

# Making it happen



## IN-HOME SUPPORTIVE SERVICES (IHSS)



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# Introduction

You or your son/daughter may be eligible for In-Home Supportive Services (IHSS). This booklet has been developed to help you understand basic information about IHSS and let you know how to apply for these services. The In-Home Supportive Services program is used by many of our clients. This guide booklet will help answer questions about IHSS like:

- What is the In-Home Supportive Services program?
- Who is eligible? How do I apply?
- What documentation will I need?
- How do they decide the number of care hours that I might get?
- What if I disagree with the number of care hours allowed?
- How do I find someone to provide care?
- Whom should I contact for more information?

In addition, we provide answers to other questions to help you apply for the IHSS program.

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The In-Home Supportive Services program helps provide supervision and care for you/your relative in your family's home, or it can help you live without your family in your own apartment or house. IHSS is a public program which is funded with federal money and locally run by each county. IHSS pays for a care provider to do the necessary tasks you/your relative cannot do to remain safely in your family's or your own home. This program may also help you/your relative maintain or develop abilities for self-care.

# *What is the In-Home Supportive Services Program*

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Who is eligible?

Any disabled person who needs care to remain safely in his/her own home may be eligible for the IHSS program. You must meet two requirements to be eligible:

- You must be a lawful resident of California with low income and limited resources. IHSS uses similar financial eligibility limits as those used for eligibility for Supplemental Security Income (SSI), and some other benefit programs.
- You must need the IHSS care to remain safely in your own home. Your “own home” means any place you choose to live, other than a licensed group home or a health facility. An IHSS County Intake Social Worker will evaluate your needs based on how well you are able to do things for yourself, and not on your medical diagnosis.

## ARE CHILDREN ELIGIBLE FOR IHSS SERVICES?

Yes! Disabled children younger than 18 years of age can be eligible for IHSS. IHSS service is available for a child while the parent needs to be out of the home to work or attend school. It is considered an alternative to out of home care for your child. IHSS is also available while the parent is in the home but can't provide assistance

because of the parent's own disability or while she/he is asleep. In addition, IHSS care can be used to provide the parent a break from the child's care needs.

### **CAN A PARENT BE PAID TO BE A CHILD'S IHSS CARE PROVIDER?**

At the time of this publication, IHSS will allow a parent to be paid as the child's IHSS care provider, if due to the child's special needs, the parent cannot work outside of the home. (This option has been recently questioned, however, during times of proposed budgetary cuts.) But a parent will not be paid to do routine household chores.

### **ARE MARRIED PEOPLE WITH DISABILITIES**

#### **ELIGIBLE FOR IHSS SERVICES?**

Yes! IHSS may be available to provide the personal care and some medical services needed by a married person who is disabled. IHSS care is available if the spouse is unable to provide the care because of strength or stamina limitations. IHSS care may also be available to provide a break for the non-disabled spouse. At the time of this publication, the disabled person may choose to have his or her spouse be the IHSS provider for these services. (This option has been recently questioned, however, during times of proposed budgetary cuts.)

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## **CAN SERVICES BE PROVIDED BY MORE THAN ONE IHSS PROVIDER?**

If necessary, it is possible to use IHSS funds to pay for services from more than one caregiver. Be prepared to explain to the IHSS social worker why it is necessary for you to use multiple service providers. For example, a spouse may be the primary IHSS provider, but a different IHSS provider may perform other services when the spouse needs to be out of the home for work.

## **WHAT IS THE MAXIMUM AMOUNT OF IHSS THAT IS AVAILABLE?**

The IHSS program has set the maximum number of hours allowed per month at 283 for persons who are severely impaired, and 195 hours per month for persons who are non-severely impaired. If you are found eligible, you will receive the current approved IHSS wage (usually minimum wage), times the number of hours you are authorized to pay your IHSS care provider.

Someone who receives IHSS services less than 20 hours per week is considered non-severely impaired.

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Someone who receives IHSS services is considered severely impaired if they need in-home care at least 20 hours per week for their activities of daily living: bowel and bladder care, menstrual care, respiration, dressing, meal preparation, assistance to someone who is unable to feed himself, meal clean-up for someone who can't feed himself, moving into and out of bed, routine bed baths, bathing, oral hygiene and grooming, rubbing skin to promote circulation, help with prosthetic devices, ambulation, and/or paramedical services.



