

# Requesting and Obtaining Services from the Regional Center: The Benefits of Self- Determination

Presented by South Central Los Angeles Regional Center  
&  
Frank D. Lanterman Regional Center

# Case Management

Traditional Services	Self-Determination
Service Coordinator	Service Coordinator who may serve as Independent Facilitator
Person-Centered Individual Program Plan (IPP)	Independent Facilitator (optional) and Person-Centered Planner assist with developing a Person-Centered Individual Program Plan (IPP)
Vendored Services at Set Rates	Vendored and Non-Vendored Services; More flexibility in Service Delivery, but all Services must Promote Community Integration
	Individual Budget, Spending Plan, and Financial Management Service (FMS); the ability to negotiate rates.
Available Now and Will Remain Available	Soft Roll-Out until June 7 <sup>th</sup> , 2021

*There is lots of support in both Service Delivery Systems!*

# Person-Centered Thinking and Service Requests

- \* Under the Lanterman Act, all services (both traditional and Self-Determination) are **individualized** through a **Person-Centered Planning Process**.
  - \* *You may not be eligible for the same services your neighbor is.*
- \* Person-Centered Planning is a cornerstone of Self-Determination and outside Person Centered Plans are available for those who have been selected for the soft roll-out
- \* The best way to address disparity issues is to work together and ensure that everyone's individualized needs are met, regardless of the amount of money that it costs to do so.

# When Can Services Be Requested?

Traditional Services	Self-Determination
Services may be requested at any time	The certified budget is expected to last for a full year, encompassing all services needed during that year, barring unmet needs or changes in circumstances.

- \* An Individual Program Plan (IPP) meeting **may** be requested, but it is not strictly required
- \* If an IPP meeting is requested by an individual or their circle of support, the Regional Center must hold it within **30 days** at a date and time agreeable to all parties.

## When Can Services Be Requested? (Continued)

- \* If services are requested and granted, changed, etc., *outside* of the IPP meeting (i.e. at an annual contact or quarterly meeting, or via phone call, etc.), then an **IPP addendum** is generated. The individual or their legal representative must sign this document and return it to the Regional Center.
  - \* Technically, this document must be signed *prior* to services beginning.

# How Can I Request a Service?

Traditional Services	Self-Determination
Contact your Service Coordinator via phone or email	The Person-Centered Planning and budget/spending plan processes are an opportunity to explore unmet needs, identify and choose necessary services, etc.

# When Will I Receive an Answer about Requested Services?

- \* If there is **agreement** at an IPP or other meeting on the services, you may be informed immediately.
  - \* The Regional Center is not required to come to an agreement on services at the IPP meeting.
    - \* A Service Coordinator is a “decision maker;” therefore, there is always a “decision maker” present at IPP meetings, as required by the Lanterman Act.

# When Will I Receive an Answer about Requested Services? (Continued)

- \* If agreement is not reached on services at the IPP meeting itself, the law states that another **meeting** must be held within 15 days
  - \* The individual/legal representative may **waive** their right to a meeting and choose to be informed via phone, email, IPP addendum, etc.
- \* In general, the Regional Center tries to respond to service requests with **15 days.**
  - \* This may be one of the following:
    - \* Approval of service
    - \* Denial of service
  - \* A request for more information/time to assess the case.



# Disagreements

- \* If a service is denied, terminated, or decreased without the agreement of the individual/legal representative, the Regional Center will send out a formal **Notice of Action (NOA)**
  - \* The NOA will include the reason for the denial/change in service, and the individual's appeal rights
  - \* If the individual is receiving a service that the Regional Center is proposing to change or terminate, and the individual/legal representative wants the service to continue while the Fair Hearing process continues, an appeal must be filed within 10 days.
  - \* Otherwise, the individual/legal representative has 30 days to appeal the decision.

# Lanterman Act Considerations

- \* All services (traditional and Self-Determination) are held to the Lanterman Act, which states the following in Welfare & Institutions Code 4646 (a)
  - \* There must be a **need** for a service
  - \* **Generic Resources** must be utilized first
- \* The Regional Center must follow **purchase of service policies** approved by the Department of Developmental Services (DDS)

# Need for Services

- \* The Regional Center must determine there is a **need** for a service, related to the individual's disability, before it is provided.
- \* This means that the Regional Center may request information from you, including but not limited to:
  - \* A copy of an Individualized Education Plan (IEP) (particularly for educational advocacy referrals, Social Skills Training (SST), and Adaptive Skills Training (AST))
  - \* Information regarding In-Home Supportive Services (IHSS) hours (particularly protective supervision, and specifically if additional hours of respite and/or Personal Assistance are being requested)
  - \* Information regarding extenuating circumstances (i.e. if a request for additional respite is made due to caregiver medical conditions, Regional Center may need information regarding the caregiver's limitations)
    - \* Information about what the services are going to be used for.
  - \* Information about what the specific concerns are that a service may address.

