

Payments to Parent Providers for Children with Disabilities in California

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Issue

This report describes programs in California and Connecticut that may pay parents for providing certain services to their children with disabilities.

Summary

Several programs in California and Connecticut may provide payments to parents for providing services to their children who are living with disabilities, though California's policies for such payments may be more broadly applicable, allowing payment in more situations.

California's In-Home Supportive Services (IHSS) program provides personal care and domestic services to certain people, including children, living with disabilities. IHSS is made up of four programs, three of which receive Medicaid funding. Parents can be paid as IHSS providers for their (1) minor children in three of the four programs and (2) adult children in all four programs.

California's Department of Developmental Services (CA-DDS) provides services and supports to enable people with developmental disabilities to lead more independent, productive, and integrated lives. For certain services, family members may become vendors and act as the direct provider. In all cases, services are only funded if the need exceeds what a person without developmental disabilities would require.

Connecticut's Department of Social Services (DSS) policy on parent payments varies based on which service is provided. If a parent seeks to act as an aide to his or her child and an agency is willing to hire and supervise the parent, the department will pay the agency for the parent's service.

Connecticut's Department of Developmental Services (DDS) administers several Medicaid waivers that provide services to people with developmental disabilities. For these waivers, payments to parents are only approved by DDS and the Centers for Medicare and Medicaid Services (CMS) (1) on a case by case basis under extenuating circumstances and (2) for parents who are not acting as the child's guardian.

Programs in California

In-Home Supportive Services (IHSS)

California's [In-Home Supportive Services \(IHSS\) program](#) provides personal care and domestic services to individuals who are (1) living with disabilities, elderly, or blind and (2) at risk of institutionalization but who can remain safely in their homes if they receive services. Children may be [eligible for IHSS](#) if they meet those criteria.

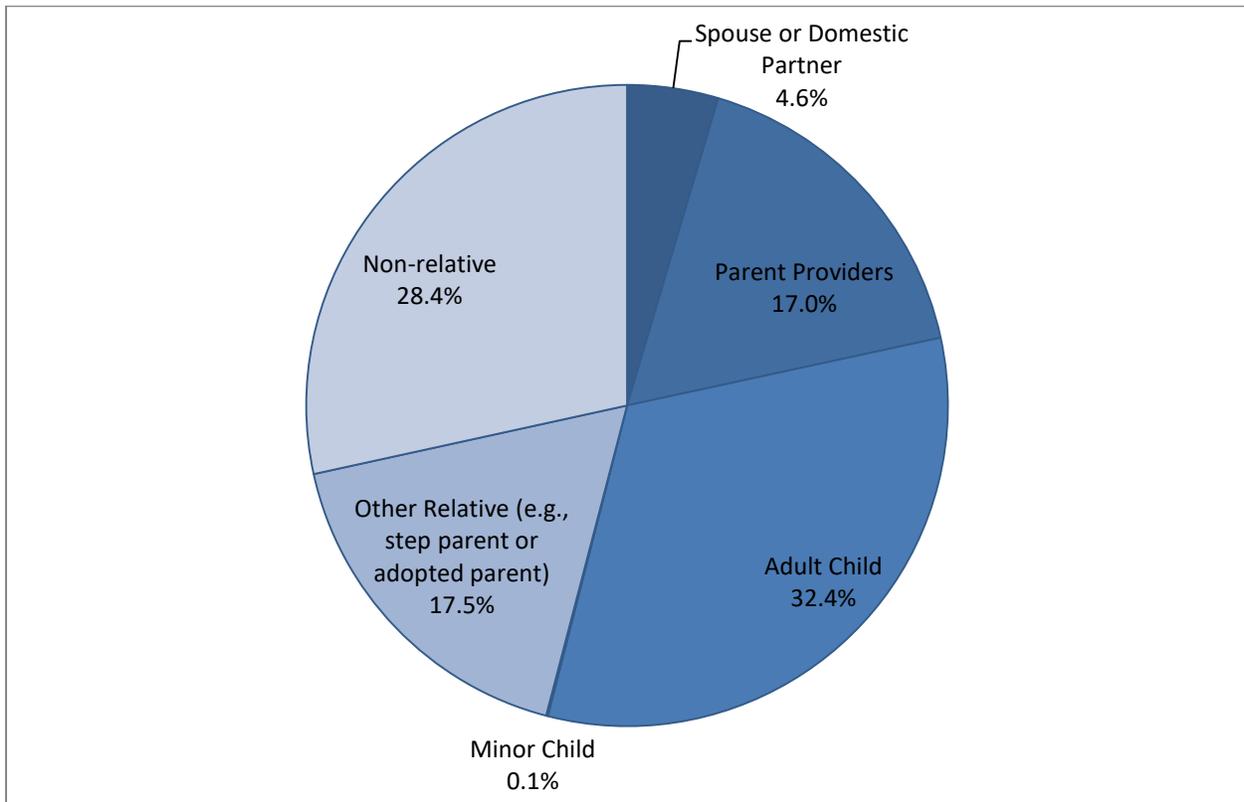
The California Department of Social Services (CDSS) administers the program, which is currently comprised of the following four components:

