



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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REASON FOR THIS TRANSMITTAL

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

ALL-COUNTY LETTER XX-XX

TO: ALL COUNTY WELFARE DIRECTORS  
IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM MANAGERS

SUBJECT: CLARIFICATION OF PROTECTIVE SUPERVISION PRORATION,  
ENVIRONMENTAL MODIFICATIONS, FALL RISK, AND  
COMBATIVE BEHAVIOR ISSUES

REFERENCE: ALL-COUNTY LETTER NO. 15-25 (March 19, 2015); CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES MANUAL OF POLICIES AND  
PROCEDURES (MPP) SECTIONS 30-757.171, 30-763.33, and 30-  
763.612

This All-County Letter (ACL) clarifies the policies related to proration of the In-Home Supportive Services (IHSS) Protective Supervision (PS) service, as well as its programming in the Case Management, Information and Payrolling System II (CMIPS II).

Additionally, clarification regarding three PS-eligibility issues, addressed in ACL 15-25, is included as related to the consideration of environmental modifications, fall risk, and combative behaviors.

**Background**

CMIPS II is programmed in accordance with IHSS policies and procedures, which include automated calculation of hours for PS, ensuring consistency in the application of PS policies. This process of calculating PS hours includes the consideration of alternative resources, which may be available to meet the recipient's needs. (MPP Sections 30-763.33 through .332.) CMIPS II is programmed to look at all other authorized non-PS service categories, such as personal care, domestic services, and related services, prior to calculating the remaining PS hours available to the recipient.

### **Assessing for PS Common Need**

Pursuant to MPP Section 30-763.331, "When two (or more) IHSS recipients are living together and both require protective supervision, the need shall be treated as a common need and prorated accordingly." When recipients reside in the same household, the County shall link such cases as companion cases. CMIPS II prorates services in those linked cases when the needs are met in common, including the service of PS. In this situation, PS is prorated, regardless of the number of providers working in the home. The section below, entitled "CMIPS II Input for PS Cases" describes how the companion cases will be linked and prorated in CMIPS II. The scenario below addresses the linking of recipient cases and the proration of services.

#### **Scenario:**

Three recipients reside in the same household. All recipients are authorized for PS, as well as non-PS services (e. g. meal preparation, meal clean-up, laundry services, etc.). Two providers work for these recipients in the same household. The County shall enter these cases into CMIPS II as companion cases. NOTE: Recipients who live in the same household are linked as companion cases; however, each case is prorated only for those services that are met in common.

- Recipients 1, 2, and 3 shall be prorated for PS, as well as for meal preparation, meal clean-up, laundry services, etc. (non-PS services). CMIPS II will prorate those authorized hours among the three recipients.
- Both providers shall ensure the recipients' needs are met and shall claim hours, according to each recipients' authorized hours and services.

### **Entries into CMIPS II**

The following provides clarification of entries into CMIPS II, which must be input correctly to result in accurate proration.

#### **General Guidelines for Linking Companion Cases**

- Link recipients residing in the same household as companion cases.
- Link a new case in a household to any existing case(s), which allows the user to correctly enter evidence for the new case. CMIPS II shall calculate proration of such cases, as applicable.
- Authorize companion cases that are not assessed for PS before authorizing PS for existing or new cases.

### CMIPS II Input for PS Cases

Entries specific to PS proration appear on the Modify Household Member Screen, as shown on Page Four.

- The “Protective Supervision Status” field should be set to “Yes” to indicate these are PS companion cases.
- The “Protective Supervision Proration” field should be set to “Yes” to indicate the recipients’ needs for PS in the PS companion cases can be met in common and will be prorated.
  - By selecting “Yes,” CMIPS II will use the PS authorized hours from *each* recipient’s case to prorate PS hours for each of those recipients.

### Alternative Resources

When an IHSS service is made available to a recipient through an alternative resource, those alternative resource hours are deducted from that service’s authorized hours. (MPP Section 30-763.612.) Alternative resources are considered to be supportive services, which may be available from other agencies or programs to meet the needs of the recipient, as assessed. (MPP Section 30-763.61.) Examples of alternative resources include, but are not limited to, adult or child day care centers, community resource centers, Senior Centers, or respite centers. [MPP Section 30-757.171(a)(2).] Counties are reminded that alternative resource hours are entered into the Modify Service Type Detail Screen (see screenshot, Page Four) to ensure it populates the “ALT+REF+VOL” field on the Authorization Summary screen.

Because a 24-hour-a-day need is a requirement for PS-eligibility [MPP Section 30-757.173(a)], completion of form SOC 825 (IHSS Program Protective Supervision 24-Hours-A-Day Coverage Plan) is recommended, although not required. This form reflects how the 24-hour-a-day coverage shall be met for the recipient.

