

# Welcome to SCLARC's Self-Determination Program (SDP) Budgeting and Unmet Needs Training!

- The meeting will begin at 6:00pm
- All participants are muted upon entry; we will give people the ability to unmute themselves at specific points in the presentation in order to ask questions.
- You may also enter questions in the chat box in English or Spanish; this is being monitored by SCLARC staff throughout the presentation.
- To ensure the best possible experience, particularly if you are going to be utilizing interpretation, SCLARC recommends joining from a computer if possible, and that you have the latest Zoom app, which can be found (for a computer) at <https://zoom.us/download> (you may select “Spanish language” at the bottom of the screen if applicable.)
  - If utilizing a cell phone or tablet, please download or update your Zoom app from the App Store.
- Spanish translation is available! To see how to enable it, please go to [https://support.zoom.us/hc/en-us/articles/360034919791-Language-Interpretation-in-meetings-and-webinars#h\\_6802bbbc-2ec9-47cv-a04c-6aac35914d82](https://support.zoom.us/hc/en-us/articles/360034919791-Language-Interpretation-in-meetings-and-webinars#h_6802bbbc-2ec9-47cv-a04c-6aac35914d82) (you can select “Spanish language” at the bottom of the website)
  - To change the language of your Zoom app, please see <https://support.zoom.us/hc/es/articles/209982306-Cambiar-su-idioma-en-Zoom> (article is in Spanish)
- For specific case management concerns, please contact your Service Coordinator. If you are having difficulty with that, please contact SCLARC's Case Management Helpline, available in English and Spanish, at 1-833-725-2721 or [cmhelp@sclarc.org](mailto:cmhelp@sclarc.org)
- For questions about Self-Determination, please contact [SelfDetermination@sclarc.org](mailto:SelfDetermination@sclarc.org) (English/Spanish), Naomi Hagel (English; [323-998-9519/NaomiH@sclarc.org](mailto:323-998-9519/NaomiH@sclarc.org)), or Odulia Juarez (English/Spanish; [213-765-3882/OduliaJ@sclarc.org](mailto:213-765-3882/OduliaJ@sclarc.org))

# Budgeting and Unmet Needs in the Self-Determination Program (SDP)

Presented by South Central Los  
Angeles Regional Center (SCLARC)

# Critical Definition #1: Budget

- The **budget** is the total amount that a participant in the Self-Determination Program will be able to spend within the “next 12 months” once they transition into Self-Determination Services

# Critical Definition #2: Spending Plan

- The **spending plan** defines *how* a participant will spend the funds from their budget, i.e. what services will be purchased, who will provide them, etc.

# How is the Budget Determined?

- As a starting point, the budget is based on the last 12 months of **expenditures** (funds the Regional Center has spent on a specific individual)
  - This **does not include** services that were authorized but not used.

# What If I Received Less than 12 Months of Services?

**Reasons for receiving less than 12 months of service could include:**

- Illness
- Services started or ended within past 12 months
- Provider not available/too far from home
- Waiting for transportation
- Waiting for a provider to have an open spot
- No respite provider who could work the hours needed
- Recently became eligible for Regional Center services/reactivated case.

# What if I Received Less than 12 Months of Services? (Continued)

- If a participant doesn't have 12 months of regional center services, their budget will be based on the services and supports they would have used through the traditional system.
  - Each case is reviewed individually to determine services that may need to be **annualized**.

# How Can The Budget Be Changed?

- Unmet Needs
- Change in Circumstance



## Critical Definition #3: Unmet Need

- Needed services in the participant's Individual Program Plan (IPP) were not used.
- There were needs not addressed in the participant's prior IPP

# Examples of Unmet Need

- The provider didn't have a staff person who spoke a participant's preferred language so they were unable to use that service.
- The provider was far from the participant's home so it made it difficult to use that service.
- The participant was waiting for a provider to have an open spot in their program.
- The participant couldn't find a respite provider who could work the hours they needed.

# Critical Definition #4: Change in Circumstance

- Life has changed, and so have needs.

