IHSS
IN HOME SUPPORTIVE SERVICES

Hope Consulting and Advocacy
There is Hope. There is Help.
I entered the world of IHSS thanks to my beautiful girl, Megan Hope. She had physical and mental limitations, including Down syndrome, autism, a heart condition, asthma, and a feeding tube. We were told “NO” by IHSS intake workers three times.

The IHSS Program will help pay for services provided to your child so that they can remain safely in their own home. To be eligible, you must be over 65 years of age, or disabled. Disabled children are potentially eligible for IHSS. IHSS is considered an alternative to out-of-home care, such as nursing homes or board and care facilities.

The types of services which can be authorized through IHSS are housecleaning, meal preparation, laundry, grocery shopping, personal care services (such as bowel and bladder care, bathing, grooming) paramedical services, accompaniment to medical appointments, and protective supervision for the mentally impaired or mentally ill and non-self-directing. Some services are only available to adults (18 and over) and some others have age qualifications, but those can be challenged, if needed.
WHAT IS PERSONAL CARE?

Personal care is the tasks you perform to take physical care of your loved one.

- Respiration Assistance
- Bowel, Bladder Care
- Feeding
- Routine Bed Bath
- Dressing
- Menstrual Care
- Ambulation (help with walking including in and out of vehicles)
- Transferring
- Bathing, Oral Hygiene, Grooming
- Rubbing Skin, Repositioning
- Help with Prosthesis (includes medications)
WHAT ARE PARAMEDICAL SERVICES?

* administration of medications that go beyond what is covered under non-medical personal care services (see below)
* injections
* breathing treatments, nebulizer
* pulmonary toileting (pounding lung areas of back and chest to loosen secretions)
* catheter changes or helping void urine with a catheter
* ostomy or bricker bag irrigation or changes and cleaning maintaining the stoma site
* range of motion exercises and other home therapy programs prescribed by a physician
* nasal-gastric tube or G-tube feedings and care of stoma site
* skin and wound care if there is a decubitus ulcer (bed or pressure sore) or a diabetes related wound or if the person has a history of ecubiti, checking the body for “hot spots” that could turn into a decubitus ulcer
* suctioning through a tracheotomy or through the nose and mouth including tracheal (deep) suctioning
* bowel program for those with spinal cord injuries or neurological impairment impacting the gastrointestinal system
* digital stool removal
* insertion of suppositories or administration of an enema
* adjustment, monitoring and connecting tubing and ventilator C-PAP or BiPAP machine adjustment, putting on mask
* monitoring to determine need for a intervention including medications that are given on an as-needed basis rather than on a schedule
* cutting toenails when necessary to prevent injury to skin from the nails
Protective supervision is an IHSS service for people who, due to a mental impairment or mental illness, need to be observed 24 hours per day to protect them from injuries, hazards or accidents. The county worker is supposed to help you to gather your evidence of need for Protective Supervision, ask questions if you aren’t sure of what will help you prove need.
In order to determine if a person qualifies for Protective Supervision, the county must answer certain basic questions.

1) Is the person self-directing?

2) Or do they show initiative and the ability to organize oneself? If so, they don’t qualify.

3) Or is the person confused? Can they answer reasonable questions such as their name, where they live, what day it is, who the President is? If so, they don’t qualify. But they need to be able to answer all or most of these, not just one or two.

4) Is the person mentally impaired? Do they have a low IQ or do they have difficulty using their mental ability due to another condition such as autism?

5) OR, is the person mentally ill? They must be mentally impaired OR mentally ill to meet PS eligibility.
How to Apply

Look up IHSS for your county and call in to request an assessment. You can just Google IHSS OR Department of Aging and Adult Services and your county and you will find the number to call.

Plan to give them some general idea of why you should get IHSS.
My child has an Intellectual Disability, they need Protective Supervision and several tasks covered under Personal care and Paramedical services.
Preparing for the Initial Meeting

🌟 From Regional Center:

- IPP with C-der (usually at the end of the IPP). Make sure the IPP lists all the personal care that you provide, any problems with understanding of danger, and discusses any incidents of potential harm, like the times they turned the hot water on when you turned your back for a second while they were in the tub or when they opened the door to the UPS guy while you were in the bathroom.

- Do not tell Regional Center that your child is really smart or they learn really quickly, they will include those comments in the IPP and this will hurt your chances of getting needed services.

🌟 From ABA Company

- Most recent report/goals

🌟 From School District:

- IEP – again don’t include things here that will hurt you getting services from any agency

- Most recent evaluations (only if they help you, these often include your comments about how smart your child is or how quickly they learn, so read it as though you are looking for a reason to avoid giving your child services)

🌟 IHSS Forms:

- Protective Supervision Forms http://www.dss.cahwnet.gov/Forms/English/SOC821.PDF


- Paramedical Forms http://www.dss.cahwnet.gov/odssweb/entres/forms/English/SOC321.pdf: (only if applicable)

- DPA 19: http://www.dss.cahwnet.gov/odssweb/entres/forms/English/DPA19.PDF (only if applicable)
Protective Supervision Form
SOC 821

- Give this to your child’s doctors to return to you - give it to more than one so you can pick one or two that are best, if giving the Social worker more than one, they should agree with each other

- Neurologist, Psychiatrist, or Psychologist is best

- Pediatrician is okay, but not best

- 5 areas to fill out and the top three must have comments noted on the lines - I give my doctor notes that will help them to fill in the lines

- Memory - comment on what tells you your child has memory problems - can’t remember step involved in self-care or does poorly on tests at school, very little language, or some other proof of poor memory

- Orientation - do they know who people are or are all older people Grandma and Grandpa or all girls Sissiy or boys Bubba, do they understand time/dates/weekdays vs. weekends/morning vs. night, do they know where they are?

