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ALL COUNTY LETTER NO. 16-46

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY IHSS PROGRAM MANAGERS

SUBJECT: **MODIFICATIONS TO THE CASE MANAGEMENT, INFORMATION AND PAYROLLING SYSTEM (CMIPS) TO IMPLEMENT AND MANAGE WORKWEEK LIMITATIONS AND TRAVEL TIME VIOLATION DISPUTES AND THE STATE ADMINISTRATIVE REVIEW PROCESS FOR IN-HOME SUPPORTIVE SERVICES (IHSS) AND WAIVER PERSONAL CARE SERVICES (WPCS)**

REFERENCE: SENATE BILLS [855](#) AND [873](#) (CHAPTERS 29 AND 685, STATUTES OF 2014); [ACL 16-01 \(January 7, 2016\)](#); [ACL 16-07 \(January 21, 2016\)](#); [ACL 16-22 \(April 1, 2016\)](#); [ACL 16-36 \(April 21, 2016\)](#); [ACL 16-44 \(May 10, 2016\)](#)

This All County Letter (ACL) provides counties with information and policies for implementing the provisions of Senate Bill (SB) 855 and SB 873 that establish limits on the number of authorized hours that providers in the IHSS and WPCS programs are permitted to work in a workweek and travel time. In addition, this ACL provides information and instructions for implementing the dispute process for workweek and travel time violations, the State Administrative Review (SAR) process and describes the modifications made to CMIPS to support the county and State functions needed to implement these processes which will include the following:

- The New Workweek and Travel Time Violations Dispute Policy
- The New Workweek and Travel Time Violations CMIPS Modifications including New and Modified Screens for Managing Violation Disputes
- The New SAR Process for Third and Fourth Violations
- All violation and dispute forms described in this ACL and their distribution process

BACKGROUND

On January 7, 2016, the California Department of Social Services (CDSS) issued ACL 16-01 which provided instructions regarding the payment of overtime and travel time compensation to IHSS and WPCS providers beginning February 1, 2016. The ACL specified workweek and travel time limitations, provided information regarding the ability for IHSS recipients to adjust their hours with and without county approval, and described the violations that IHSS providers will incur if they do not follow the new program rules. While workweek and travel time limitations were implemented on February 1, 2016, counties are not required to take any formal action on violations for workweek and travel time until May 1, 2016. In the interim, counties have been receiving a data download that includes a listing of providers who have been identified as violating the rules related to workweek and travel time limitations and were instructed to assist and provide guidance to those providers that have been submitting errors on their timesheets. Beginning May 1, 2016, system functionality will be turned on to formally enforce the violations process for providers who submit timesheets reporting work hours that exceed the workweek and travel time limitations that could result in an IHSS provider's program eligibility being suspended for up to one year.

Modifications have been made to CMIPS to assist counties, CDSS and DHCS with the management of overtime and travel time payments, disputes and violations. Although this functionality is available to both IHSS and WPCS users, WPCS violations will be tracked via data download files temporarily until they are automated in CMIPS scheduled for implementation in September 2016. Therefore, the county and/or DHCS-IHO shall contact the providers who provide services to a recipient who has WPCS or both IHSS and WPCS who incur a violation on a timesheet claiming hours for services in excess of the workweek or for exceeding travel time limitations.

COUNTY DISPUTE PROCESS

Effective May 1, 2016, each time a violation is triggered by a timesheet and/or a travel claim form that exceeds the workweek and/or travel limitations, a task is generated to the County Overtime Violation queue. County staff have the opportunity to conduct a prior review of all violations before they are issued and can override a violation at that time if it is determined that the additional hours worked met the exception criteria. If the county takes no action or determines that the violation did not meet the criteria for an exception, the violation will be incurred and CMIPS will generate violation notices for the provider and recipient(s). The violation notices will be printed to the county's CMIPS printer and the county shall obtain the County Dispute Request form from the CDSS website; both documents must be mailed together by the county to the provider. The recipient will only be mailed the violation notice by the county. This notice process is described in greater detail later in this ACL.

A provider has ten (10) calendar days from the date of the notice to submit a County Dispute request for a county review of the violation. If the provider does not submit a

County Dispute request form within ten (10) calendar days, the violation remains in effect. If the provider submits a County Dispute request, the county must enter the "County Dispute Filed Date" in CMIPS within ten (10) business days from the date on the violation notice. This is the only action that the county is required to take within the 10 days from the date on the violation notice. The county will then have an additional ten business days to review and investigate the circumstances that led to the violation and inform the provider in writing of the outcome of their review. Providers who file a County Dispute or SAR will remain eligible to provide services until a final resolution is made on their County Dispute or SAR request. This process is further described later in this ACL.

The County Dispute process described in this ACL applies to all four violations described in ACL 16-44. Due to the compressed timeframe for implementation, some notices will not be available in CMIPS on May 1, 2016. A temporary process must be used by the counties to generate correspondence to IHSS recipients and providers in some instances. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016. To assist counties with this process, data sheets (see Attachment A) will be produced by CMIPS to identify the appropriate forms to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the forms. County staff must obtain the appropriate form from the CDSS website and fill it in using the information included on the data sheet; the county shall mail the forms to the appropriate providers and recipients. The CDSS continues to work with the CMIPS vendor to implement the remaining forms and will communicate via a forthcoming ACL when they are available in CMIPS for county use.

Overtime Violation Review

During the County Dispute process, the county will determine if the information provided on the dispute request form meets the criteria to override the violation or if the violation should be upheld. A county cannot override an overtime violation unless they receive sufficient information to show that the circumstances leading to the provider exceeding their workweek agreement met all of the exception criteria described in ACL 16-01 below:

- 1) The additional hours must have been necessary to meet an unanticipated need; and
- 2) The additional hours must have been related to an immediate need that could not be postponed until the arrival of a back-up provider as designated on the "In-Home Supportive Services (IHSS) Program Individual Emergency Back-Up Plan" (SOC 827) form; and/or the "In-Home Supportive Services (IHSS) Program Individualized Back-Up Plan and Risk Assessment" (SOC 864); and
- 3) The additional hours must have been related to a need that would have had a direct impact on the IHSS recipient and would have been needed to ensure his/her health and/or safety.

