



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

Least Costly Provider¹

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 provision of services based on least costly criteria, any exceptions to those changes, and what will happen if the regional center wants to change your services.

The Lanterman Act currently requires the IPP (Individual Program Plan) team to consider several factors when selecting a service provider including the provider's ability to deliver quality services and meet the IPP objectives and the cost of providing services or supports of comparable quality by different providers. The changes to the Lanterman Act include a requirement that the regional center purchase services from the least costly available provider of comparable service. How the least costly available provider of comparable service is decided is discussed below.

How the Law Changed

The regional center, consumer and, where appropriate, the parents or legal representative will review your IPP to determine if you are receiving

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 affecting Least Costly Provider are found directly in Welfare & Institutions Code, Section 4648(a)(6)(D).

services from the least costly provider available. In making this decision, the team must consider if:

- The service provider can meet all or part of your IPP;
- The service provider can meet your specific needs and, where appropriate, the needs of your family as set forth in your IPP;
- The services or supports are comparable to your current services or supports;
- The services are as integrated and no more restrictive than your current services. You cannot be required to use the least costly provider if the services are more restrictive or less integrated.

To determine the least costly provider, the regional center, consumer, and where appropriate, the parent or legal representative must consider:

- If the program is eligible for federal funding;
- The cost of transporting you to and from the program.

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

If your regional center wants to change your service to the least costly provider, it must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.² The notice must be given 30 days before the change begins.³ 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.⁴

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

² 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.

³ Welfare & Institutions Code Section 4710

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

hearing within 10 days of receiving the notice.⁵ Otherwise, the request must be made within 30 days.⁶ If you think you meet an exemption, remember to additionally put “I meet an exemption” into your fair hearing request.

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

⁵ Welfare & Institutions Code Section 4715

⁶ Welfare & Institutions Code Section 4710.5 (a)