

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



February 11, 1986

ALL-COUNTY INFORMATION NOTICE NO. 1-14-86

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IHSS UNDERPAYMENTS/OVERPAYMENTS CLARIFICATION

REFERENCE: MANUAL LETTER 85-16

This letter responds to questions and/or concerns raised during the July 1985 Adult Services Regional Committee meetings regarding the IHSS overpayment/underpayment regulations and/or collection procedures.

1. QUESTION

When should a county use reason code 603 or 604 (SOC 330, Item 18)?

ANSWER

Use reason code 603 when a recipient remains as a patient. Use reason code 604 when a recipient was previously a patient and has now returned to their "own home".

2. QUESTION

Why is there no reason code/message for recipient ineligible due to being out of the county?

ANSWER

The IHSS eligibility standards are applied equally between counties. A recipient found eligible in one county does not lose eligibility simply because of a relocation to another county in California.

3. QUESTION

Are administrative errors collectable?

ANSWER

Yes, administrative errors are collectable if they fall under the provisions of MPP 30-768.1.

4. QUESTION

When determining the monthly payment level for overpayment recoupment, are the recipient's current liquid resources and exempt income considered or the resources and income which were available at the time of overpayment?

ANSWER

The current liquid resources and exempt income of the recipient are considered. In the case of an advance pay recipient, the difference in value between hours purchased and hours authorized for service is considered to be available, even in succeeding months.

5. QUESTION

If a recipient is hospitalized for three weeks during a month, is he/she still entitled to the full \$55 restaurant meal allowance?

ANSWER

Yes, because there is no proration for restaurant meal allowances per MPP 30-768.24.

6. QUESTION

If a recipient has indicated that they will use their restaurant meal allowance for meals on wheels, but meals on wheels says the recipient is not paying the donation amount, does an overpayment exist?

ANSWER

Yes, if the recipient is not using the restaurant meal allowance to pay meals on wheels or any other provider of meals per MPP 30-768.24.

7. QUESTION

On the Notice of Action (NOA), are counties required to identify the amount of liquid resources?

ANSWER

Yes, counties, in general, are required by regulation to identify the amount of liquid resources. MPP 30-768.33 specifies what is required to be on the NOA. Adequate notice to a recipient would include a list of the resources determined to be available for overpayment recovery and their amounts.

8. QUESTION

Is it possible to underline and/or move statements around on the NOA?

ANSWER

This is a county option. However, the NOA was developed to be consistent with the Case Management Information, and Pay-rolling System (CMIPS) format so deviation should be kept to a minimum.

9. QUESTION

Are NOA forms available from the warehouse?

ANSWER

No. Forms will be available in the future. Counties are to continue using the temporary NOA forms until standardized NOA forms are available.

10. QUESTION

Do provisions for liquid resources apply to income eligibles and status eligibles?

ANSWER

Yes, per MPP 30-768.311.

11. QUESTION

Overpayment regulations in Division 10 were deleted as of 4-20-85. If an overpayment was discovered and/or collection begun prior to 4-20-85 using Division 10 regulations, does the county use new Division 30 regulations or Division 10 regulations?

ANSWER

Any overpayment which occurred prior to 4-20-85 must be collected according to Division 10 even if discovered after 4-20-85.

12. QUESTION

Will the state devise a form to give to IHSS applicants on applicant responsibility?

ANSWER

No. Not at this time.

13. QUESTION

Can we have a message on the time sheet that tells IP to collect money from recipient (if recipient overpayment)?

ANSWER

We are in the process of revising the time sheet to include an appropriate message.

14. QUESTION

Does the county have to inform the IP and recipient when an advance pay case recipient is responsible for paying an overpayment amount to the IP?

ANSWER

The recipient must be notified per MPP 30-768.33. The IP should also be informed that recipient has an obligation to pay the IP the difference.

15. QUESTION

Is this done via NOA?

ANSWER

The recipient is notified via the NOA. The IP may be notified by a written memorandum advising him/her to collect part of the payment for service from the recipient, or by such other method as the county may wish to use.

16. QUESTION

If the IP has been paid for more hours than he/she worked and the recipient signed the time sheet, who does the county collect from? Is it a write-off if the IP no longer can be located?

ANSWER

In cases of excessive compensation to the provider, the county shall collect the "overpayment" from the provider per MPP 30-769.9. If the provider cannot be located, civil remedies may still be available. County legal counsel should be consulted regarding judicial recourses available in civil matters.

17. QUESTION

If an IP/recipient has overpayment, County A has started collection process, and IP/recipient moves to County B, can County B continue collection for County A?

ANSWER

Yes. The overpayment inter-county transfer procedure is to notify County B of the overpayment by passing this information along to County B as part of the case. County A requests that County B collect the overpayment for them by this method.

18. QUESTION

Is there a cross reference for an IP/recipient working or receiving benefits in two counties?

ANSWER

No, the payroll system does not have this specific capability at this time. However, CMIPS does cross-reference recipients by social security number which will be operative statewide when all counties are in that system.

19. QUESTION

Can the payroll system tell County B that an IP/recipient was/or had an overpayment in County A?

ANSWER

Not at this time. However, a mechanism will probably be designed in CMIPS to move recipient file information from one county to another, including the collection of an overpayment as described in answer 18 above.

20. QUESTION

Per MPP 30-768.321(a)(2), what constitutes "discovery"?

ANSWER

Discovery is to obtain knowledge of through observation, search or study; to be the first to find, learn of or observe. The first date of an underpayment or overpayment comes to county attention, it is discovered and adjustable beginning with that date.

If you have any questions regarding the regulations, please contact your Adult and Family Services Operations Consultant at (916) 445-0623 or ATSS 8-485-0623. If you have any questions regarding the IP collection procedure through the payroll system, please contact your IHSS Systems Management Unit Consultant at (916) 322-6320 or ATSS 8-492-6320.



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cc: CWDA