# Need for Services (Continued)

- \* When determining a need for services in both service delivery systems, Regional Center must take **typical parental responsibility** of a minor into account.
- \* The Regional Center's Clinical Department reviews certain service requests, including but not limited to:
  - \* Behavioral Services
  - \* Educational Advocacy Services
    - \* AST/SST services
    - \* Co-Payment Requests
    - \* Crisis Response Services

# Need for Services (Continued)

- \* In order to review the need for services and obtain necessary information, the Regional Center may request that you provide information, or that you provide a Release of Information (ROI) to allow the Regional Center to request the necessary information.
- \* You are not required to provide this information; however, if you do not, this may lead to a denial of the service.
  - \* If you would like to include *more* information to assist with the review (i.e. a letter explaining your concerns if you do not feel the IEP is sufficient, etc.), you are welcome to provide that!

# If Need is Not Determined

- \* If need is *not* determined, a service will not be provided and a Notice of Action (NOA) will be sent out.
- \* The individual/legal representative will then have the right to appeal to a judge.
  - \* Reasons for Service Denial Include:
    - \* Not clinically indicated
    - \* Generic resource available
    - \* Need not demonstrated
    - \* Typical parental responsibility
    - \* (Traditional services) Provider is not vended
    - \* Suspended service (traditional service system)
  - \* Service not provided by Regional Centers/does not address the individual's **disability**

# Service Providers

Traditional Services	Self-Determination
<ul style="list-style-type: none"><li>• Pursuant to Welfare &amp; Institutions Code 4648(a)(3)(B), under the traditional service delivery system, services must be purchased via a provider with a contract with a Regional Center, who is typically within that Regional Center's catchment area</li><li>• The Regional Center is also required to use the "least costly vendor."</li><li>• Courtesy vendorization <i>may</i> be an option (if it's a service provided by the Regional Center)</li></ul>	<ul style="list-style-type: none"><li>• Self-Determination Participants may <b>choose</b> to use vendored services, but are not <i>required to do so</i> (with the exception of the Financial Management Service (FMS))</li><li>• If using a vendored provider (from any Regional Center), that provider must immediately abide by the Home and Community Based Services (HCBS) final rule, ensuring community integration and choice in service delivery.</li><li>• Self-Determination Participants do not have to use the least costly vendor, but will not have their budgets increased for more costly services.</li></ul>

# Suspended Services

Suspended Services	Traditional Service Delivery System	Self-Determination
<p>Due to 2009 budget crisis, the following services were suspended and cannot be purchased under the traditional service delivery system (Welfare &amp; Institutions Code 4658.5(a)):</p> <ol style="list-style-type: none"><li>(1) Camping services and associated travel expenses.</li><li>(2) Social recreation activities, except for those activities vendored as community-based day programs.</li><li>(3) Educational services for children three to 17, inclusive, years of age.</li><li>(4) Nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music. <i>This also includes swimming.</i></li></ol>	<ul style="list-style-type: none"><li>• Only available if they are a <b>primary or critical means of ameliorating the individual's developmental disability</b> or if <b>the service is necessary to enable the individual to remain in his or her home</b> <i>and no alternative service is available to meet the individual's needs.</i><ul style="list-style-type: none"><li>• <i>To help the Regional Center to determine if you meet the exception, please provide information, i.e. doctor's notes stating medical necessity, etc.</i></li></ul></li><li>• You <b>always</b> have the right to appeal!</li></ul>	<ul style="list-style-type: none"><li>• Participants may choose to <b>use their budget</b> to purchase some suspended services (i.e. tutoring for educational purposes for a child would still need to be covered by a generic resource), <b>but</b> the budget <b>will not</b> be increased to account for these services; they will have to move money from other areas to cover these services.</li><li>• <i>Self-Determination must be certified by the Regional Center as having been cost-neutral when compared to the traditional service delivery system.</i></li></ul>



# Experimental Treatments

- \* Pursuant to the Lanterman Act, the Regional Center is not permitted to purchase experimental treatments under traditional services nor Self-Determination.
  - \* All services must be evidence-based

# Clinical Services

- \* In both the traditional and Self-Determination service delivery systems, certain services (i.e. ABA) require **clinician review** prior to initiating the services and every six months, in order to determine continued need/progress.
- \* In Self-Determination, it will be the responsibility of the participant, family, Independent Facilitator, and/or Financial Management Service (FMS) to obtain and provide progress reports to the Regional Center for consideration of continued services each six months.

