

## TIPS ON IHSS

- Make sure your benefits start from the day you asked to apply.
- The County cannot ask you questions about your eligibility without taking an application and giving you a written approval or denial notice.
- Prepare for your assessment!
  - √ Keep a "Daily Activities" log
  - √ Have a provider or friend keep a Daily Activities log (are they different from yours? Why? Agree on the time and tasks.)
  - √ Have a provider or friend there during the assessment
  - √ Tell the worker if you have bad days when you are much worse than you are during the assessment
  - √ Tell the worker if you are in pain or discomfort when doing things they ask
  - √ Tell the worker if you took pain medication in order to do the tasks and whether it still hurts
- You have a right to have a state hearing for any denial of your application or hours/tasks the county is not giving you. You can also challenge the functional rating you got.

PROBLEMS? Ask for a state hearing. Fill out the back of any Notice of Action or call 800-952-5253.

- [www.disabilityrightsca.org](http://www.disabilityrightsca.org) has a lot of resources to help you

**Call Legal Services:**

## IHSS OVERPAYMENTS

An overpayment is when you got more benefits than you were eligible to get. There is **no** overpayment if you asked for a hearing because of a cut in your hours or termination, and got "aid paid pending" your hearing. The overpayment rules are different depending on which program you are in. Overpayments are limited to:

- IHSS through Medi-Cal
  1. Willful failure to report information that would result in your not being eligible or having an increased share of cost, or information about other insurance;
  2. You failed to report (or report correctly) information or changes that affected your Share of Cost;
  3. You were over the property limit for the whole month. (The overpayment is the amount your property was over the limit.)
- IHSS-Residual Program (for people who do not have federal Medi-Cal):
  1. Not fully using an advance payment;
  2. Payment was for more hours than authorized;
  3. Your share of cost was incorrectly calculated;
  4. You did not meet your share of cost;
  5. You didn't use any/were not eligible for a restaurant meal allowance.

Prepared by  
Legal Services of Northern California  
[www.lsn.net](http://www.lsn.net)

## IHSS

*Making it Work for You*

## In-Home Support Services

*Staying Safely in Your Home*



# IHSS

## WHAT IS IHSS?

IHSS is a program where the state pays for you to get the help you need for you to stay safely in your home. This does not include acute care, skilled nursing, intermediate care, or board and care facilities. If you get an SSI/SSP payment for a nonmedical out-of-home living arrangement you *are* considered living in your own home.

## WHAT DOES IT COVER?

IHSS covers:

- Personal services, such as dressing, bathing, help you eat, and walking.
- Domestic services, such as cleaning, shopping, laundry, cooking, etc.
- Paramedical services, such as administering medication, tube feeding, catheter care, etc.
- Protective supervision, for individuals with severe mental health conditions, confusion, inability to direct themselves, that put them at risk of hurting themselves or others if not supervised.
- Restaurant/M meal allowance (instead of getting meal cooking and clean up services).
- Respite care to help give people providing IHSS-type care without pay

## Who Is Eligible?

People who are:

- Aged, blind, or disabled
- Getting SSI/SSP benefits (or eligible except for your income)

## Is It Free?

You may have a "share of cost" (co-pay) if your income is too high to get free services.

## What if I'm an Immigrant?

You can get IHSS if you are lawfully admitted to the US or permanently residing in the United States under color of law (PRUCOL). This includes people seeking U, T and V visas for trafficking, law enforcement cooperation, or domestic violence.

## How Do I Apply?

If you are in an institution or medical facility, you can apply and get an eligibility review in time for your release to your home. Otherwise, just call or go into the county social services office. They must take the application the day you call. The county will need to do an "assessment" of your needs.

## How Long Will it Take?

The county has 30 days from the date you asked to apply to make their decision. If it is an emergency, you can get temporary services while the county works on your application.

## What is the assessment?

It is a review of your need for IHSS services. You are assessed when you apply, at annual renewal, and anytime you have a change in condition (needing more or fewer services). It will also be to see what your "functional" rating is.

## Should I prepare for the assessment?

Yes! Make sure the County worker understands all your special care needs and what they mean in terms of time. You, anyone who is with you a lot, and anyone already providing care should keep a log of all the daily living needs you have, and how long they take. Do not minimize your disability problems and care needs because you may end up not getting the hours you need.

## How Many Hours Do I Get?

It depends on your needs, but some tasks and chores have a "time for task" that is assigned. You would get that amount of time, *unless you show* that you have a special need for more time.

## Provider Approval

Your provider does not need to meeting licensing. The provider will need to go through an orientation and criminal background check, though. The County has a referral system, if you don't know a family member or friend who can help you. You can get IHSS services from your spouse or parent if the adult cannot work or must leave a job or education to care for the individual with the disability.

## What if I Move?

Your benefits will continue, but you'll have a new assessment. You'll get a notice if the new county thinks your approved hours should change.