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You apply at your county welfare agency, the same agency that administers Medi-Cal. You may begin your application process by calling the Los Angeles County Department of Public Social Services, In-Home Supportive Services Application System. Check your local phone book's Government Listings, under County Government, Los Angeles County of, Social Services, In-Home Supportive Services for their toll free Applications line. Or, you may refer to their Web site at [www.ladpss.org/dpss/ihss](http://www.ladpss.org/dpss/ihss) for their current contact information. You will be asked to give your name, address, telephone number, Social Security number, birth date, amount and source of income and basic information about your health and disabilities. Then the county agency will send an IHSS Intake Social Worker to your home to complete your application.

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### **HOW DO THEY DECIDE THE NUMBER OF HOURS?**

The county IHSS Social Worker will come to your home to find out how many hours of IHSS care you need. This is a very important visit and it helps to be well prepared for it! The Social Worker will ask questions regarding the type of care you/your relative need in the home and the time it takes to complete the care every day. S/he will complete a worksheet during the visit and will write down all the information you pro-

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vide. Information will also be requested regarding medications taken, treatments given and the names and addresses of your/your relative's doctors.

Let the IHSS Worker know about any and all special care needs you may have such as: incontinence care requiring frequent sheet changes; more laundry; more bathing; slowness in chewing so that feeding takes longer; allergies to dust or breathing problems so that more housecleaning is needed; special diet; need for more than two (2) baths a week. If shots are given, a tracheotomy suctioned, range of motion exercises given, etc., ask the IHSS Worker for the necessary additional form to fill out. Do not assume that the IHSS Worker will understand the full effects of your (or your son/daughter's) care or that s/he will include any needs that you don't list. You are entitled to receive the number of hours that you actually need. You are entitled to services on Saturday and Sunday if you need them.

Later a special form called a "Notice of Action" will be mailed to you. This Notice will tell you how many hours of care were approved and it will specify how much time is allotted under each separate category. You will receive two copies of the Notice. This is so that the back of one form may be completed and returned in case you disagree with the allotment and want to request a fair hearing. Be sure to keep your copies of this notice in a safe place where you keep important records.

In order to fully prepare for the visit it is important to read the following pages in this booklet and learn what care-giving services for you/your relative can be approved.

We suggest that you keep a diary for three days/nights of exactly what services you/your relative need and how long each activity takes to complete. It is important that you have a written list. Be sure to include all special care needs and how many minutes it takes to do each activity. It is best to state a specific number of minutes rather than to give a range. It is also important to state what medical care needs the person has, such as gastrostomy feeding, tracheotomy care and suctioning, catheter care, Range of Motion exercises, etc. Once you have done this you will have the information ready for the interview and you can refer to your list during the visit with the IHSS Intake Social Worker.

Remember, it is important not to assume that the IHSS Worker will understand the full effects of your/your relative's care or that s/he will include any care needs that you don't discuss. You are entitled to receive the number of hours that you actually need for care.

The more detailed information and documentation you can provide at the time of the home visit, the more easily the IHSS Worker will be able to correctly allow enough care hours. Attached you will find a copy of the Harbor Regional Center IHSS Preparation Worksheet. Harbor Regional Center has developed this worksheet to help you remember everything. Your HRC Counselor may also recommend a Nursing Assessment to evaluate and report all of the care needs. Finally, you may want to ask for letters from doctors or other specialists who are familiar with your or your son/daughter's care needs.

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You will want to be able to list as fully as possible all of the care needs allowable under the IHSS program. These include:

- Domestic services: basic housecleaning such as sweeping, vacuuming, washing floors, dusting, picking up, cleaning the bathroom, putting away food and supplies, taking out the garbage, cleaning kitchen counters, sinks, ovens and stoves, cleaning and defrosting the refrigerator, changing bed linens, and some other miscellaneous tasks like opening and closing windows, changing light bulbs, etc. These services are usually for teens and adults only, since parents are not paid to provide routine domestic tasks for their children.
- Related services: menu planning, shopping for food, preparation of meals, setting the table and serving, cutting/pureeing the food, meal clean-up and putting away utensils.
- Heavy cleaning services: if necessary at the start of IHSS services or when there has been an interruption in services or when necessary because of special health problems such as allergies.
- Non-medical personal services: respiration assistance including cleaning and maintenance of machines, assistance with administration of oxygen and help in clearing passageways, bowel and bladder care including emptying catheter or ostomy bags and help on or off the toilet, assistance with food and drink, bed baths, dressing, menstrual care, ambulation, repositioning and moving into and out of bed, rubbing the skin to promote circulation, grooming, bathing, hair care, care of teeth and fingernails, and care of or help with prosthetic devices and wheelchairs. These services usually make up the major part of the IHSS care allotment.