# Generic Resources

Why?	Examples	What Can Generic Resources Be Used For?
<ul style="list-style-type: none"> <li>The Regional Center is considered to be <b>payer of last resort</b>, according to Welfare &amp; Instructions Code 4646(a), 4659(a), 4659(c), and 4648(a)(8).</li> <li>This means all other sources of funding must be exhausted before Regional Center can consider funding a service.</li> </ul>	<ul style="list-style-type: none"> <li>School districts (for individuals between the age of 3 and 22.)</li> <li>In-Home Supportive Services (IHSS)</li> <li>Department of Rehabilitation (DOR)</li> <li>Medi-Cal/private insurance</li> <li>Department of Public Social Services (DPSS)               <ul style="list-style-type: none"> <li>CalFresh</li> </ul> </li> <li>Social Security Income (SSI)</li> <li>Behavioral Health Services</li> </ul>	<ul style="list-style-type: none"> <li>Educational services, i.e. tutoring – Speech Therapy (ST)</li> <li>Communication devices (i.e. iPad)               <ul style="list-style-type: none"> <li>Occupational Therapy (OT)</li> <li>Physical Therapy (PT)</li> </ul> </li> <li>Personal Care Services/supervision</li> <li>Applied Behavior Analysis (ABA)               <ul style="list-style-type: none"> <li>Mental health services</li> </ul> </li> <li>Job coaching and placement services</li> <li>Social skills training (SST)/Adaptive Skills Training (AST)               <ul style="list-style-type: none"> <li>Incontinence supplies</li> </ul> </li> <li>Nursing Services and Medical Equipment               <ul style="list-style-type: none"> <li>Transportation to medical appointments and other locations                   <ul style="list-style-type: none"> <li>Driver’s Training</li> <li>Adult Day Services</li> <li><i>And more!</i></li> </ul> </li> </ul> </li> </ul>

# How Can I Access Generic Resources?

- \* If you are having difficulty accessing a generic resource, please let your Service Coordinator know!

# Institutional Deeming MediCal

- \* If an individual under the age of 18 does not qualify for MediCal due to their family's income, they *may* qualify for “institutional deeming MediCal” based on their Regional Center eligible diagnosis, deficits, and POS services.
- \* This may assist individuals with accessing services (i.e. IHSS) that they might not otherwise be eligible for.
  - \* This is not available to individuals who qualify for MediCal based on family income.
- \* If you are interested, please contact your Service Coordinator.

# Challenges with Generic Resources

- \* Waiting lists
- \* Distance/travel time
  - \* Timing/Scheduling
- \* Services do not meet needs

# Exceptions to Generic Resources

- \* If a generic resource does not meet your needs/is not available to you, please explain why to your Service Coordinator so that they may advocate for an exception on your behalf
  - \* This does not include if the service is available but you choose not to use it (Welfare & Institutions code 4659(C))

# Gap Funding

- \* In certain circumstances, while the individual is seeking services through the generic resource, the Regional Center **may** fund *temporarily*.
- \* The individual will need to show that they continue to seek out the generic resource (i.e. show proof of waiting list status, etc.)
- \* Contact your Service Coordinator for more information.
  - \* Services that **may** be gap funded include Applied Behavior Analysis (ABA) and Social Skills Training (SST).



# Denials from Generic Resources

- \* If a service is denied by a generic resource, please provide a copy of the **denial letter** to your Service Coordinator for consideration of Regional Center funding.
  - \* If you have difficulty obtaining a denial letter, your Regional Center may be able to assist.
- \* The generic resource denying the service does not **necessarily** mean that Regional Center will fund the service.
  - \* The service still must be necessary (including clinically)
- \* If an individual has made *too much* progress, they may no longer need the service.
  - \* If an individual has not made *enough* progress, they may not benefit from it.

