



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

Experimental Treatments, Therapeutic Services or Non-Clinically Proven¹

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 what services the regional centers will no longer be allowed to purchase for you, any exceptions to those changes, and what will happen if the regional center wants to change your services.

The Lanterman Act did not previously have specific law that stopped you or your family from obtaining experimental treatments such as nutritional supplements or procedures that had not yet been clinically or scientifically proven.

How the Law Changed

Starting July 28, 2009, regional centers cannot purchase experimental treatments, therapeutic services or devices that have not been clinically determined or scientifically proven to be effective or safe or where risks and complications are unknown. Experimental treatments or therapeutic

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 Experimental Treatment can be found in Welfare & Institutions Code, Section 4648(a) (15).

services include experimental medical or nutritional therapy when the use of the product for that purpose is not a general physician practice.

If on July 1, 2009, you were receiving these services as part of your IPP or IFSP, then the requirement of this section does not apply to you until August 1, 2009.

What Should You Do If You Think Your Service Is Not Experimental?

If you think a service you receive is not experimental but are concerned that the regional center may think the service is experimental, you should contact your service coordinator and request an IPP meeting. An IPP meeting must be held within 30 days of your request.² At the meeting, the IPP team must discuss the criteria and whether it applies to your service.

At the IPP meeting, you should say why you believe your service is not experimental and bring a letter from the treating physician, if possible. If you and the regional center do not agree as to whether your service is experimental, the regional center will provide you with a notice. If you disagree, you can request a hearing. Follow the procedures outlined below.

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

If your regional center wants to change your services, it must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.³ The notice must be given 30 days before the change begins.⁴ 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.⁵

² Welfare & Institutions Code Section 4646.5(b)

³ 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.

⁴ Welfare & Institutions Code Section 4710

⁵ 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 and want to continue to receive it, you must request a fair hearing within 10 days of receiving the notice.⁶ Otherwise, the request must be made within 30 days.⁷ If you think you meet an exemption, remember to additionally put "I meet an exemption" into your fair hearing request.

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

⁶ Welfare & Institutions Code Section 4715

⁷ Welfare & Institutions Code Section 4710.5 (a)