



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

Supported Living Services¹

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 the supported living services program, any exceptions (exemptions) to those changes, and what will happen if the regional center wants to change your services.

How the Law Changed

The changes require:

1. The IPP (Individual Program Plan) Team must confirm that all appropriate and available natural and generic supports have been used to the fullest extent possible. Natural supports include supports provided by family or friends. Generic services are community services provided by other public agencies. Examples of generic services are Section 8 vouchers for low-cost housing, Medi-Cal and IHSS.
2. Consumers who live together in the same home must use the same Supported Living Service (SLS) provider. However, the same SLS

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 to Supported Living Services are found in Welfare & Institutions Code, Section 4689.

provider can only be used if the particular needs identified in the consumers' IPP can still be met.

3. Regional Centers must make sure that the administrative costs charged by SLS vendors are necessary and reasonable and that the most cost-effective rate methodology is used to determine the negotiated rate for providers of SLS services.
4. The rent, mortgage, lease payments, and household expenses of an SLS arrangement are the responsibility of the consumer and any roommate who lives with the consumer.

Exemption to Restriction on Regional Center Payments for Housing Costs or Household Expenses

The regional center executive director may make an exception, in limited situations, to the rule prohibiting the regional center from paying for an SLS consumer's rent, mortgage, lease, or household expenses if two conditions are met. The regional center executive director must state in writing that: (1) payment is required in order to meet the specific care needs unique to the consumer as described in an IPP addendum and (2) the consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself or herself, or another.

When a regional center is making rent, mortgage, or lease payments, or paying for household expenses:

- SLS providers must assist the consumer in accessing all generic and natural supports. Supports must be consistent with the needs of the consumer.
- All paid roommates and live-in support staff must continue paying their own share of the rent, mortgage, lease payments and household expenses for the home.
- Remember that your IPP should be followed and the services must be appropriate for you.

The regional center cannot pay for a consumer's rent, mortgage, lease, or household expenses for more than six months, unless it finds that it is necessary to meet the consumer's needs as described in the consumer's IPP. The regional center will review the consumer's need on a quarterly basis and the regional center executive director must annually verify in an IPP addendum that the two conditions for the exception continue to be met.

Exemption for Individuals Now Receiving Regional Center Payments for Housing Costs or Household Expenses

If a regional center is paying a consumer's rent, mortgage, lease, or household expenses prior to July 1, 2009, the regional center must determine if the exception requirements above are met at an IPP meeting. If the planning team determines that the payments are no longer appropriate, the regional center must continue the exception and keep paying in order to allow for a reasonable time for transition. The transition time cannot be longer than six months.

What Should You Do If You Think You Qualify For an Exemption

If you think you qualify for an exemption, 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 exemption criteria and whether the exemption applies to you.

For example, if you think you qualify for the exemption, at the IPP meeting you should discuss your specific care needs that are unique to you and how your documented medical, behavioral, or psychiatric condition presents a health and safety risk. If you and the regional center do not agree as to whether you qualify for an exemption, 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 supported living 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;

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

- 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

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 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 4701. The information must also be in the language you understand.

⁶ Welfare & Institutions Code Section 4715

⁷ Welfare & Institutions Code Section 4710.5 (a)