### Voluntary Services

Voluntary services that provide a service comparable to PS should **NOT** be reflected as an alternative resource, but rather used to fulfill the recipient’s 24-hour-a-day plan. However, Counties are reminded that voluntary services for in-home non-PS services (such as, meal preparation, meal clean-up, laundry service, feeding) shall be entered into the Modify Service Type Detail Screen (see screenshot, Page Four) to ensure it populates the “ALT+REF+VOL” field on the Authorization Summary screen.

### Modify Household Member Screen (PS cases linked and the status of PS proration)

Companion Case Details	
Companion Case Number:	Protective Supervision Status: Yes

  

Household Member Details	
Relationship:	Date of Birth:
Last Name:	First Name:
Spouse / Parent:	Protective Supervision Proration: Yes

[Close](#)

### Modify Service Type Detail Screen (Alternative resources and Voluntary Services Data)

Modify Service Type Details: [Home Care](#) [Counseling](#) [Mental Health](#) [Substance Abuse](#) [Other](#) [?](#)

[Save](#) [Save & Next](#) [Cancel](#)

Service Type: Protective Supervision	
<b>* Protective Supervision Form Sent Date:</b> 9/1/2013	<b>Protective Supervision Form Received Date:</b> 9/1/2013
<b>Total Assessed Need (HH:MM):</b> 168:00	<b>Alternative Resources (HH:MM):</b> 25:00
<b>Adjustments (HH:MM):</b> 26:53	<b>Voluntary Services (HH:MM):</b> 00:00
<b>Pending Receipt of Additional Information:</b> <input type="checkbox"/>	
<b>Comments:</b>	

[Save](#) [Save & Next](#) [Cancel](#)

### **Clarification of Issues in ACL 15-25 (March 19, 2015)**

PS is discussed in ACL 15-25 to clarify how existing regulations address the authorization of PS to safeguard the recipient from his/her own dangerous behavior(s) that would cause self-harm. Below is expanded clarification of three PS-eligibility issues related to the consideration of environmental modifications in the home, individuals who are at risk of falling, and individuals who display combative behaviors.

#### **Environmental Modifications and PS-Eligibility**

Environmental modifications are not required to eliminate the need for PS; however, if environmental modifications already exist, PS would not be authorized if those modifications eliminate the safety hazard that puts the recipient at risk. Environmental modifications may be discussed with the recipient or the recipient's representative, as a possible means to address these optional safeguards. Modifications or restraints, such as locking the recipient in a room, shall *not* be considered an appropriate modification.

#### **Fall Risk and PS-Eligibility**

An individual, who is considered having fall risk tendencies, would be PS-eligible if his/her mental impairment/illness is the cause of the risk of falling. PS shall not be authorized solely due to one's inability to ambulate safely, thereby creating an increased risk of fall. Assistance with mobility would be assessed under the category of ambulation. For PS-eligibility, the reason for the fall risk must be related to the individual's mental impairment/illness.

#### **Anti-Social and Aggressive Behaviors and PS-Eligibility**

Assessing PS-eligibility, due to a recipient's (minor or adult) combative behavior, shall be evaluated based upon the willfulness of that behavior. As with all services, the recipient's age and the specific behavior shall be considered.

When assessing for PS eligibility, a recipient must be both diagnosed with a mental impairment/illness and determined to be nonself-directing, due to the mental impairment/illness. The recipient would be considered nonself-directing if he/she is unable to assess danger and the risk of harm to him/herself. A recipient who meets these criteria and displays involuntary self-destructive behaviors, such as head-banging as a manifestation of the mental impairment/illness, may be eligible for PS. However, an individual who otherwise meets these criteria but exhibits involuntary behavior that is anti-social or aggressive, such as physical behavior that is directed to harm another individual (e. g. pulling hair, scratching, hitting), may be ineligible for PS under the exception for anti-social or aggressive behavior.

[MPP Section 30-757.172 (d)].

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Additionally, a recipient who may or may not have a mental impairment/illness who displays intentional self-destructive behavior to avoid or escape from a non-preferred situation, would *not* be PS-eligible. This type of behavior may include tantrums used as a mechanism to achieve a desired result. In this case, he/she would be considered self-directing, as the behavior is used to achieve specific ends, and therefore, would be ineligible for PS.

For questions regarding this ACL, please call the Adult Programs Policy and Operations Bureau at (916) 651-5350.

Sincerely,

DEBBI THOMSON  
Deputy Director  
Adult Programs Division

c: CWDA