# Examples of Change in Circumstance

- Leaving or entering school.
  - Losing or getting a job.
- Getting very sick or getting better.
- Moving into independent living or moving back home with family.
- Through person-centered planning, determining a need for a service that wasn't identified before.
- Or, identifying a service they had before but no longer need.

# The Impact of COVID-19

- Just like in traditional services, the impact of COVID-19 is being reviewed case by case when determining budgets to see what services/funding is necessary.
- **Change in Circumstance** works both ways – If additional funding is allotted in the SDP budget due to COVID-19, that same amount of money may **not** be allotted after a year, if COVID is no longer causing that level of need.

# When Can the Budget NOT Be Changed?

## Financial Management Service (FMS)

- Independent Facilitator (IF)
- Services that are not permitted/provided under the traditional service system
  - Services that are not needed

# Financial Management Service (FMS)

- Only **required** service in the SDP that must be vendored.
- The FMS provider pays workers and ensures that all applicable employment laws are followed.
- They help make sure workers are eligible to provide the services that they are hired to do.
  - For example, the FMS verifies any required licenses and training requirements.
- If needed, they help workers with getting a criminal background check (no cost to participant).
- The FMS provider gives participants and the regional center a monthly report about the spending plan so the participant knows how much money they have spent and how much is left.

# Financial Management Service (FMS) (Continued)

- The FMS is paid for out of the spending plan; it is a monthly cost.
- By law, the budget cannot be increased to account for these costs.
- There are different costs for different models of FMS, as well as different FMS agencies.
  - The FMS rates are set by the state as **maximum rates**, and you may be able to negotiate lower rates.
  - The rate you pay for an FMS also depends on how many services you are purchasing.



# Financial Management Service (FMS) (Continued)

- DDS set monthly rate only pays for the Financial Management Service to provide this service
- The rate does not cover wages, employment taxes, workers compensation, health care or other types of insurance if a participant hires their own employees
- These costs will come out of their Individual Budget/Spending Plan

# Independent Facilitator (IF)

- **Voluntary** service unique to SDP that allows a participant to hire a provider to assist them with transitioning into the Service Delivery System, finding providers, etc.
  - An IF **does not** have to be paid; they may volunteer their services (i.e. family member, friend, etc.)
- The law does not allow the budget to be increased in order to account for a paid IF.

# Independent Facilitator (IF) (Continued)

- There are no set rates for IFs; the participant will negotiate a rate.
- A participant may choose to use the Service Coordinator (SC) as IF, at no cost, **with some limitations.**
  - The SC will not scout for new services in the community
    - The SC will not negotiate rates.

# Independent Facilitator (IF) (Continued)

- Certain people **cannot** be paid to be an IF:
  - The parent of a minor child participant
  - The spouse of a married participant
- Anyone who provides other services in the IPP (i.e. a respite provider cannot simultaneously be a paid IF, as they must be truly independent.)

# Services Not Available Under Traditional Services

- Under SDP, a participant may have access to suspended/social recreational services, including:
  - Swimming
  - Art classes
    - Camp
  - Equestrian Therapy
    - Etc...

# Services Not Available Under Traditional Services (Continued)

- SDP is required to be **cost neutral** when compared to the traditional system
- The Regional Center must **certify** that the same amount of funds would have been expended for services for an individual under both traditional and SDP services.
  - Therefore, *additional* funds cannot be allotted to allow for an individual to purchase otherwise suspended services; however, the participant may choose to expend funds *already in their budget* for these purposes

# How To Identify Unmet Needs and Changes in Circumstances

- The Person-Centered Planning (PCP) Process!
  - This is the first step to transitioning to SDP
- If you have selected a PCP, please make sure your Service Coordinator is aware as soon as possible.

# The Budgeting Process

- At any time, a participant may request their **consumer cost statement** from their Service Coordinator
  - This is a legally required statement provided annually by the Regional Center that breaks down how much was expended for each individual during a fiscal year.
    - The most recent available is from fiscal year 2018-2019
    - 2019-2020 is expected to be available by October in order to allow sufficient time for all billing to have been completed.



