, “Begin Date”, “Outcome”, “Outcome Reason”, and the “Letter Date”. The system will automatically populate the “End Date”. Once the determination is made for the Exemption 2 request, the county worker must send the provider and the recipients the appropriate approval or denial notification.

Note: If the provider is assigned to a new case or removed from the case, the provider’s Exemption 2 will automatically be end dated with the last day of the month that the action is taken by the county.

Viewing an OTVE History Exemption 2

A new screen has been added in CMIPS for county workers to track a provider’s exemption history. To view the provider’s exemption history the county worker selects the “History” link next to an existing exemption in the *Overtime Violation Exemption* screen (See Figure 5).

Action	Begin Date	End Date	Exemption Type	Outcome	Created On	Last Updated	Updated By
View Edit History Inactivate	02/15/2018	02/28/2019	Pending Review - Exemption #2	Approved	02/15/2018 16:35	02/15/2018 17:02	MERI

Figure 5 – Overtime Violation Exemption

After selecting the “History” link from this screen, the new *Overtime Violation Exemption History - Extraordinary Circumstance* screen will display (See Figure 6).

Action	Begin Date	End Date	Exemption Type	Outcome	Administrative Review Outcome	Created On	Created By	Last Updated	Updated By
View...	02/15/2018	02/28/2019	Pending Review - Exemption #2	Approved		02/15/2018 17:02		02/15/2018 17:02	
View...	02/15/2018	02/28/2019	Pending Review - Exemption #2	Pending Review		02/15/2018 16:54	MERI	02/15/2018 16:54	MERI

[Close](#)

Figure 6 – Overtime Violation Exemption History- Extraordinary Circumstances

The county worker selects the “View” link next to an exemption on this screen to display the new *View Overtime Violation Exemption History - Extraordinary Circumstance* pop-up which displays the exemption history (See Figure 7).

View Overtime Violation Exemption History - Extraordinary Circumstance: ?

Details

Request Received Date: 02/15/2018	Begin Date: 02/15/2018	End Date: 02/28/2019
Exemption Type: Pending Review - Exemption #2	Outcome: Approved	Outcome Reason: Complex Medical/Behavioral Needs
Outcome Due Date: 03/17/2018		Letter Date: 02/16/2018
Created On: 02/15/2018 17:02		Created By: MERI

Comments

Comments: Approved

Recipients

Case Number	Case Name	Program Type
		IHSS
		IHSS

Administrative Review

Request Received Date:	Outcome:	Interview Date:
CDSS Outcome User :		Letter Date:

Comments

Comments:

Figure 7 – View Overtime Violation Exemption History - Extraordinary Circumstances Pop-up

Note: The Administrative Review cluster can be updated only by CDSS as part of the Exemption State Administrative Review (E-SAR) processing. However, the County user may view the Administrative Review cluster on the “View Overtime Violation Exemption-Extraordinary Circumstance pop-up and View Overtime Violation Exemption History-Extraordinary Circumstance pop-up”.

Renewing an Exemption 2:

All approved Exemption 2’s must be renewed on an annual basis. To assist with the renewal process, CMIPS triggers a task to the Overtime Violation work queue 60 days prior to the Exemption End Date of an active exemption. If the county worker does not add a new exemption, the existing exemption will be ended and the provider will begin incurring violations again.

If a provider with an active Extraordinary Circumstance Exemption is assigned to a new case or removed from a case after the exemption is entered, including “Pending Review – Exemption #2”, the provider’s exemption will be automatically end dated with the last day of the month that the action is taken by the county. The provider must submit a new Exemption 2 request to the county when their circumstances change.

Inactivating an Overtime Violation Exemption 2

When the county worker discovers they have created an Overtime Violation Exemption in error, they may immediately inactivate the exemption by selecting the “Inactivate” link

next to the incorrect exemption on the *Overtime Violation Exemption* list screen. Once the “Inactivate” link is selected, the *Inactivate Overtime Violation Exemption* pop-up will display with a “Yes or No” question. If “Yes” is chosen, the Overtime Violation Exemption will be inactivated and removed from the *Overtime Violation Exemption* list screen. (See Figure 8).

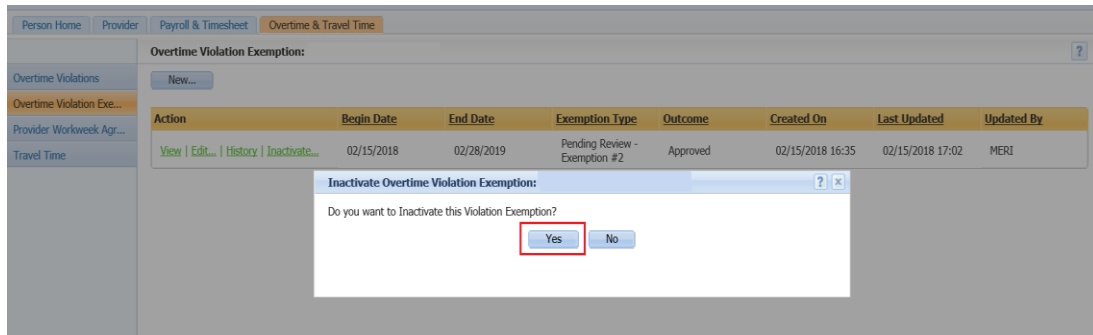


Figure 8 – Inactivate Overtime Violation Exemption

Note: The Inactivate function should only be used to immediately remove an exemption that was created in error.

Overtime Violation Work Queue

The county worker/supervisor can review the provider tasks in the Overtime Violation Work Queues. The county worker/supervisor can sort the provider tasks by the District Office by the selecting magnifying glass icon.

Data Download

The new Extraordinary Circumstance exemptions information has been added to the Provider Data Download. The Provider Data Download includes violation exemption data, county review data, and state administrative review data. The Provider Data Download has also been updated to extract active providers only. This data is available in the daily and monthly provider data download files.

The following fields have been added to the Monthly Provider Management Data Download:

- Violation Exemption County Review Outcome (VE_CNTYRVW_OUTCOME)
- Violation Exemption County Review Outcome Reason (VE_CNTYRVW_OUTCOME_REASON)
- Violation Exemption Administrative Review Outcome (VE_ADMINRVW_OUTCOME)

The following fields have been added to the Daily Provider Management Data Download:

- Violation Exemption County Review Outcome (VE_CNTYRVW_OUTCOME)
- Violation Exemption County Review Outcome Reason (VE_CNTYRVW_OUTCOME_REASON)
- Violation Exemption Administrative Review Outcome (VE_ADMINRVW_OUTCOME)

Transfer of Exemption 2 Eligibility Evaluation Responsibilities

The CDSS will continue to review all exemption referrals until this responsibility is transferred to the counties. Until the transfer of exemption eligibility review responsibilities, counties that receive an exemption request form (SOC 2305) should complete an Exemption from Workweek Limits for Extraordinary Circumstances Referral Justification form (SOC 2306) and mail it to CDSS.

Questions regarding the content of this ACL may be directed to the Systems Operations and Data Analysis Bureau within the Adult Programs Systems and Administrative Branch at the following email address: CMIPSII-Requests@dss.ca.gov.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division