



BAY AREA REGIONAL OFFICE
1330 Broadway, Suite 500
Oakland, CA 94612
Tel: (510) 267-1200
TTY: (800) 719-5798
Toll Free: (800) 776-5746
Fax: (510) 267-1201
www.disabilityrightsca.org

California's protection and advocacy system

MEMORANDUM

TO: Interested Persons

FROM: Daniel Brzovic
Associate Managing Attorney

RE: In-Home Supportive Services
Proposed Budget Cuts/Domestic and Related Services

DATE: January 14, 2009

The In-Home Supportive Services (IHSS) program provides services to enable eligible persons to remain safely in their own homes as an alternative to out-of-home care, such as nursing facilities. Eligible persons are seniors or persons with disabilities who receive SSI/SSP payments or have low incomes, and who need assistance with personal care or household chores, as determined by an assessment.

The Governor is proposing the following cuts to the IHSS program.

“A decrease of \$62.7 million in 2008-09 and \$384.2 million in 2009-10 for the In-Home Supportive Services (IHSS) program. These savings would result from providing non-medical services to only the neediest IHSS recipients, eliminating the state’s share of cost contribution for the least-needy recipients, and reducing state participation in IHSS provider wages to the minimum wage.”

(Governor’s Budget 2009-10, Summary of Major Changes by Major Program Areas, p. 32)

The first part of the cut that the Governor proposes would provide “non-medical services to only the neediest IHSS recipients.” This would be done by eliminating domestic and related services for all IHSS recipients with a functional index score below Rank 4.

But what does this mean?

It means that individuals who have difficulty performing a task, or who cannot perform the task without assistance, would no longer receive assistance with that task.

The specific criteria for determining how many hours an IHSS recipient needs for domestic and related services are contained in California Department of Social Services, All-County Letter 6-34E (September 5, 2006). The following is a general description of the process for determining hours of need:

First, the IHSS recipient is given a functional index score or ranking. This measures the degree of functional limitation. The score consists of one of 6 ranks with Rank 1 representing the least functional limitation and Ranks 5 and 6 representing the greatest functional limitation.

Second, the amount of time for each task is determined after taking into account the functional index ranking. Generally, the higher the functional index ranking, the more hours the IHSS recipient needs per task.

The Governor’s proposal would change this by categorically denying domestic and related services to IHSS recipients with functional index rankings below Rank 4 (i.e., Ranks 1, 2, or 3). Currently, individuals scored at Rank 1 do not receive IHSS domestic and related services. This means that only individuals scored at Rank 2 or Rank 3 are affected.

The following excerpts from All-County Letter 6-34E describe how the functional index ranking is determined in general, and how the rankings are specifically determined for domestic and related services. Only Rank 3, and, where applicable, Rank 2 are listed under each specific service. This is because these are the rankings that are affected by the cutback.

By reading the assessment criteria for each rank you will be able to determine what the proposed cutback is.

Functional Index Ranking – General

“The following are general regulatory standards that apply to all functions. The standards for each function are defined in more detail in individual scales that follow.

Rank 1: Independent: Able to perform function without human assistance although the recipient may have difficulty in performing the function, but the completion of the function, with or without a device or mobility aid, poses no substantial risk to his/her safety. A recipient who ranks a “1” in any function shall not be authorized the correlated service activity.

Rank 2: Able to perform a function but needs verbal assistance such as reminding, guidance, or encouragement.

Rank 3: Can perform the function with some human assistance, including, but not limited to, direct physical assistance from a provider.

Rank 4: Can perform a function but only with substantial human assistance.

Rank 5: Cannot perform the function with or without human assistance.

Rank 6: Paramedical Services needed.”

Functional Index Ranking – Domestic Services

Domestic services consist of “sweeping, vacuuming, and washing/waxing floors; washing kitchen counters and sinks; cleaning the bathroom; storing food and supplies; taking out garbage; dusting and picking up; cleaning oven and stove; cleaning and defrosting refrigerator; bringing in fuel for heating or cooking purposes from a fuel bin in the yard; changing bed linen; changing light bulbs; and wheelchair cleaning and changing/recharging wheelchair batteries.” Services are generally limited to 6 hours per month.

“The following is the application of functional rank specific to Domestic Services with suggestions that may help inform the determination as to rank:

Rank 2: Able to perform tasks but needs direction or encouragement from another person.

Recipient is able to perform chores if someone makes him/her a list or reminds him/her.

* **Observations:** Observe if the recipient seems confused or forgetful and has no observable physical impairment severe enough to seem to limit his/her ability to do housework; if there is incongruity in what you observe, such as dirty dishes in cupboard.

