

## **ALTA CALIFORNIA REGIONAL CENTER SERVICES AND SUPPORTS GUIDELINES**

It is the intent of the Lanterman legislation [Welfare & Institutions, 4500, et seq.] that regional centers assist persons with developmental disabilities and their families in securing those services and supports that maximize opportunities and choices in living, working, learning, and recreating in the community.

It is the intent of the Legislature to ensure that the Individual Program Plan (IPP/IFSP) and provision of services and supports by the regional center system be centered on the individual with developmental disabilities and his or her family, and take into account the needs and preferences of the individual and the family, where appropriate, as well as promote community integration and independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the IPP/IFSP, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources [W&I 4646(a)]. Alta California Regional Center (ACRC) will work together with the consumer, family, and others to develop and implement a person-centered plan.

The ACRC Board of Directors has adopted these policies and services and supports guidelines. ACRC management and service coordinators will follow these policies and services and supports guidelines in authorizing service requests from consumers, families, and advocates. These policies and services and supports guidelines have been established in accordance with the Lanterman Act which requires that the Regional Center consider the consumer's individual needs when reviewing each service request, while at the same time administering its contract within the level of funding available within the annual budget act. Exceptions to all services and supports guidelines contained in this manual will be made on a case-by-case basis [W&I 4624, 4791, 4651, 4648].

### **I. BASIC POLICIES**

- A. The right of individuals with developmental disabilities to make choices in their own lives requires that regional centers shall respect the choices of consumers or, where appropriate, their parents, legal guardians or conservators, and provide relevant information in an understandable form to aid consumers in making their choices [W&I 4502.1].
- B. ACRC funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the general public and is receiving public funding [W&I 4648(a)(8)].
- C. Common items and services that are a part of everyday living for all people are not typically purchased by ACRC [W&I 4791(e)(3)(A)].

- D. W&I Code 4682 requires that the cost of services of consumers living out-of-home may not exceed the average cost of placement and services in a State Developmental Center.
- E. Alta California Regional Center recognizes that the cost of providing necessary services and supports which enable a child with developmental disabilities to live at home is typically equal to or lower than the cost of providing community based out-of-home placement. The Regional Center will place the highest priority on services and supports which will provide opportunities for children to live with their families when living at home is the preferred objective in the child's Individual Program Plan. This assistance may include advocacy to assist persons in securing services and benefits to which they are entitled [W&I 4648(a)(1) & 4685].
- F. All purchases must fit within at least one of the following criteria:
1. to enable the consumer to approximate the patterns of everyday life of non-disabled persons (of the same age) and to lead a more independent life in the community [W&I 4501, 4646(a)];
  2. to maintain children in the family home [W&I 4685];
  3. to prevent or minimize the incidence of developmental disability;
  4. to prevent State Developmental Center placement or the consumer's move to a more restrictive environment;
  5. the planning team shall first consider services and supports in the natural community, home, work, and recreational settings [W&I 4648(a)(2)].
- G. Specific services may be continued when the planning team is satisfied that planned services and supports have been provided and reasonable progress has been made toward objectives for which the service provider is responsible [W&I 4648(a)].
- H. One of the roles of the ACRC service coordinator on the team is to represent the policies of ACRC. The service coordinator is ACRC's qualified professional for the purpose of assessing needs and has the full authority to represent ACRC's policies and procedures at the planning team meeting [W&I 4646(a) through (g) & W&I 4646.5(a)(1)].

Any disagreement about service (which cannot be resolved by the planning team) must result in a Notice of Action being sent to the consumer and/or his or her legal representative within five working days of the decision to deny that service or support [W&I 47109b)].

- I. ACRC shall not pay any share of cost assessed by Medi-Cal, California Children Services (CCS), or local mental health agencies for services to Regional Center consumers (Department of Developmental Services contract).
- J. The Regional Center, as a part of the planning team process, will make provisions for interpreters to be present at any meeting of the planning team where that service is required and cannot be provided from the natural community or other generic resource.

## **II. USE OF ALTERNATIVE RESOURCES**

The Regional Center shall identify and pursue all possible sources of funding for consumers receiving Regional Center services. ACRC will not pay for a service when another source may be required to pay upon application and request. This comprises both public and private sources, including, where appropriate, personal funds and family resources. Private resources, including trusts, court order settlements and payments, may be pursued, but only to the extent that they are liable for the costs of services, aid, insurance, or medical assistance to the consumer. Parental resources are pursued to the extent provided by Section 4782 of the Welfare and Institutions Code as it relates to parental fees to offset the cost of care for a minor child placed outside of the family home. For a child with disabilities, parents also have a responsibility for assuming that portion of the cost of day care that would normally be incurred for a child without a disability. Parents have no additional responsibility other than the responsibility for providing similar services to a child without disabilities. The receipt of services by a consumer does not impose any liability on the parents of developmentally disabled persons [W&I 4648(a), 4659(a)(1)(2), 4782, 4791(e)(3)(A) & 7513].

Alta California Regional Center will be payer of last resort after all other public and private sources for payment have been reviewed to determine if a referral shall be made by the service coordinator and/or the parent. Resources may include, but not be limited to, California Children Services, Medi-Cal, or private insurance providers that may have responsibility for payment. This review shall not delay the provision of early intervention services specified in the IFSP. Early Intervention services specified on the IFSP shall begin as soon as possible [17 CCR 52109(b)].