Note: In some instances, a timesheet or travel claim form error may result in a violation being triggered. See examples below:

Example 1: The timesheet scanning process at the Timesheet Processing Facility (TPF) read the handwritten digit “5” on the timesheet as the digit “8”, which caused the provider to exceed the weekly maximum or expected overtime maximum hours. In this scenario, the county has discretion to conduct a reasonable evaluation of the error and determine whether to uphold or remove the violation. This evaluation can be easily done during the 5-day county review process prior to any issuance of a violation.

Example 2: Because overtime is calculated by workweek, and a single workweek can span two months, the order in which timesheets are processed factors in to the violation process. For example: the last week in February/the first week in March consists the dates of Feb, 28 – March 5, 2016. If the March Part A timesheet is processed before February Part B, the February Part B could include overtime for the first two days of that work week (Feb. 28-29) which would have normally been overtime included on the March Part A timesheet, had the timesheet been processed in chronological order. This scenario could trigger an overtime violation. In this scenario, the county has discretion to conduct a reasonable evaluation of the error and determine whether to uphold or remove the violation. This evaluation can be easily done during the 5-day county review process prior to any issuance of a violation.

Example 3: A provider claims more hours on their timesheet or travel claim form in error, which resulted in a violation. In this scenario, a provider may indicate either verbally or in writing, they worked less hours on their timesheet or travel claim form than what was initially claimed. The county must conduct a reasonable evaluation of the error and determine whether to uphold or remove the violation. If the county determines that the provider did work less hours than what was claimed on the timesheet or travel claim form, the county shall initiate the overpayment recovery process.

Travel Time Violation Review

In order for the county to override a travel time violation they must receive sufficient information to show that the circumstances leading to the provider exceeding the seven (7) hour weekly travel time maximum were beyond their control. Counties must use their discretion to determine whether or not to override the violation.

Examples of acceptable reasons to override a travel time violation include, but are not limited to:

- 1) Unexpected travel delays (accident, stop lights malfunctioning, etc.)
- 2) Poor Road Conditions (i.e.; snow, mudslide, etc.)
- 3) Construction, Road Work or Road Closures

As part of the county dispute process it is critical that the county enter as much detailed information as possible into CMIPS on the Recipient Case Notes. Comments must include answers to all of the questions that the provider answered on their dispute form. Information obtained by the counties during the dispute process will be used at a later date if the provider submits a SAR if they incur a third or fourth violation. Failure to provide information from the county dispute form may result in the delay of the processing of the SAR. The SAR process is described later in this ACL. Counties shall retain copies of all dispute forms.

The system keeps track of all violations and the program type under which those violations are incurred. The user will be able to view the current violations and dispute process in the *View Overtime Violations* screen (see Figure 1).

First Violation

As communicated in ACL 16-44, effective May 1, 2016, when a violation is set to “Active” in CMIPS for the first or second violation, the system will generate the “In-Home Supportive Services Program Notice to Provider of First/Second Violation for Exceeding Workweek and/or Travel Time Limits” (SOC 2257) to the provider and the “In-Home Supportive Services Program Notice to Recipient of Provider’s First/Second Violation for Exceeding Workweek and/or Travel Time Limits” (SOC 2257A) to the recipient on the county CMIPS printer to be mailed by county staff.

When mailing the SOC 2257 to the provider, county staff must also include an “In-Home Supportive Services Program Notice to Provider of Right to Dispute Violation for Exceeding Workweek and/or Travel Time Limits” (SOC 2272) (see Attachment B). The SOC 2272 will not be available in CMIPS on the May 1, 2016 implementation date. In the interim, counties must obtain copies of the SOC 2272 from the CDSS website. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016.

Once the violation has been incurred and the provider receives the SOC 2257, they must return a completed SOC 2272 to the county within ten (10) calendar days from the date listed on the SOC 2257 to request a county dispute review process. If the SOC 2272 is received by the county after the (10) calendar days or with a provider and/or recipient signature missing, the county shall obtain from the CDSS website the “In-Home Supportive Services Program Notice to Provider for Failing to Complete The Right to Dispute Violation for Exceeding Workweek and/or Travel Time Limits Form Timely or Completely” (SOC 2292) and mail it to the provider to inform them that their dispute will not be processed due to late submission or a missing signature from the provider or recipient, and the violation will be upheld. The county shall obtain from the CDSS website the “In-Home Supportive Services Program Notice to Recipient of Provider for Failing to Complete The Right to Dispute Violation for Exceeding Workweek and/or Travel Time Limits Form Timely or Completely” (SOC 2293) and mail it to the recipient to inform them that their provider’s violation will be upheld. The draft SOC 2292 and SOC

2293 are attached to this ACL; however, the final forms will be posted to the CDSS website and transmitted in an upcoming ACIN.

If the SOC 2272 was received timely, the county must enter the "County Dispute Filed Date" (see Figure 3) in CMIPS within ten (10) business days from the date on the SOC 2257. The "County Dispute Filed Date" is the date the county received the SOC 2272. If the county does not enter this date within the ten (10) business day period, the system will not allow entry of the "County Dispute Filed Date" field, and the violation will remain in effect.

The day the county user enters the "County Dispute Filed Date", CMIPS will trigger a task to the Overtime Violations Work queue and automatically populate the "Dispute Entered Date". Once a SOC 2272 is received and the county enters the "County Dispute Filed Date" in CMIPS, the county then has an additional ten (10) business days from the "Dispute Entered Date" to complete a review of the SOC 2272 to determine whether the violation should be upheld or overridden.

