



*California's protection and advocacy system*

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#### **#4: Fact Sheet on California's Budget Cuts to Benefits Programs – August 13, 2009**

### **In-Home Supportive Services (IHSS): Elimination of Services Based on Functional Index Ranking and Functional Index Score**

The In-Home Supportive Services (IHSS) Program provides services<sup>1</sup> to persons who are over age 65, blind, or with disabilities to enable them to remain safely in their home.<sup>2</sup>

#### **How Has the Law Changed?**

Effective September 1, 2009, certain people who previously qualified for IHSS either will no longer qualify for IHSS at all or will no longer qualify for IHSS domestic and related services. People who receive an overall “functional index” score below 2 will no longer qualify for IHSS services. People who receive a functional index ranking below 4 for any domestic or related service will no longer receive that particular service. See below for an explanation of functional index ranks and scores. This change happened as a result of the California budget process.

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<sup>1</sup> IHSS services include non-medical personal care services, paramedical services, domestic services, related services, transportation services, protective supervision, heavy cleaning services, yard hazard clean-up, and teaching and demonstration. See <http://www.disabilityrightsca.org/pubs/547001Index.htm> for a more detailed description of the services.

<sup>2</sup> Welfare and Institutions Code §12300

## What is Functional Index Ranking?

Functional index ranking is part of the assessment process for IHSS services; it is a way for the county to determine what level of needs people have. A social worker who works for the county assesses the need for IHSS services at the time of initial application, at least annually, when the recipient requests it, and when the county has information that the recipient's needs have changed.

As part of the assessment for services, the county determines the person's ability to complete certain tasks.<sup>3</sup> The county then gives a "functional index rank" from "1" to "6" for each of the tasks<sup>4</sup> – see chart below. This ranking, with a weight to consider other factors, is then averaged out. The result is called the "functional index score." Note "ranking" and "score" are two separate things.

The ranking is as follows:

Rank 1	Functioning is independent, and he or she is able to perform the 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 or her safety.
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<sup>3</sup> Housework, laundry, shopping and errands, meal preparation and cleanup, mobility inside, bathing and grooming, dressing, bowel, bladder and menstrual, repositioning, eating, respiration, memory, orientation, and judgment.

<sup>4</sup> How the county assesses a person for services is contained in the state "Manual of Policies and Procedures" (MPP) Section 30-756. It provides the policy and guidelines and examples. See <http://www.cdss.ca.gov/ord/entres/getinfo/pdf/ssman2.pdf>. The state also provides to the county an "Annotated Assessment Criteria," an attachment to All County Letter 06-34E2. See <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl06/pdf/06-34E2.pdf>. These criteria include sample observations of the characteristics of a person and an example of what the ranking might be.

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

The amount of time given 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.

### **What is the Functional Index Score?**

The functional index score is a single number that is determined by averaging all of the functional index ranks. The purpose of the score is to provide a single measure of an IHSS recipient's need for the assistance of another person in carrying out the activities of daily living that are considered in the assessment of need for IHSS services. Calculation of the score is somewhat complicated because the score is a weighted average of the functional index ranks. The calculation is done by a computer after the individual functional index ranks are entered into the computer by a county worker. All-County Letter (ACL) 88-118, available on the CDSS website, describes how this is done. ACL 88-118 can be found at this link: <http://www.dss.cahwnet.gov/lettersnotices/PG946.htm>.

### **What Reductions Have Been Made to IHSS?**

The law has been changed by eliminating particular domestic and related services for people with a functional index ranking below 4 in that particular service, and eliminating IHSS services entirely for people with an overall functional index score below 2.

## **Elimination of Domestic and Related Services**

Effective September 1, 2009, the new law eliminates any domestic or related service<sup>5</sup> that has a functional index ranking of below “4”.<sup>6</sup> This eliminates those domestic or related services for individuals who cannot provide the service for themselves without human assistance (rank “3”) or who cannot provide the service for themselves without verbal assistance such as reminding, guidance or encouragement (rank “2”).

But what does this mean?

Let’s say that an individual has the following ranking: “3” for sweeping floors, “4” for changing bed linens, and “5” for cleaning bathrooms. Under the new law, the individual would no longer receive time for sweeping floors because the ranking for this service (“3”) is below “4”. The individual would continue to receive time for changing bed linens and cleaning bathrooms.

## **Elimination of IHSS entirely for individuals with functional index scores below level 2.**

Effective September 1, 2009, the new law eliminates IHSS services entirely for individuals with a functional index score below level 2.

## **What Should You Do**

- If you are affected by these changes, you have a right to get a notice explaining what will change and when the change will go into effect. In our

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<sup>5</sup> 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. Related services consist of shopping and errands, meal preparation, serving and cutting up food, meal clean-up and menu planning, laundry, shopping for food and other errands.

<sup>6</sup> Currently, individuals ranked “1” do not receive IHSS domestic and related services. This means that only individuals ranked “2” or “3” are affected.

experience, people applying for or receiving IHSS services are rarely told what their rankings and score are. If the notice of action terminating services does not include this information, request it immediately from the county. They must give it to you!

- File for a fair hearing right away before the change become effective (follow the directions on the notice) if you think the ranking and scores you were given were wrong. It is important to file for a fair hearing in order to continue to receive services without any interruption until there is a hearing decision. If you are unable to appeal before the effective date of the change, you have 90 days from the date of the notice to appeal, but you will not continue to get the higher level of services during the hearing process. At the hearing, you will need to challenge the rankings and score you were assessed

- Call Disability Rights California to discuss how to prepare your case.

### **Is Disability Rights California Doing Anything to Challenge the Elimination of Services Based on Functional Index Score and Functional Index Ranking?**

Disability Rights California and other organizations are working together to look at ways of challenging these cuts. We will post information on our website.