# The Budgeting Process (Continued)

- A participant may also request a **tentative SDP budget** by contacting any of the following:
  - Naomi Hagel
    - [NaomiH@sclarc.org](mailto:NaomiH@sclarc.org)/[323-998-9519](tel:323-998-9519) (English)
  - Odulia Juarez
    - [OduliaJ@sclarc.org](mailto:OduliaJ@sclarc.org)/[213-765-3882](tel:213-765-3882) (English/Spanish)
    - [SelfDetermination@sclarc.org](mailto:SelfDetermination@sclarc.org) (English/Spanish)

# The Budgeting Process (Continued)

- The **tentative** SDP budget is based on the previous 12 months of expenditures at the time the tentative budget is requested.
  - It is **not** a certified budget.
    - An updated budget will be requested and provided after the Person Centered Plan is completed.
  - SCLARC **does not** guarantee that the amount on the tentative budget will be the same as that on the budget that is provided to the participant after the completion of the Person-Centered Planning process.
  - SCLARC is typically able to provide the tentative budget to a participant within approximately 2 weeks of request.

# The Budgeting Process (Continued)

- Upon receipt of a completed Person-Centered Plan, SCLARC will confirm with the participant their satisfaction with the plan.
- Once the participant confirms their satisfaction, a Purchase of Service (POS) is initiated in order to pay the provider.
  - A budget will be requested from the fiscal department once satisfaction with the plan is confirmed.
    - This is typically received within 10 business days
  - SCLARC will review the budget and Person Centered Plan prior to meeting with the participant in order to adjust for any unmet needs or changes in circumstances already identified
- A meeting (currently via Zoom) will be held upon receipt of the budget with the participant, their Circle of Support, and SCLARC staff upon receipt of the budget.
- It is highly recommended that the FMS provider be identified prior to this point and that they participate in all parts of the budgeting process.

# The Budgeting Process (Continued)

- At the Zoom meeting, the budget will be reviewed in detail with the participant and their Circle of Support, and all questions will be answered.
  - Spanish translation is available as needed.
- The budget is not certified until the participant agrees to it and signs off on it.
- The budget meeting is a **discussion**, which includes talking about the unmet needs and changes in circumstances indicated on the Person-Centered Plan, services requested, things SCLARC may have missed, etc.
- Once the meeting is over, if the participant is in agreement with the budget, they sign it and it is then a **certified budget**.

# Adding Funds for Unmet Needs/Changes in Circumstances

- If SCLARC determines that it is necessary to add funds for an unmet need or change in circumstance that is identified via the Person-Centered Planning Process, then the **average cost** of these services will be added to the budget *unless* the regional center determines the participant has unique needs that result in a higher or lower cost. Unique needs may include, but are not limited to, language preference, support for behavioral/medical needs and location of available services.
  - Example: If a participant did not receive respite under their previous, traditional services, IPP, but it is an unmet need, then SCLARC would determine the average cost per hour for these services and multiply that by the number of hours the individual would be entitled to in the traditional service system in order to determine the amount of funds that will be added to the budget.

# Disagreements

- Participants in SDP retain the same rights as those in traditional services.
- If a participant disagrees with a decision made by SCLARC (i.e. the amount of the budget, a service to be provided, etc.) then a **Notice of Action (NOA)** will be issued and the individual will have the right to appeal to a judge (Fair Hearing.)

# Services Not Included in/Removed From the SDP Budget

- This is very individualized and will be discussed with each participant at their budget meeting. Some examples, however, are below; this is not an exhaustive list, and there may be others depending on the situation:
  - Initial Person-Centered Planning Costs (up to \$2500 per plan); considered a one-time cost by the Department of Developmental Services (DDS)
    - Paid Internship Program (paid outside of budget; individual is still entitled to the service if they meet the criteria)
  - SSI/SSP (paid outside of budget; individual is still entitled to the service if they meet the criteria)
  - Competitive Employment Incentives (paid outside of budget; individual is still entitled to the service if they meet the criteria)
  - Services provided by SCLARC consultants (i.e. review of a case to determine eligibility or Medicaid Waiver recertification); provided outside of the budget.
  - One-Time Costs (i.e. van conversion) that is not expected to repeat (can be discussed, if appropriate.)
    - Time-limited services that are no longer needed.