Once the county has determined whether the dispute should be upheld or overridden, the outcome must be entered into CMIPS and the county must also notify the provider and the recipient(s) of the outcome. If the county determines that the violation is valid and should be upheld, the county must enter the dispute outcome as "Upheld" in CMIPS and the dispute determination is complete. When a dispute is upheld in CMIPS, a trigger will be set to print a data sheet to the county printer on the next business day. The county must utilize the data sheet to populate the "In-Home Supportive Services Program Notice to Provider Upholding First or Second Violation For Exceeding Workweek and/or Travel Time Limits" (SOC 2280) and mail it to the provider and mail the "In-Home Supportive Services Program Notice to Recipient Upholding Provider's First or Second Violation For Exceeding Workweek and/or Travel Time Limits" (SOC 2281) to the impacted recipient(s). These documents must be manually downloaded from the CDSS website until they are available in CMIPS. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016.

If the county determines the information provided on the SOC 2272 meets the exception criteria, county staff should enter the outcome as "Overridden" in CMIPS. If a county worker chooses to override a violation, a task will be automatically triggered to the Supervisor Overtime Violation Work Queue. The county supervisor shall review the dispute "Override" and determine if the violation meets the criteria to uphold or override the violation. Once the final decision is entered in CMIPS by the county supervisor, a data sheet will be printed the next day and the county must use the information to obtain the appropriate form from the CDSS website and manually populate it. The appropriate form will then need to be mailed by the county to the provider and recipient. Detailed screens and descriptions of CMIPS functionality are available in a later section of this ACL.

If the county chooses to override after completing their review, a trigger will be set to print a data sheet to the county printer on the next business day. The county must utilize the data sheet to populate the "In-Home Supportive Services Program Notice to Provider Rescinding Violation" (SOC 2263) and mail it to the provider and mail the "In-Home Supportive Services Program Notice to Recipient Rescinding Provider Violation" (SOC 2264) to the impacted recipient(s). The SOC 2280, SOC 2281, SOC 2263 and SOC 2264 must be manually downloaded from the CDSS website until they are available in CMIPS. During the county dispute review process, the decision made by the county is final. A SAR Request is not available for a first violation.

Second Violation

The County Dispute process for the second violation is the same as the process for the first violation. However, if a provider incurs a second violation, the provider has the one-time option to review instructional materials within fourteen (14) calendar days after receiving the violation notice (SOC 2257) to remove it. It is important to note that the provider also has the option to file a request for a county dispute prior to completing the optional, one-time instructional materials. If the provider files a "county dispute", the fourteen (14) calendar day timeframe for the provider to review materials and return the self-certification form will be suspended until the outcome of the county dispute review has been entered into CMIPS.

If a provider submits an SOC 2272 and the county enters the outcome of the violation as "Override", CMIPS will automatically set the violation status to "Inactive" and there is no need for the provider to review the instructional materials and submit a self-certification form to the county. If the county enters the outcome for the violation as "Upheld", the fourteen (14) calendar day period for the provider to review instructional materials and submit the self-certification form to the county will be reset to start from the "notice date" listed on the SOC 2280.

During the county dispute review process, the decision made by the county is final. A SAR Request is not available for a second violation.

Third Violation

The County Dispute process for the third violation is the same as the process for the first and second violations. If a third violation is incurred, CMIPS will generate a data sheet for counties to use to manually populate and mail the "In-Home Supportive Services Program Notice to Provider of Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits" (SOC 2258) to the provider and the "In-Home Supportive Services Program Notice to Recipient of Provider's Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits" (SOC 2258A) to the recipient(s). The county must also include an SOC 2272 with the SOC 2258 sent to the provider. Beginning May 1, 2016 the county shall obtain the SOC

2258 and the SOC 2258A from the CDSS website until these forms are generated in CMIPS in an upcoming release, anticipated for July 2016.

If a provider submits a SOC 2272 and the county enters an outcome of "Override" for a third violation, CMIPS will generate a data sheet to the county printer on the next business day for counties to utilize to manually populate and mail the SOC 2263 to the provider and the SOC 2264 to the recipient. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016. After automatic generation, counties will still have to mail the correct forms to the provider and recipient.

When a provider requests a county dispute review of a third violation and the county enters the outcome as "Upheld" in CMIPS, the system will generate a data sheet the following business day, available on the CMIPS printer, for counties to use to manually populate the "In-Home Supportive Services Program Notice to Provider Upholding Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits" (SOC 2282); this form will be mailed to the provider by the county. When a third violation is upheld by the county, the provider has the right to request a SAR. County staff must include the "In-Home Supportive Services Program State Administrative Review Request of Third or Fourth Violation for Exceeding Workweek and/or Travel Time Limits" (SOC 2273) with the SOC 2282 to be mailed to the provider by the county. The SOC 2273 must be manually printed from the CDSS website until the form is available in CMIPS. County staff will also be required to manually complete and mail the "In-Home Supportive Services Program Notice to Recipient Upholding Provider's Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits" (SOC 2283) to the impacted recipient(s). The SAR process will be described later in this ACL.

Fourth Violation

The County Dispute process is the same for the fourth violation as the first, second and third violation. If a provider receives a fourth violation, CMIPS will generate a data sheet for counties to use to manually populate and mail the "In-Home Supportive Services Program Notice to Provider of Fourth Violation (One-Year Period of Ineligibility) for Exceeding Workweek and/or Travel Time Limits" (SOC 2259) to the provider and mail the "In-Home Supportive Services Program Notice to Recipient of Providers Fourth Violation (One-Year Period of Ineligibility) for Exceeding Workweek and/or Travel Time Limits" (SOC 2259A) to the recipient. As with all violations, the county is required to include an SOC 2272 with the SOC 2259 sent to the provider.