- Judgment - What does your child do that shows they have poor judgment? Things they climb the furniture, or jump without looking, fights taking medication, open the door to strangers, or self-injure.
Protective Supervision
24 Hour Care Plan
SOC 825

* This doesn’t need to be filled out before the meeting.

* Be prepared to fill in you, your spouse’s, your respite provider’s, your adult child’s name, address, and phone number; you are all potential care providers in an emergency.

* Do not fill in the bottom, every worker has different ways they want it filled out. Plan to have a basic schedule for M-F and the weekends, and who will watch your child in the event that you have to leave for a time or if there is an emergency.
This is only needed if you provide a paramedical service, most common of those are:

- Diabetes monitoring
- Feeding tube
- OT - range of motion/regular exercise
- Medication provided via nebulizer
This is only needed if you have an Authorized Representative such as an advocate, it is a release for the state and the county to take with them and to inform them of dates and locations of hearings.
Plan to Appeal

- Plan to appeal so you aren't disappointed when it happens, more cases for Protective Supervision are settled in appeal than in the initial home visit.
Plan for Rehearing

This is your last chance before having to hire an attorney and go to Federal Court. Let’s hope it doesn’t go that far, it will take years.
Position Statement

This is how basically a letter to the County and the Administrative Law Judge. You are telling them why you disagree with the County’s decision. Include the areas that you disagree with and why you disagree. Include any additional information that might help you prove your point. Send this to the appeals officer at least one week in advance.

- Include diagnoses
- Medications
- Doctors - address and phone - how long it take round trip to get there
- Hours you think you should get in each area
- Behaviors that indicate that your child is not self-directing and has a need for Protective Supervision
- Hazard Log
What is a Hearing Like?

∗ Request the County Position Statement up to two days early
  ∗ Read through and take notes
  ∗ This is what you most need to ask questions about since there will be things you didn’t include in your position statement

∗ Go to the Appeal early
  ∗ Take something with you to distract you - a book or your iPad
  ∗ Only take your child if you think they will behave in a way that will help you - this does not mean they will behave beautifully

∗ Once you get to the office, you will sit in a waiting area - often a waiting room or a hall with chairs and little else. You can be called within about a half-hour, to an hour but sometimes within three or four hours.

∗ They take cases in the order that they are there and ready to present to the judge, so best to be a little early, but even then, the Appeals officer may be just finishing things up that day so you may have to wait.
The Hearing Room
The Room

When you are called in, you go into a small room with a couple of tables set in a T-shape. The ALJ - Administrative Law Judge - sits at the front. The County people sit on one side and you and your people sit across from them. Sometimes the County Social worker attends the meetings, and sometimes they attend via telephone. The judge will record the proceedings, they have everyone take an oath, and the rest is very informal. The judges all do things differently, but most lead the questions, it is best not to question the other side too much, but to present your side and simply respond to anything the other side says that you disagree with. Sometimes you have to ask the other side questions, but make sure the questions are asked without an attitude.
Make Your Case

You want to be careful not to try to make the other side look bad, instead present your case very positively. We don’t want to look like a jerk, and we look like jerks if we try to make them look bad or comment about them in a negative light.

Let the judge figure it out by your presentation of the facts. You can say that the person "came to the house and stayed 15 minutes", but don't say "they were only at my home for 15 minutes", your tone is very important.
You will usually be in the room with the judge for 45 - 90 minutes, shorter is usually more likely unless you have many witnesses, even then, limit your witnesses to people who can help you.

Your friend or neighbor won't help a lot, your ABA provider can help a lot. Your IRC CSC is likely to help, where the child's Grandparent won't generally be the most helpful witness.

You might however, want the Grandparent to come to watch your child for part of the hearing, it is usually best to bring the person who will receive services if you can, but they may not be able to stay in for the entire hearing and that is to be expected.
Once you are done, the judge will have a few weeks to render their decision, it usually takes 2-4 weeks to get the decision back, but it can be up to two months, you will be paid back pay to your initial phone call so don’t worry, more time is usually just due to the judge being very busy, no one can give them additional evidence after the hearing is complete, unless it is agreed to that the judge will hold the hearing open for a time.
There is Still Hope!

Even if this doesn't go well, you have another appeal to use.

Instructions come on the first page of the decision. You must write into the Rehearing Department and explain why you should get another hearing.

Be specific, go online and get ideas. Be sure to respond to the initial Decision.
When You Get Your Hours

- When you are done with appeals and you are set to receive IHSS services, you will need to go to an Orientation meeting, get fingerprinted and get a background check. It can take several weeks to get this all accomplished. But fear not, you will get paid back to the day you called in to initiate the process.
Re-evaluations

- IHSS requires yearly re-evaluations - they will sometimes be delayed, but yearly is the average re-evaluation time.

- Make copies of evaluations that make your case, provide a copy of the IEP, and the IPP. Make sure your IPP discusses all personal care you do, and any potential danger.
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