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Department of Health Care Services



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MEMORANDUM

DATE: March XX, 2018

TO: SUPERIOR COURTS, PROSECUTORS AND INVESTIGATORS

FROM: LAURA WILBUR, Chief
Department of Health Care Services,
Audits & Investigations Division, Investigations Branch

SUBJECT: IN-HOME SUPPORTIVE SERVICES (IHSS) OVERPAYMENT RECOVERY
AND COURT ORDERED RESTITUTION DIRECTION

All IHSS overpayment recoveries resulting from court-ordered restitution should be routed to the county IHSS office where the IHSS overpayment originated and not to the Department of Health Care Services' Third Party Liability Division.

Per the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Section 30-768.11, an "Overpayment means that cash payment was made for the purchase of IHSS or services were delivered in an amount to which the recipient was not entitled."

Further, IHSS overpayments must be received by counties when identified per Welfare and Institutions Code Section 12305.83 (c)(1), which states that the county shall take all appropriate actions to recover the full amount of the overpayment. Additionally, the CDSS overpayment recovery policy, as specified in All-County Letter No. 13-110 (Release of the CDSS IHSS Quality Assurance/Quality Improvement Policy Manual, Page 14), states that counties are obligated to initiate recovery for all provider and/or recipient overpayments identified and must follow all State and County policies and procedures as pertains to the recovery of an overpayment.

Lastly, MPP Section 30-768.321 lists various overpayment recovery methods, including "Civil Judgement" and specifically states that counties may demand repayment and file suit for restitution. Thus, court-ordered restitution is one method for counties to recover overpayments.

Pursuant to the aforementioned guiding authorities, IHSS overpayment amounts resulting from court ordered restitution should be directed to the originating county.

For questions regarding this memo please email - Fraud@dhcs.ca.gov