If the provider submits a SOC 2272 and the county enters an outcome of "Override" for a fourth violation, CMIPS will generate a data sheet to the county printer on the next business day for counties to utilize to manually populate and mail the SOC 2263 to the provider and the SOC 2264 to the recipient. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016. After

automatic generation, counties will still have to mail the correct forms to the provider and recipient. If the county receives a request for a county dispute review for a fourth violation and the county updates the outcome of the violation to “Upheld”, CMIPS will print a data sheet on the following business day, available on the CMIPS printer, for counties to use to manually complete the “In-Home Supportive Services Program Notice to Provider Upholding Fourth Violation (One-Year Period of Ineligibility)” (SOC 2284) and mail to the provider and mail the “In-Home Supportive Services Program Notice to Recipient Upholding Provider’s Fourth Violation (One-Year Period of Ineligibility)” (SOC 2285) to the recipient. When a fourth violation is upheld by the county, the provider has the right to request a SAR. The SAR process will be described later in this ACL.

The county will be required to obtain the SOC 2273 from the CDSS website and mail it to the provider with the SOC 2284 until the forms are generated in CMIPS.

STATE ADMINISTRATIVE REVIEW (SAR) REQUEST PROCESS

To request a SAR the provider must complete an SOC 2273 and return it to the CDSS within ten (10) calendar days from the date of the SOC 2282 or SOC 2284 informing them that their third or fourth violation was upheld. The CDSS will have fifteen (15) business days to review all SAR requests. The CDSS will rely heavily on the information obtained by the counties during the dispute process; therefore it is critical that the county enter as much detailed information as possible into CMIPS on the ‘Notes’ link on the Provider *Person Home* screen and the Recipient Case notes during the dispute process. Comments must include answers to all of the questions that the provider answered on their dispute form. Failure to provide information from the county dispute form may result in the delay of the processing of the SAR. The CDSS will update the violation status in CMIPS upon determination of the SAR outcome and send a decision letter to notify the provider and recipient of the SAR outcome. County CMIPS users will be able to view the outcome of the SAR, when the decision was made, and the date the SAR letter was sent to the provider and their associated recipient(s) on the *State Administrative Review* Screen (see Figure 8).

If the CDSS overrides the violation, the provider will receive:

- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Provider Rescinding Third Violation or Fourth Violation For Exceeding Workweek and/or Travel Time Limits” (SOC 2288)

The impacted recipient will also be notified of the CDSS’ decision to override the violation via the following letter:

- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Recipient Rescinding Provider’s Third or Fourth Violation For Exceeding Workweek and/or Travel Time Limits” (SOC 2289)

If the CDSS upholds a third or fourth violation the provider will receive one of the following forms depending upon which violation, third or fourth, is being reviewed:

- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Provider Upholding Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits” (SOC 2286)
- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Provider Upholding Fourth Violation (One-Year Period of Ineligibility)” (SOC 2290)

The impacted recipient will also be notified of the CDSS’ decision to uphold the violation via one of the following forms:

- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Recipient Upholding Provider’s Third Violation (90-Day Suspension of Eligibility) For Exceeding Workweek and/or Travel Time Limits” (SOC 2287)
- “In-Home Supportive Services Program State Administrative Review Request Response Letter To Recipient Upholding Fourth Violation (One-Year Period of Ineligibility)” (SOC 2291)

The CDSS is in the process of developing a telephonic intake process for SAR requests that would be available to a limited population who meet specific literacy criteria. Additional information on the criteria and process will be communicated in a forthcoming ACL.

CMIPS MODIFICATIONS

New Screens For Processing Overtime And Travel Violations

In order to manage Overtime and Travel Time Violations, several new screens have been added. CMIPS has been modified to enable the county/IHO user, Supervisor, and CDSS to assist in the management of Overtime and Travel Time Violations. The following Security Groups have been modified to allow users to have access to the appropriate screens as needed:

CaseManagementSupervisor
CDSSProgramMgmt
ProviderManagementModify
WPCSMmodify

CaseManagementModify
CDSSView
ProviderManagementView
WPCSSView
PublicAuthorityView
CaseManagementView

In addition, users who will be responsible for the Violations Review process were initially assigned to the County and Supervisor Overtime Review Queues, per the users identified by the counties. Ongoing assignment to the County and Supervisor Overtime Review work queues will be the responsibility of the county to maintain.

View Overtime Violations Screen

The County Dispute process is managed in CMIPS utilizing the “County Dispute” section on the *View Overtime Violation* screen (see Figure 1). Once the SOC 2272 is received by the county from the provider requesting a county dispute process review and the “County Dispute Filed Date” is entered into CMIPS, the county has a total of ten (10) additional business days to complete the “County Dispute” process and enter the outcome in CMIPS. This ten (10) business day period includes the time for the county worker to make their decision as well as the time necessary for the Supervisor to complete their review if the county worker’s decision is to “Override” the violation.



Figure 1 – View Overtime Violations Screen

The *View Overtime Violation* screen can be accessed by selecting the 'Overtime Violations' link in the Providers folder on the Person Home Screen for a provider.

Modify County Dispute Screen

The county user must select the 'County Dispute' link (see Figure 2) from the County Dispute cluster of the *View Overtime Violation* screen to enter a new or modify an existing County Dispute.

