



CDSS

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ALL-COUNTY LETTER NO: **-**

DRAFT

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 \(March 19, 2015\); CMIPS II 4.1.5.3 Users Manual](#)

Purpose

This All-County Letter (ACL) provides clarification to counties to specify means by which more specific Notice of Action (NOA) messages for recipients of and applicants for In-Home Supportive Services relating to Protective Supervision (PS) will be provided. These more -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 .176, 30-763, 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 bases for that action.

Function of More Case-Specific NOA Messages

In an effort to better ensure that recipients understand the bases for determination for PS services, the California Department of Social Services (CDSS) created more specific NOA messages. These more specific NOA messages will be selected in the Case Management, Information and Payrolling System II (CMIPS II) by the county social worker based on the applicant's or recipients' personal circumstances to populate the NOA. These additional NOA messages will provide detailed and personalized information regarding the PS determination, and may further assist recipients in making an informed decision when considering contacting the County 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)

NOA: You are not eligible for Protective Supervision service because your risk of injury has been reduced by changes made in your home. (MPP Section 30-757.17)

NOA: You are not eligible for Protective Supervision service 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 confused, not mentally impaired nor mentally ill.)

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

NOA: You are not eligible for Protective Supervision service because your case information shows you are self-directed in that you avoid injury because you understand what is harmful to you. (MPP Section 30-757.171)

NOA: You are not eligible for Protective Supervision service 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.

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The following NOA messages will also provide more applicant/recipient - specificity to the original NOA Code PS02. Counties are advised to use these messages in place of the PS02.

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

NOA: You are not eligible for Protective Supervision service because the assistance and supervision you need is medical in nature. [MPP Section 30-757.172(b)]

(Fall Risk)

NOA: You are not eligible for Protective Supervision service 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)]

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

NOA: You are not eligible for Protective Supervision service because your behavior, which puts you at risk of injury, is aggressive or anti-social behavior. [MPP Section 30-757.172(d)]

NOA: You are not eligible for Protective Supervision service because the potentially dangerous activity you engage in is deliberate, self-destructive behavior where you intentionally try to harm yourself. [MPP Section 30-757.172(e)]

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

NOA: You are not eligible for Protective Supervision service 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)]

NOA: You are not eligible for Protective Supervision service 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)]

This NOA message replaces the current automated message PS01.

NOA: You are not eligible for Protective Supervision service 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)]

This NOA message replaces the current automated message PS01.

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

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

Garrett v. Anderson

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

CMIPS Functionality for NOA Messages

Counties may select any 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.

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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,

DEBBI THOMSON
Deputy Director
Adult Programs Division

c: CWDA