1. IHSS-Residual, the original IHSS state- and county-funded program serving less than 1.5% of the IHSS population;
2. the Personal Care Services Program, a Medicaid-funded program serving 53% of the IHSS population;
3. the IHSS Plus Option, a Medicaid-funded program that began as a waiver but was later established in the state plan, serving a little over 2.5% of the IHSS population; and
4. the Community First Choice Option, a Medicaid-funded program established through the federal Affordable Care Act, serving 43% of the IHSS population.

According to staff at California's Legislative Analyst's Office (LAO), parents of minor IHSS recipients are permitted to be paid IHSS providers for their child in the IHSS Residual, IHSS Plus Option, and Community First Choice Option programs. Parents of minor IHSS recipients are not permitted to be paid IHSS providers in the Personal Care Services Program. Parents of adult IHSS recipients are permitted to be paid IHSS providers for an adult child in all four of the IHSS programs.

LAO staff provided data on IHSS providers, shown in Figure 1. Of the 506,882 IHSS providers in December 2018, 86,280 (17%) were parent providers.

Figure 1: IHSS Providers Related to Participants (December 2018)



CDSS's [Manual of Policies and Procedures](#) describes the circumstances under which parents can receive payment through IHSS to care for their children. According to these regulations, parents of children under age 18 may be paid for certain IHSS services they provide to their children if (1) the parent has left, or is prevented from obtaining, full-time employment because no other suitable provider is available and (2) the parent's inability to perform the services may result in inappropriate placement or inadequate care (Section 30-763.45).

Eligible services are limited to the following:

1. related services (e.g., meal preparation, laundry services, food shopping);
2. personal care services;
3. accompaniment when needed during necessary travel to health related appointments;
4. protective supervision, limited to that needed because of the recipient's functional limitations, excluding routine child care or supervision; and
5. paramedical services (Section 30-763.456).

LAO staff indicated that services provided by a parent and paid for through IHSS must generally be needed because of the child's disability and not to address routine care needs that a child would need regardless of a disability.

California's Department of Developmental Services (CA-DDS) Programs

In California, CA-DDS provides services and supports to enable people with developmental disabilities to lead more independent, productive, and integrated lives. Some of these services are eligible for Medicaid reimbursement.

According to LAO staff, parents and family members can become an approved vendor in the CA-DDS system for certain services. For some services (e.g., day care and respite care), they can use a payment voucher to pay someone they have hired. For other services, such as nursing and transportation, the family member may act as the direct service provider. In all cases, the program funds a service only if the need exceeds what a person without developmental disabilities would need.

Family members who wish to become a vendor must complete an application, as described in California regulations at [17 CCR § 54310\(g\)](#). However, according to LAO, when a service is eligible for federal reimbursement through Medicaid, the family member must also be approved as a Medicaid provider.

Programs in Connecticut

Department of Social Services (DSS) Policies

According to DSS staff, department policy for paying parents as providers varies based on which service is provided. For example, nurses are not generally paid for providing nursing services to their own children with very rare exceptions. However, if a parent seeks to act as an aide to his or her child and an agency is willing to hire and supervise the parent, the department will pay the agency for the parent's service.

Department of Developmental Services (DDS) Waivers

Connecticut's Department of Developmental Services (DDS) operates three Medicaid waivers to provide home and community based services to people with intellectual disabilities (age 3 and older) and people with developmental disabilities (age 18 and older). Generally, under these waivers, legally liable relatives, including parents, are not eligible to receive federal reimbursement

for services provided. However, the federal Centers for Medicare and Medicaid Services (CMS) will provide reimbursement for “extraordinary care” provided by legally liable relatives.

According to DDS, the department has a few cases where a parent is paid for services, but, in these cases, the parent is not the child’s guardian. These cases are determined and approved by DDS and CMS on a case-by-case basis.

Resources

California Department of Development Services Information Technology Division, [“Department of Developmental Services Fact Book Fiscal Year 2017-2018 Sixteenth Edition.”](#) July 2019.

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