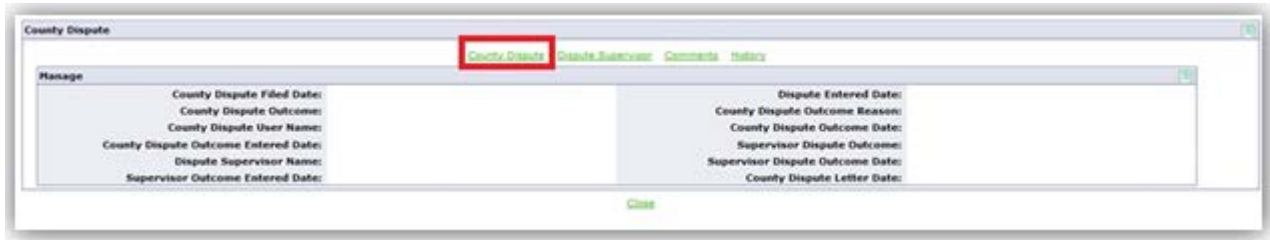


Figure 2 – County Dispute Link From View Overtime Violations Screen

Once the 'County Dispute' link is selected, the *Modify County Dispute* screen will open (see Figure 3). The county or WPCS worker uses this screen to enter the "County Dispute Filed Date" when a SOC 2272 is received.

Note: As stated earlier, a provider only has ten (10) calendar days from the date listed on the SOC 2257, which is also the "County Review Letter Date", to dispute the violation; however, the county has ten (10) business days from the "County Review Letter Date" to enter the date into CMIPS. CMIPS will not allow a date entry which is more than ten (10) business days from the "County Review Letter Date" in the "County Review" section of the *View Overtime Violation* screen.

- The "County Dispute Filed Date" is the date the county received the SOC 2272.
- The day the county user enters the "County Dispute Filed Date", CMIPS will automatically populate the "Dispute Entered Date".
 - Example: The county receives a SOC 2272 on May 10, 2016, but enters it into CMIPS on May 12, 2016:
 - The county user will enter the date May 10, 2016 in the "County Dispute Filed Date".
 - The "Dispute Entered Date" will automatically populate May 12, 2016, the date the county entered it into CMIPS.

The screenshot shows a web-based form titled "Modify County Dispute:". The form is organized into several sections:

- County Dispute:** Includes fields for "County Dispute Filed Date", "County Dispute Outcome" (a dropdown menu currently showing "Pending Review"), "Unanticipated Need" (checkbox), "Immediate Need" (checkbox), "County Dispute User Name", "Dispute Entered Date", "County Dispute Outcome Date", and "Health and Safety Issue" (checkbox).
- Dispute Outcome Reason:** Includes checkboxes for "Override", "Upheld - Need not immediate", "Upheld - Need not unanticipated", and "Upheld - No Health or Safety Issue".
- Dispute Supervisor:** Includes fields for "Supervisor Dispute Outcome", "Dispute Supervisor Name", "Supervisor Outcome Date", "Supervisor Outcome Entered Date", and "County Dispute Letter Date".
- Comments:** A text area for entering notes.

At the top of the form, there are "Save" and "Cancel" buttons. At the bottom, there are also "Save" and "Cancel" buttons.

Figure 3: *Modify County Dispute* Screen

When the “County Dispute Filed Date” is entered and the “Dispute Entered Date” is established, a task is triggered to the County Overtime Violation work queue. This queue will alert county users that a dispute has been filed. County Review staff will then have an additional ten business days from the “Dispute Entered Date” to complete a review of the SOC 2272 to determine whether the violation should be upheld or overridden. County Review staff will need to determine if the violation should be “Upheld” (remain active) or if there is justification to “Override” (change to inactive) the violation.

If the County Dispute Outcome is to “Override” the violation and the Supervisor Review Outcome is “Approved”, the Violation Status will be updated to “Inactive”.

If the county does not complete the dispute review within 10 business days, the system will automatically assign a status of “Active” to the violation. The “Active” status will indicate that the violation was “Upheld” and the data sheets will be generated by CMIPS to assist counties in manually completing the appropriate forms to be mailed by the county to the provider and all of his/her recipients to notify them that their provider’s violation has been “Upheld”. This is a temporary manual process which will be automated in an upcoming release, anticipated for September 2016. After automatic generation, counties will still have to mail the correct forms to the provider and recipient.

A Supervisor review will only be required if the county worker is “Overriding” the violation. If the county Supervisor does not complete their dispute review in the allotted time, the system will automatically assign a status of “Inactive” to the violation and the data sheets will be generated by CMIPS to assist the counties in manually completing the SOC 2263 and SOC 2264 to be mailed by the county to the provider and all of his/her recipients to notify them that their provider’s violation has been rescinded.

In addition to the “County Dispute Filed Date”, this screen also contains the following fields:

- County Dispute Outcome: County user will select from a drop down menu for the outcome of the County/IHO dispute. The options are as follows:
 1. Pending Review – The dispute is pending review by a county user
 2. Override - The violation decision should be overridden and should not stand
 3. Upheld – The violation decision stands

In a case where a provider disputes a violation, the user must select the reason the provider submitted the dispute. At least one must be selected:

1. Unanticipated Need
 2. Immediate Need
 3. Health and Safety Issue
- County Dispute Outcome Reason: County user will select from a checkbox the reason for the decision of the county dispute outcome. The options are as follows:
 1. Override: Unanticipated Need, an Immediate Need, and Health and/or Safety Issues; or a timesheet error
 2. Upheld: Need Not Unanticipated – The violation should be upheld as it was determined that the recipient’s need was anticipated
 3. Upheld: Need Not Immediate – The violation should be upheld as it was determined the need could be postponed for the arrival of a back-up provider as designated on the “In-Home Supportive Services (IHSS) Program individual Emergency Back-Up Plan” (SOC 827) form and/or the “In-Home Supportive Services (IHSS) Program Individualized Back-Up Plan and Risk Assessment” (SOC 864) form.
 4. Upheld: No Health or Safety Issue – The violation should be upheld as there was no direct impact to the recipient’s health and/or safety.
 - County Dispute Outcome Date: The date the County Dispute Outcome decision occurred.
 - Comments: This field will record the user comments and will allow up to 1000 characters. This is a required field.

