



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

### **Expanded Scope of Duties for In-Home Respite Workers Performing Incidental Medical Services<sup>1</sup>**

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 duties for in-home respite workers performing incidental medical services, any exceptions to those changes, and what will happen if the regional center wants to change your services.

#### **How the Law Changed**

The changes increase the number of incidental medical services that an in-home respite worker can provide. Current law allows an in-home respite worker who is not a licensed health care professional to provide gastrostomy feeding and care for consumers who are in a stable condition. Current law also requires that the respite worker be trained by a medical professional.

The new services that may be provided by an in-home respite worker include:

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<sup>1</sup> 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](http://info.sen.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_9_bill_20090728_chaptered.pdf). The changes affecting Expanded Scope of Duties for In-Home Respite Workers Performing Incidental Medical Services are found in Welfare & Institutions Code, Section 4686.

- Colostomy and ileostomy: changing bags and cleaning stoma
- Urinary catheter: emptying & changing bags and care of catheter site
- Gastrostomy: feeding, hydration, cleaning stoma, and adding medication per physician's or nurse practitioner's orders.

In order to provide these services, respite workers must:

- Be employed by an agency that is vendored by a regional center to provide in-home respite services;
- Receive training from a licensed health care professional;
- Provide proof of completion of a first aid course and a cardiopulmonary resuscitation course with the preceding year.

The new law continues to require the consumer's treating physician to tell the regional center that the consumer's condition is stable.

The respite agency has duties under the new law and should refer directly to the legislation to determine those duties.

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

If your regional center wants to change the duties of an in-home respite worker that is providing services to you, it must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.<sup>2</sup> The notice must be given 30 days before the change begins.<sup>3</sup> 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.<sup>4</sup>

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<sup>2</sup> 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.

<sup>3</sup> Welfare & Institutions Code Section 4710

<sup>4</sup> Welfare & Institutions Code Section 4701. The information must also be in the language you understand.

If you are already receiving the service and you disagree with the regional center's decision to change it and want to continue to receive it as it was, you must request a fair hearing within 10 days of receiving the notice.<sup>5</sup> Otherwise, the request must be made within 30 days.<sup>6</sup>

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

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<sup>5</sup> Welfare & Institutions Code Section 4715

<sup>6</sup> Welfare & Institutions Code Section 4710.5 (a)