# Policies

What?	Traditional Services	Self-Determination
<ul style="list-style-type: none"><li>• Purchase of Service policies are approved by the Regional Center's Board of Directors and the Department of Developmental Services (DDS)</li><li>• All policies are brought up for public comment at Board of Director's Meetings prior to being approved.</li></ul>	<ul style="list-style-type: none"><li>• The Regional Center is required to adhere to policies <u>unless an exception is warranted</u>.</li><li>• In order to determine whether an exception is warranted, the Regional Center will need <i>information</i> to determine why the policy cannot be followed and still meet the needs of the individual.</li></ul>	<ul style="list-style-type: none"><li>• In Self-Determination, while the Regional Center is not held to the policies as in traditional services, the Regional Center is still allowed to use policies to guide purchases of service.</li></ul>

# When Considering Services...

- \* Keep in mind that services are individualized based on need and circumstance, you may not be eligible for all services discussed.
- \* After this meeting, a list of services in the traditional and Self-Determination Program will be emailed out.
- \* If you have a specific question or are interested in a service, please contact your Service Coordinator, who can discuss requirements and eligibility as it pertains to your specific case.

# Self-Determination Services

- \* Must be provided in integrated settings (Home and Community Based Services' Final Rule compliant)
  - \* Must be federally reimbursable
- \* Must be included in the list from the Department of Developmental Services (DDS)
- \* Still must be related to an individual's disability and not fall under "typical parental responsibility."

# Common Requests for Regional Center Funding

Service	Traditional: Age 3-22	Traditional: Over Age 22	Self- Determination: Age 3-22	Self- Determination: Over Age 22
Speech Therapy	Not Usually	Not Usually	No	Not Usually
Occupational Therapy	Not Usually	Not Usually	No	Not Usually
Physical Therapy	Not Usually	Not Usually	No	Not Usually
Dental Services	Not Usually	Not Usually	No	Not Usually
Applied Behavior Analysis (ABA)	Sometimes	Sometimes	Sometimes	Sometimes

# Common Requests for Regional Center Funding (Continued)

Service	Traditional: Age 3-22	Traditional: Over Age 22	Self-Determination: Age 3-22	Self-Determination: Over Age 22
Respite	Yes (may require LVN)	Yes (may require LVN)	Yes (may require LVN)	Yes (may require LVN)
Out of Home Respite	Limited Availability in Community Care Facilities (up to 21 days per fiscal year)	Available in Community Care Facilities (up to 21 days per fiscal year)	Yes (including camp)	Yes (including camp)
Social Skills Training (SST)	Sometimes	No	Sometimes	No
Adaptive Skills Training (AST)	Sometimes	No	Sometimes	No
Independent Living Services	No	Sometimes	No	Sometimes

# Common Requests for Regional Center Funding (Continued)

Service	Traditional: School Age	Traditional: Over Age 18/22	Self- Determination: School Age	Self- Determination: Over Age 18/22
Supported Living Services (SLS)	No	Sometimes	No	Sometimes
Day or Employment Services	No	Yes	No	Yes
Transportation	No	Sometimes	Can Use Budget	Sometimes
Residential Services	Limited (with share of cost to parent)	Yes	Limited (with share of cost to parent)	Yes
Rent	No	Extremely Limited Exceptions	No	No

# When Might Self-Determination Not Be The Right Choice for Me?

- \* If you reside in certain types of residential facilities (Intermediate Care Facilities (ICFs), Skilled Nursing Facilities (SNFs), Developmental Centers, etc...)
- \* If you receive certain types of services that are not federally reimbursable.
- \* If you want to continue to receive a service that is not compliant with the HCBS final rule.
- \* If you are not willing to change staff members working with you at the Regional Center.
- \* If you do not have the time to manage the program.



# Services that are not Federally Reimbursable

- \* Due to being a waiver through the federal government's Center for Medicare and Medicaid Services, all Self-Determination Services must be on the federal government's list of approved services *and* must be federally reimbursable.
- \* *Certain services, such as rent, are not federally reimbursable and therefore cannot be purchased under Self-Determination.*
  - \* If you are currently receiving a service that is not federally reimbursable and wish to continue, you will not be able to participate in the Self-Determination program.

# Services that are not HCBS Compliant

- \* Certain services (i.e. Work Activity Programs) will not be HCBS compliant.
  - \* *These services will be faded out or changed by 2023 regardless; however, if you wish to continue receiving them until that time, you cannot participate in the Self-Determination Program.*

# Time

- \* The initial transition into Self-Determination can take time and effort on the part of the individual and family.
  - \* *We have been told that the first year is the most labor-intensive and that it becomes easier after that.*
  - \* If you do not have time to devote to understanding the program, requirements, attending meetings/trainings, etc., Self-Determination may not be the best fit for you.
- \* *However! There is a **lot of support** available to make you successful in Self-Determination; please don't think that because you might not know everything, that you shouldn't try! The Regional Center, an independent facilitator, a person-centered planner, and your FMS are all available to help you throughout the process!*



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