

IHSS – In Home Support Services

CANHR is a private, nonprofit 501 (c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

What is IHSS?

The IHSS program is a statewide mandated program administered by each county under the direction of the California Department of Social Services. It provides those with limited income who are disabled, blind or over the age of 65 with in-home care services to help them remain safely in their own homes.

The three different IHSS programs explained...

There are three different IHSS programs: The Medi-Cal Personal Care Services Program (PCSP), The IHSS Independence Plus Waiver Program (IPWP) and The Original or Residual IHSS Program (IHSS-R). The PCSP and IPWP programs are funded with Federal, State and County dollars, while the IHSS-R program is funded with State and County dollars only. Each of these programs provides the same services, but have different eligibility criteria.

- **PCSP** – Recipients are eligible because they have qualified for Medi-Cal on basis of age, blindness or disability. Most IHSS recipients are part of the PCSP program.
- **IPWP** – Recipients are eligible because they have qualified for Medi-Cal and are also part of one of the following groups: parent provider for a minor child, spouse providers, advance pay cases and meal allowance cases.
- **IHSS-R** – Recipients do not meet PCSP or IPWP requirements and usually have Satisfactory Immigration Status, which denies them federal reimbursement.

What services does IHSS provide?

Services include, but are not limited to:

- Domestic Services: meal preparation, cleaning, laundry and taking out the garbage.
- Personal Care Services/Non-Medical Care: bathing, feeding and toileting.
- Transportation and accompaniment to medical appointments.
- Protective Supervision: safeguard from injury for persons with mental impairments.
- Paramedical Tasks: assistance with medications, bowel and bladder care or catheter insertion.

Who is eligible for IHSS?

Any California resident is eligible for IHSS if they:

- Are SSI/SSP or Medi-Cal eligible.
- Are living in their own homes.
- Are blind, disabled or 65 years of age or older.
- Are unable to live safely at home without care.
- Meet certain financial requirements.

Note: Residents of long term facilities may not receive IHSS in the facility, but may apply if they are expected to be discharged so that IHSS is in place when they return to their homes.

What are the resource limits for IHSS?

- Recipients of SSI/SSP automatically meet financial requirements.
- Recipients who meet SSI/SSP eligibility criteria except for income are eligible, but might have to pay a share of cost.
- Applicants who have more than \$2,000 in nonexempt assets (\$3,000 for a couple) are not eligible. Applicants can spend down assets in order to qualify; however, they should be aware of penalties/periods of ineligibility.

Note: Although resource requirements for IHSS Personal Care and Waiver programs are the same as Medi-Cal, many IHSS recipients are also on SSI/SSP. Transfers that are permissible under the Medi-Cal and IHSS programs could impact SSI/SSP eligibility.

What are the income limits for IHSS?

The IHSS income limit is the current SSI monthly benefit. The current SSI benefit is \$830.40 for a single person or \$1,407.20 for a couple.

Some beneficiaries receive IHSS free of charge if they automatically qualify for a Medi-Cal program with no share of cost (SOC). Beneficiaries with a SOC should try to qualify for a Medi-Cal program with no SOC or a program with a higher income cap such as the Medi-Cal Pickle Program or the Aged and Disabled Federal Poverty Level Program. Under the “Pickle Program,” individuals who were disqualified for SSI because of a Cost of Living Adjustment (COLA) increase in Social Security will remain eligible for Medi-Cal at no Share of Cost and will also meet the income limits for IHSS.

In order to qualify for Medi-Cal at no share of cost under the Aged and Disabled Federal Poverty Level Program, applicants must have a countable income below \$1138 (for individuals) or \$1536 (for a couple). Those who qualify for the Aged and Disabled Medi-Cal program also meet the IHSS income limits, and will be eligible for both IHSS and Medi-Cal at no share of cost.

Income rules for IHSS can vary depending upon which Medi-Cal category you are enrolled in (e.g., SSI-linked Medi-Cal, Aged and Disabled Federal Poverty Level Medi-Cal).

If the applicant is not eligible for the Pickle Program and his/her income is above the Aged and Disabled Federal Poverty Level program income limits, there will likely be a share of cost for IHSS. *Those who qualify for Medi-Cal and IHSS with a share of cost will receive two Notices of Actions (NOA). One NOA from the Medi-Cal program stating the share of cost amount and the other NOA from IHSS stating they are eligible for benefits. Even though there are two NOA's the beneficiary will only have one share of cost. If he/she is cut off from IHSS or no longer needs it, but is still eligible for Medi-Cal benefits, the beneficiary will be responsible for paying the share of cost determined in the Medi-Cal notice of action.*

As of 10/1/2009, the IHSS share of cost will be calculated differently. There will no longer be a “buy out,” meaning that IHSS will not subtract the current SSI amount from the applicant’s countable monthly income to determine the share of cost. If the beneficiary is over the Medi-Cal income limit, he/she will only be able to retain a Maintenance Needs Allowance (MNA) of \$600 for a single person. (see examples below).

The following is deducted each month:

- \$20 from unearned income
- Health insurance premiums
- Earned income deductions:
 - \$65
 - An additional \$20 can deducted from earned income if there is no unearned income.
 - Work expenses related to disability (cost of items related to impairment that are necessary to becoming or remaining employed—maintenance of a van that fits your needs, certain clothing,

attendant care services, transportation, medical devices, work-related equipment, etc.).

- Half of the remaining earned income.

