



*California's Protection & Advocacy System
Toll-Free (800) 776-5746*

Tailored Day Service and Vouchered Community-Based Training Service¹ - Fact Sheet

July 2011, Pub #F055.01

The State Legislature required the Department of Developmental Services (DDS) to reduce its budget by 174 million dollars for this fiscal year (2011-2012), in addition to the required 334 million dollar reduction effective July, 2009.² As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the 2011 changes in determining your day services, any exemptions to those changes, and what will happen if the regional center wants to change your services.

¹ The changes are part of the Budget Trailer Bill (TBL) AB 104. You may find the law at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_104_bill_20110630_chaptered.html. The changes related to Tailored Day Service and Vouchered Community-Based Training Services are found in Welfare and Institutions Code section 4688.21.

² The new law requires DDS to obtain even greater savings if certain triggers are not met in the state budget throughout the year. Disability Rights California will discuss this on its website if the triggers are not met.

Regional centers currently fund services and programs that consumers can participate in during the day.³ Some of these services include day program, look-alike day program, supported employment program, and work activity program.

How the Law Changed

The new law creates two additional day service options for consumers: 1) Tailored Day Service, and 2) Vouchered Community-Based Training Services.⁴ The intent of the law in providing these two options is to further the following opportunities for adult consumers: to choose and customize their day services, to develop or maintain employment or volunteer activities, to direct their services, to pursue postsecondary education (i.e. going to college), and to increase their ability to lead integrated and inclusive lives.

A. Tailored Day Services

A “Tailored Day Service” has to do two things.

- Include an individualized service design determined through the Individual Program Plan (IPP) process that maximizes the consumer’s individualized choices and needs. The service design will generally include fewer days or hours than a traditional day program and allows for flexibility in the duration and intensity of services depending on the individual’s needs. The statute provides specific rate and maximum unit requirements for programs that want to offer a Tailored Day Service Option.⁵

- Encourage opportunities to further develop or maintain employment, volunteer activities, or pursuit of postsecondary education; maximize consumer direction of the service; and increase the consumer’s ability to lead an integrated and inclusive life.

B. Vouchered Community-Based Training Services (VCBT Service)

A “Vouchered Community-Based Training Service” (VCBT Service) is a consumer-directed service that assists the consumer in developing skills

³ Starting July 1, 2011, regional centers can no longer refer any additional consumers to either the Alternative Senior Programs or the Alternative Customized Programs. Welfare and Institutions Code sections 4688.1(c) and 4688.2(c)

⁴ Welfare and Institutions Code section 4688.21

⁵ Welfare and Institutions Code section 4688.21(b)(4)&(6)

required for community integrated employment or to participate in volunteer activities, or both, and the assistance that is needed for the consumer to secure employment or volunteer positions or pursue secondary education.⁶

A Vouchered Community-Based Training Service has specific rules that participants in this program will have to follow. Some of these requirements include the following⁷:

- 1) Service must be provided in natural environments in the community that is separate from the consumer's residence;
- 2) A consumer, parent, or conservator that is vendored as a VCBT Service must use the services of a financial management services (FMS) entity;
- 3) A consumer's parent or conservator cannot be a direct support worker employed by the VCBT Service vendor;
- 4) A consumer that is vendored as a VCBT Service must also be eligible for a regional center-funded bus pass, if appropriate; and,
- 5) A VCBT Service is limited to a maximum of 150 hours per quarter.

C. IPP Requirements for Both Services

The type and amount of Tailored Day Service or the VCBT Service has to be determined through the IPP process. The IPP has to contain at least all of the following:

- 1) A detailed description of the consumer's individualized choices and needs and how these choices and needs will be met; and,
- 2) The type and amount of services and staffing needed to meet the consumer's individualized choices and needs, and unique health, safety, and other needs.

⁶ The VCBT Service will not be implemented until the Federal Centers for Medicare and Medicaid Services (CMS) approves it.

⁷ Welfare and Institutions Code section 4688.21(c)

D. Effective Date

Starting July 1, 2011, and prior to the time of development, review, or changes to your IPP, the regional center has to provide eligible adult consumers with information about Tailored Day Service and Vouchered Community-Based Training Service. If you are interested in these two new options, you do not have to wait until your next IPP. You can ask the regional center for information at any time and you can request an IPP meeting to secure these services.

E. What Will Happen If the Regional Center Will Not Agree to Change Your Services?

If you want to change your services, the regional center must either hold an IPP meeting and reach agreement with you about the change, or give you a written notice.⁸ The notice must be given 30 days before the change begins.⁹ 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.¹⁰

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.¹¹ Otherwise, the request must be made within 30 days.¹² If exemptions are available and you think

⁸ Usually, decisions about the services you need must be decided by an IPP team. Welfare and 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 and Institutions Code section 4710

⁹ Welfare and Institutions Code section 4710

¹⁰ Welfare and Institutions Code section 4701. The information must also be in the language you understand.

¹¹ Welfare and Institutions Code section 4715

¹² Welfare and Institutions Code section 4710.5(a)

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, Regional Center Due Process and Hearing Rights at <http://www.disabilityrightsca.org/pubs/F02601.pdf>.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.