



California's protection and advocacy system
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#16: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs - July 28, 2009

Suspension of Services and Supports and the Individual Choice Budget¹

The State Legislature required the Department of Developmental Services (DDS) to reduce the DD Budget by 334 million dollars. As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes what services the regional centers will no longer be allowed to purchase for you, any exceptions to those changes, and what will happen if the regional center wants to change your services.

The Lanterman Act currently does not limit the kinds of services a regional center may purchase provided that the IPP (Individual Program Plan) team determines that the service is needed. The changes to the Lanterman Act suspend the regional center's ability to purchase some services until the Director of the Department of Developmental Services (DDS) develops and implements a new service delivery model called the Individual Choice Budget that will result in state budget savings.

¹ The changes are part of the Budget Trailer Bill (TBL) ABx4 9. You may find the law at http://info.sen.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_9_bill_20090728_chaptered.pdf. The changes affecting Suspension of Services and Supports and the Individual Choice Budget are found in Welfare & Institutions Code, Sections 4648.5, & 4648.6.

Individual Choice Budget

The Individual Choice Budget will be developed as an alternative way for regional centers to provide services to consumers. The Individual Choice Budget program will be developed by DDS and other stakeholders. This model is designed to help the state save money, maximize federal dollars and increase consumer choice. Individual budgets will be determined using a fair and equitable process. The goal is to develop this model in early 2010 and pilot test it at each regional center.

How the Law Changed:

Regional centers may not purchase the following services until the Individual Choice Budget Model is developed. There is an exemption which allows the regional center to purchase these services in limited circumstances. (See Exemption below.)

1. Camping services and associated travel expenses.
2. Social recreation activities, except those activities vendored as community day programs.
3. Educational services for children 3 to 17 years of age.
4. Nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.

This new law is effective upon enactment of the TBL, which is July 28, 2009. If you currently have any of the above listed services in your IPP or IFSP (Individualized Family Service Plan), it will not take effect until August 1, 2009. If the regional center wants to make changes to your services, it must give you written notice (See below).

Exemption

Regional Centers can grant an exception on an individual basis and purchase the services for the consumer if there are extraordinary circumstances. An exemption can be made when the regional center determines that the service is:

1. A primary or critical means for ameliorating the physical, cognitive or psychosocial effects of the consumer's developmental disability; or
2. The service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs.

What Should You Do If You Think You Qualify For An Exemption

If you think you qualify for an exemption, you should contact your service coordinator and request an IPP meeting. An IPP meeting must be held within 30 days of your request.² At the meeting, the IPP team must discuss the exemption criteria and whether the exemption applies to you.

For example, if you need camping services, and you think you qualify for the exemption, at the IPP meeting you should discuss how camping is a primary or critical means for ameliorating your developmental disability or why camping is necessary in order for you to remain in your home and that there are no other alternative services that can meet your needs. If you and the regional center do not agree as to whether you qualify for an exemption, regional center will provide you with a notice. If you disagree, you can request a hearing. Follow the procedures outlined below.

What Will Happen If the Regional Center Wants to Change Your Services?

If your regional center wants to change your services, it must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.³ The notice must be given 30 days before the change begins.⁴ The notice must give you the following information:

- the action the regional center is taking;
- the basic facts about why the regional center is making its decision;
- the reason for the action;
- the effective date; and
- the specific law, regulation or policy that supports the action.⁵

If you are already receiving the service and you disagree with the regional center's decision and want to continue to receive it, you must request a fair hearing within 10 days of receiving the notice.⁶ Otherwise, the request

² Welfare & Institutions Code Section 4646.5(b)

³ Usually, decisions about the services you need must be decided by an IPP team. Welfare & Institutions Code Section 4646.4(a)-(c). However, the law says if a regional center wants to reduce, end or change a service in your IPP without your consent, it has to give you a 30 day notice first. Welfare & Institutions Code Section 4710.

⁴ Welfare & Institutions Code Section 4710

⁵ Welfare & Institutions Code Section 4701. The information must also be in the language you understand.

⁶ Welfare & Institutions Code Section 4715

must be made within 30 days.⁷ If you think you meet an exemption, remember to additionally put “I meet an exemption” into your fair hearing request.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Due Process and Hearing Rights.

⁷ Welfare & Institutions Code Section 4710.5 (a)