- Medical transportation service: transportation to medical appointments.
- Yard work services: necessary yard care maintenance and removal of weeds and hazards.
- Protective supervision service: in-home supervision necessary to protect against the risk of injury or accident. This service is usually not available for medical supervision. It is usually available only for applicants who are non-self-directing, confused, mentally impaired or mentally ill in order to safeguard them against injury, hazard or accident. Supporting documentation is always needed when this service is requested.
- Teaching and demonstration service: training so that the person can do more tasks for himself.
- Paramedical services: services which must be provided under the direction of a health care professional and include: injections, exercises, suctioning, insertion and removal of catheter, digital stool removal. These services can make up a major part of the IHSS allotment if you/your relative have medical care needs. If you/your relative might be eligible for paramedical services, your HRC Counselor will make a referral for a Nursing Assessment prior to the IHSS application. The results of the assessment will be helpful in the IHSS determination of funded services and hours.

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# What if I disagree?

If the IHSS program makes a decision with which you disagree, you may request a fair hearing. If IHSS services are denied or if you receive an amount that is less than you believe you need, you have 90 days to request an appeal. If you are currently receiving services and the IHSS program takes an action to reduce or terminate the services, you must appeal within 10 days to continue to receive benefits at the same level during the appeal process. The fair hearing application is on the back of each of the Notice of Action forms you will receive.

If you need assistance with this appeal/fair hearing process, call your Harbor Regional Center Counselor to help you find someone who can help you.

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# How are

# services

# delivered?

IHSS care services are delivered by individual providers. You may purchase services on your own behalf from the IHSS provider of your choice. This could be a friend, relative, neighbor or anyone else of your choice.

Under this system, unless you decide to purchase services through a community agency, you are considered the employer of the IHSS provider. This system increases your independence and dignity by permitting you to select the provider of your choice, it gives you the appropriate control over your services, and it has been strongly supported by people who receive IHSS and their advocate groups.

## HOW DO I FIND SOMEONE TO PROVIDE CARE? If

you know a family member, friend or neighbor who can provide these services for you/your relative satisfactorily and is willing to accept the base rate of payment established by the IHSS program (minimum wage), you may hire them. If you need help in finding a provider, the IHSS Worker can help.

- In Los Angeles County, you may be able to locate candidates to interview as potential IHSS providers through the Personal Assistance Services Council (PASC) Homecare Registry for In-Home Supportive Services (IHSS). However, the Registry does not train, supervise or guarantee the quality of these service

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providers. You must make your own decisions regarding the prospective provider's skills, character, and compatibility. For information on whether the PASC Homecare Registry may be able to help you, log on to [www.pascla.org](http://www.pascla.org).

- Another program under the California Department of Social Services, known as the Trustline Registry, was created by the California legislature to give you access to background checks on in-home caregivers. For information on how to check if a caregiver is registered with Trustline, or on how a caregiver can register with this program, log on to <http://trustline.org>.

## WHAT ARE MY RESPONSIBILITIES FOR DOCUMENTING PAYROLL?

The state issues all checks for the individual IHSS provider and withholds the proper amounts for unemployment and disability insurance coverage and for Social Security. State and federal income taxes are withheld if the IHSS provider chooses. If the provider chooses not to have these taxes withheld, you will be responsible for providing this income information for the provider, and to the state and federal tax systems, on a form 1099. The IHSS provider will be responsible for making quarterly tax payments. If you are considering this option, please discuss it with a tax expert.

In most cases, payments are made directly to the IHSS provider, twice a month, after the provider has provided services. Only people who receive IHSS who have been designated as severely impaired may choose to receive direct monthly payments in advance, to pay the IHSS provider.

Each month the person who receives IHSS services, and the IHSS provider must submit time-sheets, signed by both of you, confirming the delivery of services.

## **WILL THIS INCOME AFFECT MY TAX LIABILITY?**

Since any IHSS payments that are made to a person with a disability are supposed to be paid out to the IHSS provider, this is not income to the person with a disability and should not be counted as income for tax purposes. The person you hire as the IHSS provider, however, must count this as income for tax purposes. Ask your tax expert for advice.

## **IF I HAVE IHSS, WILL THAT AFFECT MY SSI?** Since any

IHSS payments that are made to a person with a disability are supposed to be paid out to the IHSS provider, this is not income to the person with a disability and should not be counted as income for SSI purposes. Therefore, it will not affect your SSI eligibility or amount.



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There are several people at Harbor Regional Center who can give you more information about the IHSS program. Contact your HRC Counselor to discuss any questions that you may have. S/he will discuss the issues with you and may want to refer you to an expert for specific questions.

# Whom should I contact?

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