



California's protection and advocacy system

www.disabilityrightsca.org

Toll Free: (800) 776-5746

TTY: (800) 719-5798

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

Alternative Senior Program¹

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 new alternative senior program, any exceptions to those changes, and what will happen if the regional center wants to change your services.

The Lanterman Act generally provides for a wide range of services and supports for people with developmental disabilities. The regional centers can purchase needed services for consumers directly from service providers (also known as vendors).

How the Law Changed

The new law requires vendors of specific services to offer an alternative senior program for regional center consumers over 50 years old.

Vendors of the following services must offer an alternative senior program component to address the needs of individuals with developmental disabilities who are over 50 years of age:²

- behavior management

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 Alternative Customized Program Option are found in Welfare & Institutions Code, Section 4688.2.

² This section is effective at the time the TBL is enacted, which was July 28, 2009.

- activity center
- adult development center day programs
- social recreation programs
- socialization training programs
- community integration training programs
- community activities support programs
- creative art programs
- work activity programs

The program is for eligible consumers who **want** to transition to a program focused on seniors. A senior may make a choice as to whether he/she would want to be in this program but the regional center must provide information about and offer an alternative senior program at the time of the development or review of the IPP.

The Vendor requirements:

- (1) The vendor's rate must not exceed \$35 per day or the vendor's existing daily rate, whichever is less.
- (2) There must be a ratio of no more than eight consumers to one staff member.
- (3) The program component must be offered within the provider's existing vendored capacity as reflected in its program design or licensed capacity.

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

If you are a senior and the 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;

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

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)