# Spending Plan

- Once the budget has been certified, the participant, FMS, and IF (if applicable) can work on a spending plan.
  - All services under SDP will fall into one of three categories – Living Arrangements, Health and Safety, or Employment & Community Participation (with many subcategories/subcodes.) (See email after meeting with a list of categories and approved services under the SDP waiver.)
  - Once completed, the spending plan will be forwarded to SCLARC. Another meeting may be scheduled via Zoom to discuss any questions or concerns from the Regional Center.



# Spending Plan (Continued)

- According to the Lanterman Act, SCLARC must exhaust all available generic resources before funding services in Self-Determination
  - This is the *same* requirement as in the traditional Regional Center system
- SCLARC will **not** certify a spending plan which includes services that can be provided by a generic resource, including but not limited to:
  - The School District for individuals between the ages of 3 and 22.
    - Insurance or Medi-Cal
    - In-Home Supportive Services (IHSS)
    - Department of Rehabilitation (DOR)
      - Social Security Income (SSI)
        - Behavioral Health
      - Department of Social Services
- If you have difficulty accessing a generic resource (under traditional or SDP!), please notify your Service Coordinator so they may assist you.
- If you have requested services from a generic resource and been denied, please make sure to provide a copy of the denial letter to your Service Coordinator in order for SCLARC funding to be considered.

# Spending Plan (Continued)

- All services purchased under SDP must be **federally reimbursable**.
  - SCLARC is not able to fund for rent, food, etc.
- SCLARC is not able to fund for **experimental treatments** under traditional or SDP services.
  - All services purchased under SDP must be provided in **integrated settings** where individuals have the ability to interact with those who both have disabilities and those who do not.
    - Home and Community Based Services (HCBS) “Final Rule.”
  - SCLARC will assist with determining if a setting is compliant with these rules.

# Spending Plan (Continued)

- The Spending Plan must include the total cost for each service, the provider information, taxes, insurances, etc.
  - The cost of the FMS must be included on the spending plan.
- If a participant would like to continue using vendored providers, they may be able to do so – SCLARC can provide the rate that SCLARC pays to the provider.
  - The provider is *not* required to inform the participant, IF, etc., of hourly wages they pay, etc.
  - The participant may attempt to negotiate a lower rate with the provider, but the provider is *not* required to accept it.

# Clinical Services

- If a **clinical service** is requested via the Person-Centered Plan or Spending Plan, this will require review from SCLARC's clinical department in order to determine if the service is necessary and appropriate for the individual.
- This may require the participant to provide certain information to SCLARC for review, i.e. Individualized Education Plan (IEP), etc.
- Examples of clinical services include, but are not limited to:
  - Speech Therapy (ST)
  - Occupational Therapy (OT)
  - Physical Therapy (PT)
  - Applied Behavior Analysis (ABA)
    - Social Skills Training (SST)
    - Adaptive Skills Training (AST)
  - Educational Advocacy Services

# Clinical Services (Continued)

- If clinical services are approved, the Lanterman Act requires that they be reviewed every six months for continued need and appropriateness.
  - It is the responsibility of the participant, FMS, and/or IF to obtain and provide progress reports to SCLARC in a timely manner for these services.
  - An assessment may be required for certain services to determine if the service is appropriate before ongoing funding is approved.
  - This may be completed before an individual is transitioned into SDP in order to ensure the budget is sufficient and appropriate.

# The Lanterman Act Still Applies

- Services cannot be funded under SDP unless there is a **need** for them (i.e. if an individual no longer requires behavioral supports as determined by SCLARC's clinical team, they will not be funded under traditional or SDP services.)
- **Typical parental responsibility** for a minor child will be considered.
  - Services must be related to an individual's **qualifying disability**.
- If an individual requires a certain level of care (i.e. LVN level of care for respite), this will remain in effect under SDP.
  - While SCLARC is not **held** to policies as much under SDP as traditional services, SCLARC is **allowed** to use policies to help guide the funding of SDP services.