When third party payment is denied and appeal rights exhausted, the service coordinator shall document the basis for denial in the consumer's record and attach a copy of the denial to any related purchase of service request.

When the IFSP or IPP requires that an assistive device be provided to the consumer, that equipment must be clean, serviceable, and safe. It need not be new equipment. Any assistive device or equipment provided to the consumer within the mandates of the Lanterman Act remains the property of the State of California, is meant to be used only by the consumer, and must be returned to the Regional Center when no longer serviceable or

appropriate for use by the consumer, per the Standard Agreement/ Contract, State Department of Developmental Services, and Alta California Regional Center.

### **III. PROVIDER SELECTION**

Services and supports shall be purchased only from providers who adhere to the quality of care standards as set forth by ACRC, the Department of Developmental Services, and California regulations related to the service. No service or support provided by any agency or individual shall be continued unless the planning team that planned service and supports have been provided and reasonable progress towards objectives have been made.

The planning team shall, pursuant to the Individual Program Plan, consider all of the following when selecting a provider of consumer services and supports: [W&I 4648(a)(6)]

- A. a provider's ability to deliver quality services or supports which can accomplish all or part of the consumer's Individual Program Plan.
- B. a provider's success in achieving the objectives set forth in the Individual Program Plan.
- C. where appropriate, the existence of licensing, accreditation, or professional certification.
- D. the cost of providing services or supports of comparable quality by different providers, if available.
- E. the consumer's, or where appropriate, the parents', legal guardian's or conservator's choice of providers;
- F. the ability of the provider to empower consumers and their families, when appropriate, to make choices in their own lives, including where and how they live; their relationships with people in the community; the way they spend their time, including education, employment and leisure; the pursuit of their personal future; and program planning and implementation. Cultural preferences and the values of consumers and their families shall also be considered when purchasing services and supports.

### **IV. IPP DEVELOPMENT FOR PURCHASE OF SERVICE**

- A. The IPP/IFSP is a written plan that is developed by the planning team. The planning team is the individual with developmental disabilities, the parents or legally appointed guardian of a minor consumer or the legally appointed conservator of an adult consumer, one or more Regional Center representatives, including the designated Regional Center service coordinator and any individual including a service provider, invited by the consumer, the parents or legally appointed guardian

of a minor consumer, or the legally appointed conservator of an adult consumer [W&I 4512(j)].

Each initial IFSP meeting and each annual IFSP meeting shall include the following participants: 1) the parent of the infant or toddler, 2) the service coordinator who has been designated by the Regional Center or LEA to be responsible for implementation of the IFSP, and 3) the person(s) who conducted the evaluations or assessments [17 CCR 52104(a)].

If either the evaluators or assessors are unable to attend an initial, or annual IFSP meeting, arrangements shall be made for the person's involvement through other means, including:

- (1) Participating in a telephone conference call;
- (2) Having a knowledgeable representative attend an IFSP meeting; and
- (3) Making pertinent records available at the IFSP meeting [Title 17 CCR Sec. 52104(e)].

It is the policy of Alta California Regional Center that unconserved adults be given the opportunity to invite family or others to their IPP/IFSP meeting.

- B. The IFSP or IPP is developed by consensus of the consumer or the consumer's legal representative and the ACRC representative. If agreement on services cannot be reached at the initial planning team meeting, provisions for any delay in reaching consensus must comply with Section W&I 4646(f). Disagreement about any particular item in the IPP/IFSP does not prohibit those items on which agreement has been reached from being put into place [W&I 4646(f) & (g)].
- C. The decision to purchase a service must be made by the planning team. The team is charged with the responsibility of making decisions for a consumer based on that person's unique developmental deficits and treatment needs. A decision to [initiate or] retain a particular service or treatment is the province of the planning team and no other person or body. Such decision-making process is the province of the entire team and not a mere portion of the team. No individual team member's preference may take the place of the planning team or the team's duty to deliberate over what is or is not an appropriate program or service, nor its duty to decide whether other programs can serve the consumer's needs or whether that program is the most cost-effective method of service delivery.
- D. All purchased services for consumers in active and Early Start status must be related to an objective in the IFSP or IPP, and the types and amounts of service must be specified in the plans. Purchases shall be written to expire at the end of the month of the consumer's third birthday or sooner for Early Start infants [W&I 4646.5(a)(4)].
- E. All purchased services must be time limited [W&I 4646.5, 4648(7)].

- F. All documentation required by this policy must be completed in full and attached to the purchase of service (POS) request when submitting to the unit supervisor for review.
- G. A request for emergency authorization shall meet the conditions and requirements for such authorizations.

**V. RE-AUTHORIZATIONS**

Re-authorizations are treated the same as original authorizations.

**VI. PRIOR AUTHORIZATION**

All services purchased for consumers must be authorized in writing prior to purchase. No payment will be made for any services that were not requested and approved [by a service coordinator] prior to the service being given. The only exceptions to this policy are described under "Emergency Authorizations."

**VII. EMERGENCY AUTHORIZATION**

An emergency is a situation when, without intervention by the Regional Center, the consumer would be in immediate risk to his or her health, safety, or life. Emergency authorizations and exceptions shall be approved by a Director of Consumer Services, Executive Director, Director of Clinical Services, or Director of Administrative Services. Every effort will be made to provide emergency authorizations in writing to the vendor by fax if necessary.

A consumer's needs may dictate exceeding volume or duration, or purchase of a service not provided for within the Services and Supports Guidelines.

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