The *Modify County Review* screen contains the following system generated fields relevant to the County Reviewer:

- Dispute Entered Date: The date when the County Dispute Filed Date was keyed
- County Dispute User Name: The name of the user who sets the County Dispute Outcome.
- County Dispute Outcome Entered Date

Note: If the user does not complete the review in the allotted timeframe, the system will automatically assign a status of “Active” to the violation, indicating that the violation is now “Upheld” and the appropriate correspondence will need to be mailed by the county to the provider and his/her recipient(s). The recipient(s) that will need to be mailed correspondence will be those with the following status for the provider: Eligible, Presumptive Eligible, or Leave. The correspondence will notify them that the provider’s violation has been upheld.

County Dispute History Screen

When the ‘History’ link (see Figure 4) is selected from the “County Dispute Manage” section of the *View Overtime Violations* screen, the *County Dispute History* screen (see Figure 5) will display.



Figure 4: History Link From View Overtime Violations Screen

This screen will allow the user an at-a-glance review of the county dispute history of violations and display a record of current and prior disputes. The fields associated with the *County Dispute History* Screen details all the fields entered in the *Modify County Dispute* screen and the *Modify County Supervisor Dispute* screen. The *County Dispute History* screen will not display the comments entered by the user and the Supervisor. This screen will record the “Last Updated Date” which will record the date of the change in the history record.

County Dispute Filed Date	Dispute Entered Date	County Dispute Outcome	County Dispute Outcome Reason	County Dispute User Name	County Dispute Outcome Date	County Dispute Outcome Entered Date	Supervisor Dispute Outcome	Dispute Supervisor Name	Supervisor Dispute Outcome Date	Supervisor Outcome Entered Date	County Dispute Letter Date	Last Updated Date	Last Updated By

Figure 5: County Dispute History Screen

View County Dispute Comments Screen

When the ‘Comments’ link is selected from the “Manage” section associated with “County Dispute” on the *View Overtime Violations* screen the *View County Dispute Comments* screen (see Figure 6) displays.

County Dispute

Manage

County Dispute Filed Date:
County Dispute Outcome:
County Dispute User Name:
County Dispute Outcome Entered Date:
Dispute Supervisor Name:
Supervisor Outcome Entered Date:

Dispute Entered Date:
County Dispute Outcome Reason:
County Dispute Outcome Date:
Supervisor Dispute Outcome:
Supervisor Dispute Outcome Date:
County Dispute Letter Date:

View County Dispute Comments:

County Dispute Comments: County Dispute Comment - 6/16/2015 12:59: This screen displays the comments entered by the County Dispute with the date/timestamp of the most recent change. If no comment was entered by the county reviewer this section will not have a date/timestamp or comments.

Dispute Supervisor Comments: County Dispute - Supervisor Comment - 6/18/2015 10:23: This screen also displays any comments associated with the County Dispute Supervisor with the date/timestamp of the most recent change. If no comment was entered by the supervisor this section will not have a date/timestamp or comments.

Figure 6: View County Dispute Comments Screen

The “View County Dispute Comments” section will display two (2) fields:

- County Dispute Comments - the last comment entered by the County Review User.
- Dispute Supervisor Comments - the last comments entered by the County Review Supervisor.

Modify Dispute Supervisor Screen

If the County Dispute Outcome status is “Upheld”, the violation will be upheld and no further action is required. If the County Dispute Outcome is “Override”, a task will be sent to the Supervisor Overtime Violation Work Queue. The Supervisor will need to review the county/IHO user decision from the pop-up *Modify Dispute Supervisor* screen. This is accessible by selecting the ‘Dispute Supervisor’ link in the “County Dispute” cluster on the *View Overtime Violations* screen (see Figure 7).



Figure 7: *Modify Dispute Supervisor* Screen

This screen contains the following user-generated fields:

- Supervisor Dispute Outcome: Supervisor will select from a drop down menu for the outcome of the Supervisory Review. This is a required field. The options are as follows:
 1. Supervisor Review – The dispute decision is being reviewed by the supervisor.
 2. Pending Approval – Supervisor agrees with the county user that the dispute decision is correct and the violation should be overridden. The violation status will be updated to “Inactive” and the county shall send the appropriate correspondence to the provider and all of his/her associated recipients that the provider’s violation has been rescinded.

3. Pending Rejected – Supervisor does not agree with the county user to override the violation. Therefore, the Violation Status remains “Active” and the county shall send the appropriate correspondence to the provider and all of his/her associated recipients that the provider’s violation will stand.

- Supervisor Outcome Date: The date the Supervisor Dispute Outcome was decided.
- Comments: This field will record the user comments and will allow up to 1000 characters. This is a required field.

State Administrative Review Screen

When the third or fourth violation has gone through the county dispute process and the violation status remains “Active”, the provider can request an SAR from the CDSS. When the ‘State Administrative Review’ link is selected from the *View Overtime Violations* screen the Modify State Review pop-up screen will display. County CMIPS users will be able to view the outcome of the SAR, when the decision was made, and the date the SAR letter was sent to the provider and their associated recipient(s) (see Figure 8).

