

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: Adult Services/In-Home Supportive Services
Title: Nonmedical Out-of-Home Care Policy
Number: 1004 **Status:** Revised
Effective Date: 6/8/2007 **Revision Date:** 2/7/2025
Approved: Signature on file

PURPOSE To provide In-Home Supportive Services (IHSS) staff information regarding nonmedical out-of-home care (NMOHC) regulations.

POLICY IHSS applicants who qualify for both IHSS and the Supplemental Security Income/State Supplementary Payment (SSI/SSP) NMOHC payment rate may receive either IHSS or the NMHOC payment rate, but not both simultaneously.

BACKGROUND Based on Welfare and Institution Code (WIC) section 12300(a), IHSS is available to eligible individuals who cannot safely remain in their own homes unless IHSS services are provided. Manual of Policies and Procedure section 30-701 (o)(2) defines “own home” as the place an individual chooses to reside. Additionally, “own home” does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. Based on these regulations, anyone receiving the SSI/SSP NMOHC payment rate is ineligible for IHSS.

The Social Security Administration (SSA) administers SSI/SSP benefits and determines eligibility for both these programs. An individual who qualifies for SSI will also qualify for SSP. Under the SSP program, individuals receive payments based on their living arrangements. Individuals who receive the NMOHC payment rate receive an increased SSP payment each month because they require nonmedical care or supervision and live in an eligible living arrangement. A NMOHC qualified living arrangement may include but is not limited to, a state licensed NMOHC facility, the home of a relative who is not a parent, a “certified family home,” or a Family Home approved by a Family Home Agency acting on behalf of a California Regional Center.

DEFINITIONS **Nonmedical out-of-home care**
A protective living arrangement outside the SSI/SSP recipient’s own home where, at a minimum, they receive board, room, and personal nonmedical care and supervision related to their individual needs.

Supplemental Security Income (SSI)

A federally funded program administered through SSA that provides income to people who are blind, disabled, or 65 or older.

State Supplementary Payment (SSP)

A state-funded program administered through SSA that provides additional payments in addition to the federal SSI payment.

APPLICATION

An IHSS applicant who receives the SSI/SSP NMOHC payment rate may apply for IHSS. If determined eligible, they can choose whether to receive IHSS or the NMOHC payment rate.

Applicants who choose to receive IHSS must terminate their NMOHC payment rate and instead receive a different SSI/SSP payment standard. Applicants must provide documentation of the terminated NMOHC payment rate in the form of an official letter from SSA within 45 days from the date of the IHSS application. The letter from SSA must be on an official SSA letterhead and include the NMOHC payment rate termination date for the IHSS application to be approved. IHSS applicants who choose to receive IHSS instead of the NMOHC payment rate can contact SSA by referring to the SSA website. If an IHSS applicant states they are not receiving the NMOHC payment rate but the Medi-Cal Eligibility Data System (MEDS) continues to show the NMOHC payment rate being issued, the applicant will need to provide documentation of the terminated payment rate in the form of an official letter from SSA within 45 days from the date of the IHSS application.

Applicants or recipients who choose to receive the NMOHC payment rate instead of IHSS will have their IHSS application denied.

REFERENCES

All County Letter 23-108- IHSS Eligibility and Nonmedical Out-of-Home Care, Documented Unmet Need and Referrals

All County Letter 23-108E- Erratum to All County Letter 23-108

Eligibility and Assistance Standards (EAS) Manual- 46-140 Nonmedical Out-of-Home Care

Social Security Program Operations Manual- Nonmedical Out-of-Home Care

Welfare and Institutions Code (WIC) section 12300(a)
