

**DEPARTMENT OF HEALTH CARE SERVICES
NOTICE OF GENERAL PUBLIC INTEREST
RELEASE DATE: JUNE 1, 2018**

**PROPOSED STATE PLAN AMENDMENT TO IMPLEMENT PAID SICK DAYS FOR
QUALIFIED IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDERS**

This notice is to provide information of public interest regarding the proposed State Plan Amendment (SPA) 18-006 for the In-Home Supportive Services (IHSS) program, Reimbursement for Medi-Cal Personal Care Services, to include the cost of paid sick days for IHSS providers in the IHSS rate.

In order to comply with California state law, the Department of Health Care Services (DHCS) is preparing SPA 18-006 to amend the current State Plan to include language which specifies that the rate paid to IHSS providers include the cost for paid sick leave.

DHCS is proposing that State Plan Attachment 4.19-B, pg. 26, be amended as follows:

- DHCS proposes to add the following language at the end of subsection B:
“3. The Individual Provider Rate includes Wages, Payroll Tax, Benefits, Administrative Costs, and Paid Time Off within the negotiated rate.”
- Subsection C currently states that the fee schedule is effective for services provided after October 1, 2009, when the fee schedule was last updated. DHCS proposes to amend that language to state as follows: **“State approved county governmental, contracted, and private individual provider rates are documented in a fee schedule and that fee schedule will be updated July 1, 2018, and is effective for services provided, upon approval after that date.”**
- DHCS proposes to update the web link where the fee schedule listing individual provider rates can be found.

DHCS is proposing this SPA to change the IHSS provider rate to include money to compensate IHSS providers for paid sick leave effective July 1, 2018. Labor Code sections 245.5 and 246 were amended in 2016, through Senate Bill 3, to require that beginning July 1, 2018, DHCS pay IHSS providers for sick leave. Eligible IHSS providers can accrue up to eight hours or one day of paid leave each year of employment, calendar year, or 12-month period of employment beginning July 1, 2018. The proposed SPA will allow DHCS, beginning July 1, 2018, to include the cost of paid sick leave in the individual IHSS provider rate, to update the fee schedule upon approval of IHSS individual provider rates to include the cost for paid sick leave, and to correct the web link for the fee schedule.

It is expected that the proposed State Plan Amendment will increase annual IHSS aggregate expenditures in the amount of \$65,467,000.

Copies of the proposed SPA will be made available for public review at each county's Department of Social Services office.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services (CMS).

PUBLIC REVIEW AND COMMENTS

Upon completion, and prior to submission to CMS, a draft copy of the proposed SPA 18-006 will be made available for public input at:

http://www.dhcs.ca.gov/formsandpubs/laws/Pages/Pro_SPA.aspx.

Upon submission to CMS, a copy of the proposed SPA 18-006 will be published at:

<http://www.dhcs.ca.gov/formsandpubs/laws/Pages/CaliforniStatePlan.aspx>

You may also request a copy of the proposed SPA 18-006 using the mailing or email addresses listed below.

Written comments may be sent to the following address:

Department of Health Care Services
Integrated Systems of Care
Attn: Seng Saeteurn
1501 Capitol Avenue, MS 4502
P.O. Box 997437
Sacramento, CA 95899-7417

Comments may also be emailed to PublicInput@dhcs.ca.gov. Public input will be accepted from June 1, 2018 – June 30, 2018. Please indicate SPA 18-006 in the subject line or message. A copy of submitted public comments to SPA 18-006 may be requested in writing to the mailing or email addresses identified above.