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#2: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs – July 28, 2009

Behavioral Intervention Services for Regional Center and Early Start Consumers¹

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 the changes to Behavioral Intervention Services for regional center and Early Start consumers, any exceptions to those changes, and what will happen if the regional center wants to change your services.

How the Law Changed

The new law limits your regional center's ability to purchase Behavioral Intervention Services, which includes both "applied behavioral analysis" (ABA) and "intensive behavior intervention services". These laws apply to both Lanterman Act and Early Start consumers.

Under the new laws, any vendor who provides Behavioral Intervention Services must:

1. Conduct a behavioral assessment of each consumer for whom the vendor provides these services;

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 in Behavioral Intervention Services can be found in Government Code, Section 95021; Welfare & Institutions Code, Section 4686.2.

2. Design an intervention plan for that consumer; and
3. Provide a copy of the intervention plan to the regional center for review and consideration by the planning team members.

The intervention plan must include certain components, including the service type, number of hours, and parent participation needed to achieve the goals and objectives of the plan.²

Parental Participation

The new laws say that your regional center may only purchase Behavioral Intervention Services when the parent or parents participate in the intervention plan. Therefore, if you are a parent of a consumer and do not think that you will be able to meet the level of parental participation outlined in the intervention plan, let the vendor and regional center know so they can come up with an intervention plan that works for you and your family. Otherwise, the regional center may use your lack of participation as a basis for discontinuing Behavioral Intervention Services.

Parental participation can mean different things and can vary depending on your individual situation. Some examples include:

- Completion of group instruction on the basics of behavior intervention;
- Implementation of intervention strategies, according to the intervention plan;
- Data collection;
- Participation in any needed clinical meetings; or
- Purchase of suggested behavior modification materials or community involvement if a reward system is used.

Regional centers are not allowed to reimburse parents for participating in any behavioral services treatment program. However, no regional center should be able to make parents participate in a way that is not reasonable or possible. Like all services received by Lanterman Act and Early Start consumers, Behavioral Intervention Services must be determined on an individual basis.

² "Parent" is defined in paragraph (15) of subdivision (b) of Section 52000 of Title 17 of the California Code of Regulations. Under these regulations, parents can be people who are not the biological mother or father.

Other Limits on Behavior Services

In addition, the regional center may not purchase Behavioral Intervention Services for purposes of providing respite and other types of services. Although your family may need increased respite if you have challenging or complex behaviors, respite is not the same as behavioral intervention and respite providers do not have the skills or training to implement Behavioral Intervention Services. However, there are times when your family may need specialized behavioral respite to help them put the intervention plan into practice at home. The decision as to whether a behavioral respite aide is needed should be made based on your individual needs and should not be changed by the new laws.

Finally, your regional center must discontinue your Behavioral Intervention Services when the treatment goals and objectives in your intervention plan are achieved. However, for many consumers, treatment goals and objectives may change over time. For this reason, your regional center must evaluate your intervention plan every six months to make sure that the treatment goals and objectives are updated to reflect your current circumstances and needs. Your regional center can only discontinue your Behavioral Intervention Services if those updated treatment goals and objectives do not require continued Behavioral Intervention Services.

The new laws are very specific about how Behavioral Intervention Services are defined, including requirements that such services reflect “evidence-based practices.”³

For consumers already receiving Behavioral Intervention Services as part of their IPP (Individual Program Plan) or IFSP (Individualized Family Service Plan), the regional center must provide you with written notice before making any changes. Please see below.

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

If your regional center wants to change your Behavioral Intervention Services, it must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.⁴ The notice must be given

³ This section is effective upon enactment of the TBL, which was July 28, 2009.

⁴ 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

30 days before the change begins.⁵ 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.⁶

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.⁷ Otherwise, the request must be made within 30 days.⁸

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

service in your IPP without your consent, it has to give you a 30 day notice first. Welfare & Institutions Code Section 4710.

⁵ Welfare & Institutions Code Section 4710

⁶ Welfare & Institutions Code Section 4701. The information must also be in the language you understand.

⁷ Welfare & Institutions Code Section 4715

⁸ Welfare & Institutions Code Section 4710.5 (a)