

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 4, 2000

ALL-COUNTY LETTER NO. 00-81

TO: ALL COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: ESTABLISHING AN EMPLOYER OF RECORD FOR IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDERS

REFERENCE: AB 1682, SB 288, ACL 98-20, ACL 99-62, ACL 00-36, ACL 00-68

The purpose of this All-County Letter (ACL) is to provide counties with additional instructions related to the implementation timetable requirement of Assembly Bill (AB) 1682 (Chapter 90, Statutes of 1998). This letter also provides information about Senate Bill (SB) 288 (Chapter 445, Statutes of 2000) that imposed new rules for AB 1682 IHSS advisory committees.

AB 1682

AB 1682 enacted Section 12302.25 of the Welfare and Institutions Code (WIC). Section 12302.25 requires the State to develop a timetable for implementation of the AB 1682 requirement that counties establish an employer of record for IHSS program providers by January 1, 2003. This letter is a follow-up to ACL 99-62, which required counties to periodically submit additional AB 1682 implementation status information to the Department until final certification of compliance from each county. An implementation status survey form is attached to this letter. Counties are requested to fully complete and submit the survey by January 1, 2001 to:

California Department of Social Services
Adult Programs Branch
Policy Development Unit
744 P Street, M.S. 19-96
Sacramento, CA 95814

SB 288

Counties should also be aware of SB 288 (Chapter 445, Statutes of 2000) which amended WIC, Section 12301.3 and 12301.4. SB 288 establishes the following rules

for the IHSS advisory committees required by AB 1682:

- A county with an IHSS caseload of less than 500 must include at least one current or former IHSS provider on their IHSS advisory committee.
- A county with an IHSS caseload of 500 or more must include at least two current or former IHSS providers on the committee.
- Individuals representing organizations that advocate for people with disabilities, and seniors or from community-based organizations that advocate on behalf of home care employees may be members of an AB 1682 advisory committee.
- No more than one county employee may be appointed to an AB 1682 Advisory Committee.
- Any county employee may be designated by the county to give advice and support to the county's IHSS advisory committee.

Counties that established a governing body as provided in WIC, Section 12301.6(b) before July 1, 2000, are exempt from these rules. In addition to the above, SB 288 restricts the State to reimbursing counties for the administrative costs of only one advisory committee. This would be an issue in a county with a Public Authority that has an advisory committee if the county were considering establishing a second committee for the purposes of AB 1682. Under SB 288 the State could only fund one committee.

ACLs 00-36 and 00-68

The Department recently released ACL 00-36, May 19, 2000, and ACL 00-68, September 20, 2000, with the intent of resolving county questions concerning the implementation of AB 1682. If there are concerns that were not addressed in either ACL, or regarding this letter, please direct them to your Adult Programs Operations and Technical Assistance Analyst at (916) 229-4000.

Sincerely,

*Original Signed By
Donna L. Mandelstam on 12/4/00*

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment: January 2001 Report on Establishing Employer of Record (Removed)