The screenshot displays the 'View Overtime Violations' screen with a sidebar on the left containing navigation options like Home, Cases, Provider, and Payment. The main content area is divided into several sections:

- Violation Details:** Includes fields for Recipient Name, Case County, Program Type, Service Months, Violation Count, Violation Status, Next Possible Violation Date, Violation Reduction Letter Date, Exceeds Travel Time, Exceeds Weekly Maximum, Violation Number, Violation Date, Violation Status Date, and Investigate Begin/End Dates.
- County Review:** Includes County Review Outcome, County Review Outcome Date, Supervisor Review Outcome, Supervisor Outcome Date, County Review Letter Date, Date Training Completed, County Reviewer Name, County Review Outcome Entered Date, Supervisor Name, Supervisor Outcome Entered Date, and Training Letter Date.
- County Dispute:** Includes County Dispute Filed Date, County Dispute Outcome, Unanticipated Need, Immediate Need, County Dispute User Name, Dispute Entered Date, County Dispute Outcome Date, Health and Safety Issue, County Dispute Outcome Entered Date, Dispute Outcome Reason, Override, Upheld - Need not anticipate, Upheld - Need not immediate, and Upheld - No Health or Safety Issue.
- Dispute Supervisor:** Includes Supervisor Dispute Outcome, Dispute Supervisor Name, Supervisor Dispute Outcome Date, Supervisor Outcome Entered Date, and County Dispute Letter Date.
- State Administrative Review:** Includes State Review Filed Date, State Review Outcome, State Review Outcome Date, State Review Entered Date, State Review User Name, and State Review Outcome Entered Date.

Figure 8: State Administrative Review Screen

State Administrative Review History Screen

CMIPS has also been modified to include the *State Administrative Review History* screen (see Figure 9) which will allow all users to view the status and outcome of a SAR along with the information on when the review outcome was last updated and by whom.

State Review Filed Date	State Review Outcome	State Review Outcome Date	State Review Letter Date	State Review Entered Date	State Review User Name	State Review Outcome Entered Date	Last Update Date	Last Update By

Figure 9: *State Administrative Review History* Screen

State Administrative Review Comments Screen

When the 'Comment' link is selected from the "Manage" section associated with SAR the *State Administrative Review Comments* screen (see Figure 10) will display. CMIPS users will be able to view the comments by the CDSS on the outcome of a SAR.

State Review Comments: 6/18/2015 10:23: This screen displays any comments associated with the CDSS Appeal with the date/timestamp of the most recent change. If no comment was entered by the CDSS Appeals unit this section will not have a date/timestamp or comments.

Figure 10: *State Administrative Review Comments* Screen

Camera Ready Copies And Translations

For a camera-ready copy in English, contact the CDSS Forms Management Unit at fmudss@dss.ca.gov. You may obtain these forms from the CDSS webpage at:

http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

When all translations are completed per Manual of Policies and Procedures (MPP) Section 21-115.2, they are posted on an on-going basis on the CDSS webpage. Copies

of the translated forms can be obtained at:

http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact the CDSS Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the GEN 1365 – Notice of Language Services and a local contact number. <http://www.cdss.ca.gov/cdssweb/entres/forms/Multi/GEN1365MUL.pdf>.

If you have questions or comments regarding this ACL, please contact the Adult Programs Division CMIPS and Systems Operations Unit at (916) 551-1003 or via e-mail at: CMIPSII-Requests@dss.ca.gov.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division

Attachments

c: CWDA

ATTACHMENT A

NEW DATA SHEETS FOR USE IN IMPLEMENTING SENATE BILL (SB) 855 AND SB 873

Title	Number	Intended Purpose
Administrative Use – Notice to Provider Rescinding Violation	Corresponds with SOC 2263	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.
Administrative Use – Notice to Recipient of Rescinding Provider Violation	Corresponds with SOC 2264	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.
Administrative Use – Notice to Provider Upholding First or Second Violation	Corresponds with SOC 2280	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.
Administrative Use – Notice to Recipient of Provider Upholding First or Second Violation	Corresponds with SOC 2281	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.
Administrative Use – Notice to Provider Training Complete – Removing Violation	To Be Used with SOC 2263	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.
Administrative Use – Notice to Recipient Provider Training Completed – Removing Violation	To Be Used with SOC 2264	Will be produced by CMIPS to identify the appropriate form to be used by county staff and provide pertinent provider and recipient demographic data needed to populate the form.

ATTACHMENT B

NEW DISPUTE FORMS FOR USE IN IMPLEMENTING SENATE BILL (SB) 855 AND SB 873

Number	Title	System Generated
SOC 2272	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO PROVIDER OF RIGHT TO DISPUTE VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2273	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST OF THIRD OR FOURTH VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2280	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO PROVIDER UPHOLDING FIRST OR SECOND VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2281	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO RECIPIENT UPHOLDING PROVIDER'S FIRST OR SECOND VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2282	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO PROVIDER UPHOLDING THIRD VIOLATION (90-DAY SUSPENSION OF ELIGIBILITY) FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2283	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICETO RECIPIENT UPHOLDING PROVIDER'S THIRD VIOLATION (90-DAY SUSPENSION OF ELIGIBILITY) FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016

ATTACHMENT B, Cont.

**NEW DISPUTE FORMS FOR USE IN IMPLEMENTING
SENATE BILL (SB) 855 AND SB 873**

Number	Title	System Generated
SOC 2284	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO PROVIDER UPHOLDING FOURTH VIOLATION (ONE-YEAR PERIOD OF INELIGIBILITY)	Anticipated For September, 2016
SOC 2285	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO RECIPIENT UPHOLDING PROVIDER'S FOURTH VIOLATION (ONE-YEAR PERIOD OF INELIGIBILITY)	Anticipated For September, 2016
SOC 2286	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO PROVIDER UPHOLDING THIRD VIOLATION (90-DAY SUSPENSION OF ELIGIBILITY) FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2287	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO RECIPIENT UPHOLDING PROVIDER'S THIRD VIOLATION (90-DAY SUSPENSION OF ELIGIBILITY) FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2288	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO PROVIDER RESCINDING THIRD VIOLATION OR FOURTH VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016

ATTACHMENT B, Cont.