# The Spending Plan (Continued)

- Once SCLARC and the participant agree on a spending plan and HCBS compliance for all settings has been confirmed, it will be signed by all parties.
  - A new IPP will be held.
- SDP services will begin on the **1<sup>st</sup> of the following month** (i.e. if a spending plan is agreed upon on 9/25/2020, and an IPP is held 9/28/2020, traditional services will be terminated 9/30/2020, and the individual will transition to SDP 10/1/2020 in order to ensure there is no break in services.)
  - This is contingent on all requirements (i.e. background checks) being completed to allow the FMS to hire providers as necessary.

# Changes

- Barring an unmet need or change in circumstances, the amount in the budget is expected to last a participant for **12 months**
  - Try to stretch the money in the budget by utilizing generic resources and unpaid, natural supports!
  - Make sure to include all the services you usually request during the year – does the participant need additional support during the summer? Does a parent want to attend a training? Etc.
- If a participant wants to move **less than 10% of the budget** between categories annually (i.e. from Employment & Community Participation to Health and Safety), they may do so **without Regional Center approval**
- If a participant wants to move **more than 10%** between categories, the Regional Center and IPP team must agree prior to transfer.



# Changes (Continued)

- SCLARC asks you to **have trust**. This is not the only chance you will have to review your needs and your budget.
- Just like in traditional services (addendum), if there is a change in life, the team will come back together with the participant to support their needs.

# Next Steps

- If selected for the program already, complete a **Person-Centered Plan**.
  - Resources are available from SCLARC upon request.
- If *not* selected for the program already, it will be open to all on **June 7<sup>th</sup>, 2021**
- It is not known if or when DDS will make more selections prior to that date.
  - If you have not already had your name added to the DDS interest list, please make sure to attend an informational session.

# Next Steps (Continued)

- For those already selected, while completing the PCP Process, the following should also be completed:
  - Select an Independent Facilitator (IF) if desired (resources available upon request).
    - Select a Financial Management Service (FMS) provider via <https://www.dds.ca.gov/initiatives/sdp/financial-management-service-contact-list/>
- SCLARC encourages all interested parties, regardless of selection status, to continue to attend monthly Self-Determination Program Local Advisory Committee (SDPLAC) Meetings (held on the second Wednesday of every month from 6:00pm-7:30pm, currently via Zoom), as well as additional trainings and meetings offered.
  - If an individual is interested in being added to the SCLARC SDP Email List, please reach out to [SelfDetermination@sclarc.org](mailto:SelfDetermination@sclarc.org)
  - For those not yet selected, this will allow participants to be ready to get started on June 7<sup>th</sup>, 2021
  - SCLARC welcomes community feedback and interaction at the SDPLAC meetings, and needs the input in order to address concerns facing the community, solve problems, and move forward together.

# Resources

- DDS Website: [www.dds.ca.gov/sdp](http://www.dds.ca.gov/sdp)
- DDS Email: [sdp@dds.ca.gov](mailto:sdp@dds.ca.gov)
- Center for Self-Determination: [self-determination.com](http://self-determination.com)
- It's My Choice: [mn.gov/mnddc/extra/publications/Its-My-Choice.pdf](http://mn.gov/mnddc/extra/publications/Its-My-Choice.pdf)
- State Council for Developmental Disabilities Facebook Page for Self-Determination:  
<https://www.facebook.com/groups/CA.SDP.Forum>



[SelfDetermination@sclarc.org](mailto:SelfDetermination@sclarc.org)

SCLARC's Case Management Help Line: 1-833-725-2721

[cmhelp@sclarc.org](mailto:cmhelp@sclarc.org)

Both are Available in English and Spanish

Naomi Hagel: [NaomiH@sclarc.org/323-998-9519](mailto:NaomiH@sclarc.org/323-998-9519) (English)

Odulia Juarez: [OduliaJ@sclarc.org/213-765-3882](mailto:OduliaJ@sclarc.org/213-765-3882) (English/Spanish)