Example 1: Disabled Consumer over Unearned Income Limit

Mr. Lee gets \$1,300 from SSDI every month. It is his only income.

$$\begin{array}{r} \$ 1,300 \quad (\text{Mr. Lee's unearned income from SSDI}) \\ - \$ \quad 20 \quad (\text{General Income Deduction}) \\ \hline = \$ 1280 \quad \text{Countable Income} \end{array}$$

Mr Lee's countable income is \$119 above the \$1,1618 income limit for the Aged and Disabled Federal Poverty Level Medi-Cal program. His share of cost for Medi-Cal would be \$680 – because of the \$600 Maintenance Needs Allowance (\$1,280 – \$600 = \$680). However, if Mr. Lee incurs \$119 in additional medical premiums each month, he could reduce his share of cost to \$0.

Example 2: Aged Consumer over Unearned Income and Medical Deductions

Ms. O'Connor is 84 years old and receives \$1,500 a month in Social Security benefits.

$$\begin{array}{r} \$ 1,500 \quad (\text{Ms. O'Connor's unearned income from Social Security}) \\ - \$ \quad 20 \quad (\text{General Income Deduction}) \\ - \$ \quad 185 \quad \text{Medicare Supplemental Insurance} \\ \hline = \$ 1,295 \quad \text{Countable Income} \end{array}$$

Ms. O'Connor's countable income is \$134 above the \$1,161 income limit for the Aged and Disabled Federal Poverty Level Medi-Cal program. Her share of cost for Medi-Cal would be \$880 – because of the \$600 Maintenance Needs Allowance (\$1,480 – \$600 = \$880). Thus, she must pay or incur \$880 each month in medical expenses before Medi-Cal will kick in. Ms. O'Connor can reduce her SOC if she reduces her income to \$1,161. She would have to spend an additional \$134 monthly on insurance premiums (such as dental, vision, etc.), medical expenses not covered by Medi-Cal (chiropractic, podiatry, dental, optometry, vitamins, etc.) to have no SOC. Proof of these must be submitted to the Medi-Cal office at the beginning of the month to ensure that the SOC will not be taken out of the IHSS providers' checks.

Example 3: Aged/Disabled Consumer with Earned Income and Work Related Deductions

Mr. Smith earns \$1,000 at his part-time job monthly, and receives \$500 from Social Security. He also pays his neighbor \$200/month to drive him to work, because he cannot drive due to an injury to his legs.

$$\begin{array}{r} \$ 1,000 \quad (\text{Mr. Smith's earned income}) \\ - \quad 65 \quad (\text{Earned Income Deduction}) \\ \hline \$ \quad 935 \\ \$ 467.50 \quad (\text{Half of remaining earned income after the deduction } 1/2 \times \$935) \\ + \quad 500 \quad (\text{Mr. Smith's unearned income}) \\ \hline \$ \quad 967.50 \\ - \quad 20 \quad (\text{Unearned Income Deduction}) \\ - \quad 200 \quad (\text{Work Related Expenses due to Disability}) \\ \hline = \$ \quad 747.50 \end{array}$$

Mr. Smith is eligible for no share of cost IHSS because his income is under the SSI income limit of \$830.40.

Important: All Medi-Cal beneficiaries who have a Medi-Cal share-of-cost of more than \$500 will no longer have their Medicare Part B premium covered by Medi-Cal, it will automatically be deducted from the beneficiary's Social Security check.

Who provides IHSS services?

Each county can choose different modes of services delivery: **Contract, County Homemaker, or Independent Provider (IP)**. However, it is up to the individual to decide what mode of service delivery they wish to receive. In the Contract mode, an outside agency dispatches a caregiver to your home. In the County Homemaker mode, the County trains and employs caregivers. Most IHSS clients use the IP mode of service, where the client hires, fires and supervises workers.

In most counties, **Public Authorities** have been established to improve IP service delivery. IHSS pays IP's who are hired and supervised by the recipient or the recipient's guardian/authorized representative. Many IP's are relatives of the client. Payments are issued by the State Controller's Office, directly to the IP. The current IP wage throughout most of California is \$8.00 (CA minimum wage). In the Bay Area Counties, Public Authorities have been able to negotiate higher wages and comprehensive health and dental benefits.

How does IHSS calculate how many hours I get?

The State has limited monthly services hours to 195 hours per month for non-severely impaired applicants and 283 hours per month for the severely impaired. The County Social Services Agency is responsible for doing a needs assessment for each client at the time of application and yearly thereafter to determine how many hours an applicant will receive monthly. The process of the needs assessment will be repeated yearly, and the number of hours authorized may change with each evaluation.

The assessment evaluates:

1. The client's physical/mental condition, living/social situation and ability to perform various functions of daily life.
2. The client's statement of need.
3. Medical records/physicians' statement of need.
4. Other information the case manager may consider necessary and appropriate to assess the need.

How do I apply for IHSS?

Call or visit your local Department of Social Services to complete an IHSS application (see link below). Once IHSS receives your application, a caseworker will be assigned to conduct a needs assessment. During the needs assessment, the caseworker will come into your home and ask you questions about your physical and mental capacity in order to determine what you can and cannot do. As part of the application process, you will need to have your health care provider fill out a medical certification form (SOC 873) stating that you are not able to do some activities of daily living (ADLs) on your own and without IHSS you would be at risk for out of home placement. Your living situation will also be evaluated. After the needs assessment, the IHSS caseworker will contact you and let you know if you have been approved or denied the service. If approved, the caseworker will tell you how many hours were authorized.

Appeals

If you are denied Medi-Cal or IHSS or if you do not agree with the number of hours authorized, you may appeal the decision by filing for a fair hearing. You should contact your local legal services office to assist you in the appeal. (See CANHR's page on Helpful Links)

California In-Home Supportive Services Programs and telephone numbers

http://www.canhr.org/factsheets/misc_fs/html/fs_ihss_offices.htm