

EXTRAORDINARY CIRCUMSTANCES EXEMPTION ELIGIBILITY DETERMINATION TOOL

CRITERIA A	CRITERIA B	CRITERIA C
<p>Have complex medical and/or behavioral needs that must be met by a provider who lives in the same home as the recipient. <i>Note: Provider must live in the same home as the recipient.</i></p>	<p>Live in a rural or remote area where available providers are limited and as a result the recipient is unable to hire another provider.</p>	<p>Be unable to hire a provider who speaks his/her same language in order to direct his/her own care.</p>

For all criteria the recipients must demonstrate having attempted to hire providers off the registries, consulting with family/friends (who live in or outside the home) of their interest in being a paid IHSS provider and state why the recipients cannot hire or work with another provider.

TIPS FOR EVALUATING ELIGIBILITY FOR THE ABOVE MENTIONED CRITERIA

These tips are intended to provide a guide to IHSS county staff when making eligibility determinations. Please refer to ACL 17-xx for further policy guidance.

CRITERIA A	CRITERIA B	CRITERIA C
<p>Case may qualify if:</p> <ul style="list-style-type: none"> The recipient has ongoing paramedical services that require a high level of difficulty to perform (i.e., catheter care, ostomy irrigation, enemas, insertion of suppositories, treatments requiring sterile procedures, etc.) or other personal care service tasks requiring specialized care that cannot be met by another provider. The recipient has a mental health or developmental disability diagnosis and exhibits aggression or extreme agitation. <p>Case may potentially be ineligible if:</p> <ul style="list-style-type: none"> The recipient attends a day program or receives respite care from another provider. <i>Note: Does not include behavioral therapy services.</i> The recipient currently has other IHSS providers or has had other providers in the past. <i>Note: See ACL 17-xx for additional questions to consider when determining eligibility.</i> The recipient has not adequately explored all other options to hire an additional provider. 	<p>Case may qualify if:</p> <ul style="list-style-type: none"> If the recipient resides in an area that has a population of 2,500 or less, then he or she lives in rural or remote area and may qualify for an exemption. <p>Case may potentially be ineligible if:</p> <ul style="list-style-type: none"> The recipient and their family have not adequately explored all other options to hire an additional provider, including working with the provider registry and neighboring counties. 	<p>Case may qualify if:</p> <ul style="list-style-type: none"> The recipient speaks a language other than English. <p>Case may potentially be ineligible if:</p> <ul style="list-style-type: none"> Recipients cannot provide sound reason as to why they cannot have their IHSS services provided by another IHSS provider, even with use of initial interpretive assistance from the current IHSS provider. Recipients are not open to reviewing authorized services and assigning hours/tasks to another IHSS provider that does not require ongoing verbal direction (e.g. domestic services and possibly some Protective Supervision). Recipients must indicate the options they explored to prove that if the authorized IHSS needs are not provided by an IHSS provider who speaks the recipient’s same language, the recipient would be at risk of out-of-home care. The recipient has not adequately explored all other options to hire an additional provider.

THINGS TO REMEMBER

- Refusing to hire additional providers or cooperate with the county in search of additional providers is considered a preference, not an extraordinary circumstance.
- If all a recipient’s authorized hours are utilized during the previous six-month period, it is a strong indication that the recipient does not qualify for an exemption as he/she has had providers in place to provide his/her services.
- The completed referral justification must include specific case examples of difficulties encountered when attempting to obtain a new provider.
- Broad conceptual statements such as “the recipient is uncomfortable with strangers in the home” is not sufficient justification for an exemption as this statement could apply to any individual regardless of their case specifics.
- It is important to emphasize that the IHSS Program, as a Medi-Cal service, is intended to meet the recipient’s needs. Thus, the financial impact on a provider due to the workweek limits is not among the exemption criteria and shall not be a consideration when determining whether an extraordinary circumstance exists.