* **Example:** Young man apparently physically healthy, but obviously confused and forgetful, is being reminded that it is time for him to sweep and vacuum.

* **Questions:** How do you manage to keep your apartment clean? Has anyone been helping you up to this time?

Rank 3: Requires physical assistance from another person for some chores (e.g., has a limited endurance or limitations in bending, stooping, reaching, etc.).

* **Observations:** Observe if the recipient has some movement problems as described above; has limited endurance; is easily fatigued; or has severely limited eyesight. Observe if the home is generally tidy, but needs a good cleaning; if it is apparent that the recipient has made attempts to clean it, but was unable to.

* **Example:** Small frail woman answers apartment door. Apartment has some debris scattered on carpet and quite-full trashcan is sitting in kitchen area. The remainder of apartment is neat.

* **Questions:** Have you been doing the housework yourself? What have you been doing about getting your housework done up until now?”

Functional Index Ranking – Related Services

Shopping and Errands

Shopping and errands consists of “compiling list; bending, reaching, lifting, and managing cart or basket; identifying items needed; transferring items to home and putting items away; telephoning in and picking up prescriptions; and buying clothing. (Note: Ranks 2 and 4 are not applicable to determining functionality for this task.)”

“The following is the application of functional rank specific to Shopping and Errands with suggestions that may help inform the determination as to rank:

Rank 3: Requires the assistance of another person for some tasks (e.g., recipient needs help with major shopping needed but can go to nearby store for small items, or the recipient needs direction or guidance).

* **Observations:** Observe if the recipient’s movement is somewhat impaired; if the recipient has poor endurance or is unable to lift heavy items; if s/he seems easily confused or has severely limited eyesight; if there is limited food on hand in refrigerator and cupboard.

* **Example:** Recipient goes to corner market daily to get a few small items. Someone else makes a shopping list.

* **Questions:** Do you have difficulty shopping? What are the heaviest items you are able to lift? Do you usually buy the items you planned to purchase? Do you have any difficulty remembering what you wanted to purchase or making decisions on what to buy? (Ask recipient’s significant other whether the recipient has difficulty making decision on what to buy or if recipient’s mental functioning seems impaired.)”

Meal Preparation/Meal Cleanup

“**Meal Preparation** includes such tasks as planning menus; removing food from refrigerator or pantry; washing/drying hands before and after meal preparation; washing, peeling, and slicing vegetables; opening packages, cans, and bags; measuring and mixing ingredients; lifting pots and pans; trimming meat; reheating food; cooking and safely operating stove; setting the table; serving the meals; pureeing food; and cutting the food into bite-size pieces.

Meal Cleanup includes loading and unloading dishwasher; washing, rinsing, and drying dishes, pots, pans, utensils, and culinary appliances and putting them away; storing/putting away leftover foods/liquids; wiping up tables, counters, stoves/ovens, and sinks; and washing/drying hands.

Note: Meal Cleanup does not include general cleaning of the refrigerator, stove/oven, or counters and sinks. These services are assessed under “domestic services.”

The following is the application of functional rank specific to Meal Preparation/Meal Cleanup with suggestions that may help inform the determination as to rank:

Rank 2: Needs only reminding or guidance in menu planning, meal preparation, and/or cleanup.

* **Observations:** Recipient seems forgetful. There is rotten food, no food in refrigerator, or a stockpile of Twinkies®, only. Recipient’s clothes are too large, indicating probable weight loss. There are no signs of cooking.

* **Example:** Elderly recipient is unable to plan balanced meals, has trouble knowing what to eat so eats a lot of desserts and snacks, sends granddaughter to purchase fast foods. Recipient leaves dishes near the sofa where s/he eats; s/he reuses dirty dishes if not reminded to wash and dry them.

* **Question:** Are you able to prepare and cleanup your own meals?

Rank 3: Requires another person to prepare and cleanup main meal(s) on less than a daily basis (e.g., recipient can reheat food

prepared by someone else, can prepare simple meals, and/or needs some help with cleanup but requires another person to prepare and cleanup with more complex meals which involve, peeling, cutting, etc., on less than a daily basis).

* **Observations:** Observe if the recipient's movement is impaired; if s/he has poor strength and endurance or severely limited eyesight; if s/he appears adequately nourished and hydrated.

* **Example:** Recipient can reheat meals, make a sandwich, and get snacks from the package. Recipient has arthritis that impairs her/his grasp; s/he is unable to wash dishes because s/he cannot hold on to dishes.

* **Questions:** What type of meals are you able to prepare for yourself? Can you lift casserole dishes and pans? Can you reheat meals that were prepared for you ahead of time? Are you able to wash dishes? Can you wipe the counter and stove?"