



2009 Changes to the Lanterman Act



Families

Important to Know!



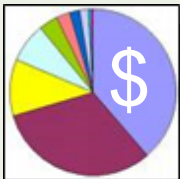
Background



- 1) The governor proposed a \$334 million cut plus 3% cut for Regional Centers and service providers.



- 2) The legislature wanted to make it a smaller cut.



- 3) May budget revision, \$334 million cut stayed.
+50 million
\$384 million total in cuts

Approved by the Legislature July 2009



Plain Facts

Changes In These Areas



General Rules



Early Start Services



Non-Medical Services and Therapies



New Exciting Options



Plain Facts



General Rules

Responsibilities under the Lanterman Act

IPP Process

Needs to be an IPP meeting before the Regional Center changes services.



Regional Centers send a Notice of Proposed Action with timelines.

Appeals Procedure - Fair Hearings



There are steps to appeal Regional Center decisions.

Talk to your Area Board or Clients Rights Advocate.



Plain Facts



General Rules

Regional Centers may not pay for services if other funding is available



MediCal, Medicare, CHAMPUS, private insurance, California Children's Service, IHSS



Regional Centers can require a person to appeal a denial unless they think the appeal won't work.

1 ✓
2 ✓
3

TO APPEAL: Show how service you want is outside the coverage or funding from other insurance or agencies.



Plain Facts



General Rules

Transportation services are limited



Use least expensive transportation that meets needs.




If people can use regular transportation, they will be expected to do that instead of using special transportation.



General Rules

Regional Centers cannot fund unproven therapies or devices.



T  **PPEAL:** Show the service wanted is not experimental and that there is “proof” it works for the person.



General Rules

Use the service provider who costs less

Unless it is a more “restrictive” service than what is now used.



TO APPEAL: Show that the provider they want you to use cannot meet the IPP goals or needs as well as another provider you want.



Early Start

Eligibility is restricted

“High risk” infants, toddlers no longer eligible.

Will be eligible for new state-funded prevention program available at Regional Centers.

Limited to case management, information & referral to other agencies.



TO APPEAL: Show child can qualify under another category, like an “established risk condition.”



Early Start

To get Early Start services due to a developmental delay:

1. Child is under 24 months, delay must be at least 33% in one developmental area.
2. Child is over 24 months, delay must be 50% in one developmental area or 33% in two areas.



TO APPEAL: Make sure assessments are thorough, accurate to show kind and extent of delays.



Early Start

Regional Centers no longer fund services not required by federal government, such as:

Day care

Diapers

Respite not related to developmental delay

Interpreters/translators

Genetic counseling

Most medical services

(except for durable medical equipment)



TO APPEAL: None under Early Start Program. Can access these services if child is eligible under Lanterman Act.



Early Start

A Priority!

1. Pay for integrated neighborhood preschools with Regional Center funded supports,
2. Not a specialized infant development programs for children with special needs

1 ✓
2 ✓
3

TO APPEAL: Must show child's needs can only be met using a "segregated" infant development program.





Early Start

Use Private Insurance

1. Families are required to ask private insurance or health care plans to pay for medical services.
2. Governor vetoed \$50 million from Early Start budget with expectation that First Five program will cover costs.



Services & Therapies

(Non-Medical)

Group Training for Parents with Behavioral Intervention

At the IPP/IFSP, Regional Centers are required to consider group trainings instead of in-home parent training.

TO APPEAL: Show why group training will not help. *Example:* child's behaviors pose danger (*self-injury, running away, harm to others*). May need to

- 1 ✓
- 2 ✓
- 3

by lack of classes in parent's primary language or that parent will not benefit from group training.

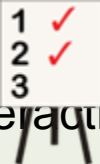


Services & Therapies

(Non-Medical)

Intensive Behavior Intervention and ABA limited

- Only from vendors who use “proven practices” that promote positive social behaviors.
- Parents must participate.
- Cannot be used for respite, day care or school (*only for emergency crisis*).
- Services discontinued when goals are reached.
- Evaluated by Regional Center every 6 months.



TO APPEAL: Show how these services are improving child’s social interactions, learning, etc.



Services & Therapies

(Non-Medical)



Camp, social recreation, educational services, non-medical therapies stopped.



Art



Music



horse riding



Swimming



Gymnastics

Regional Centers can no longer fund these services but the state “may” start funding again in future.



TO APPEAL: Show service is very important to help a person **OR** is key to person staying in their home.



Services & Therapies

(Non-Medical)

Respite Services limited

Out-of-home respite limited to 21 days per year.

In-home respite limited to 30 hours per month.

Respite cannot be used for Day Care.

TO / 1 ✓ **REAL:** Show child's care and supervision needs are great, more hours will
help **2 ✓** stay in family home **OR** a major
3 event impacts the family's ability to care for the person.



New Options



DDS and Regional Centers

Independent Choice Budget



ABOUT ME



Offer people choice of directing their own service budget with a reduced, agreed upon amount.

Choose and hire support people and service providers who are vendored - approved by Regional Centers.

New Options



DDS and Regional Centers plan “Custom Endeavors Option”

Promote employment and jobs for people who are transitioning from high school.





Plain Facts

For More Information

CA Disability Community Action Network



www.cdcan.us Sign up for free information!

State Council on Developmental Disabilities



www.scdd.ca.gov

Rights Under the Lanterman Act book



www.disabilityrightsca.org/pubs/506301index.htm