**NEW DISPUTE FORMS FOR USE IN IMPLEMENTING
SENATE BILL (SB) 855 AND SB 873**

Number	Title	System Generated
SOC 2289	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO RECIPIENT RESCINDING PROVIDER'S THIRD OR FOURTH VIOLAITON FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS	Anticipated For September, 2016
SOC 2290	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO PROVIDER UPHOLDING FOURTH VIOLATION (ONE-YEAR PERIOD OF INELIGIBILITY)	Anticipated For September, 2016
SOC 2291	IN-HOME SUPPORTIVE SERVICES PROGRAM STATE ADMINISTRATIVE REVIEW REQUEST RESPONSE LETTER TO RECIPIENT UPHOLDING FOURTH VIOLATION (ONE-YEAR PERIOD OF INELIBILITY)	Anticipated For September, 2016
SOC 2292	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO PROVIDER FOR FAILING TO COMPLETE THE RIGHT TO DISPUTE VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS FORM TIMELY OR COMPLETELY	No
SOC 2293	IN-HOME SUPPORTIVE SERVICES PROGRAM NOTICE TO RECIPIENT OF PROVIDER FOR FAILING TO COMPLETE THE RIGHT TO DISPUTE VIOLATION FOR EXCEEDING WORKWEEK AND/OR TRAVEL TIME LIMITS FORM TIMELY OR COMPLETELY	No

ATTACHMENT C

NEW VIOLATION FORMS FOR USE IN IMPLEMENTING SENATE BILL (SB) 855 AND SB 873

Title
Violation and Dispute Forms Matrix

Administrative Use – Notice to Provider Rescinding Violation

Reviewer and Violation Information

- Print Date: 04/12/2016
- Reviewer Name: FIRST NAME LAST NAME

Provider and County Information

- County of: Riverside
- Notice Date: 04/12/2016
- Recipient Name: FIRST NAME R. LAST NAME
- IHSS Office Address:
1234 Anywhere Avenue
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000)000-0000

Addressee

- Provider Name: FIRST NAME P. LASTNAME
- Provider Mailing Address:
123 Anywhere Drive
Sample, CA 00000-0000

Letter Content

- Service Month: JANUARY 2016
- Violation Type: Working more than 40 hours in a workweek for a recipient without the recipient getting approval from the county when the recipient's weekly hours are 40 hours or less.
- Dispute Outcome Reason: Override

Administrative Use – Notice to Recipient of Rescinding Provider Violation

Reviewer and Violation Information

- Print Date: 04/12/2016
- Reviewer Name: FIRST NAME LAST NAME
- Recipient Written Language: English

Recipient and County Information

- County of: Riverside
- Notice Date: 04/12/2016
- Provider Name: FIRST NAME P. LAST NAME
- IHSS Office Address:
123 Anywhere Drive
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000)000-0000

Addressee

- Recipient Name: FIRST NAME R. LASTNAME
- Mailing Address:
1234 Anywhere Avenue
Sample, CA 00000-0000

Letter Content

- Provider Name: FIRST NAME P. LAST NAME
- Service Month: JANUARY 2016

Administrative Use – Notice to Provider Upholding First or Second Violation

Reviewer and Violation Information

- Print Date: 04/12/2016
- Reviewer Name: FIRST NAME LASTNAME

Provider and County Information

- County of: Riverside
- Notice Date: 04/12/2016
- Recipient Name: FIRST NAME R. LASTNAME
- IHSS Office Address:
1234 Anywhere Avenue
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000) 000-0000

Addressee

- Provider Name: FIRST NAME P. LAST NAME
- Provider Mailing Address:
123 Anywhere Drive
Sample, CA 00000-0000

Letter Content

- Service Month: JANUARY 2016
- Violation Type: Working more than 40 hours in a workweek for a recipient without the recipient getting approval from the county when the recipient's weekly hours are 40 hours or less.

Administrative Use – Notice to Recipient of Provider Upholding First or Second Violation

Reviewer and Violation Information

- Print Date: 04/12/2016
- Reviewer Name: FIRST NAME LAST NAME
- Recipient Written Language: English

Recipient and County Information

- County of: Riverside
- Notice Date: 04/12/2016
- Provider Name: FIRST NAME P. LASTNAME
- IHSS Office Address:
123 Anywhere Drive
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000)000-0000

Addressee

- Recipient Name: FIRST NAME R. LASTNAME
- Mailing Address:
1234 Anywhere Avenue
Sample, CA 00000-0000

Letter Content

- Provider Name: FIRST NAME P. LASTNAME
- Service Month: JANUARY 2016
- Violation Type: Working more than 40 hours in a workweek for a recipient without the recipient getting approval from the county when the recipient's weekly hours are 40 hours or less.

Administrative Use – Notice to Provider Training Complete – Removing Violation

Reviewer and Violation Information

- Print Date: 03/26/2016
- Reviewer Name: FIRST NAME LAST NAME

Provider and County Information

- County of: Fresno
- Notice Date: 03/28/2016
- Recipient Name: FIRST NAME R. LAST NAME
- IHSS Office Address:
1234 Anywhere Avenue
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000)000-0000

Addressee

- Provider Name: FIRST NAME P. LASTNAME
- Provider Mailing Address:
123 Anywhere Drive
Sample, CA 00000-0000

Letter Content

Training Completed: 03/18/2016

Administrative Use – Notice to Recipient Provider Training Completed – Removing Violation

Reviewer and Violation Information

- Print Date: 03/26/2016
- Reviewer Name: FIRST NAME LAST NAME
- Recipient Written Language: English

Recipient and County Information

- County of: Fresno
- Notice Date: 03/28/2016
- Provider Name: FIRST NAME P. LASTNAME
- IHSS Office Address:
123 Anywhere Drive
Sample, CA 00000-0000
- IHSS Office Telephone Number: (000)000-0000

Addressee

- Recipient Name: FIRST NAME R. LASTNAME
- Mailing Address:
1234 Anywhere Avenue
Sample, CA 00000-0000

Letter Content

- Training Completed: 03/18/2016