



PURCHASE OF SERVICE GUIDELINE

8/10/2015	DAY CARE SERVICES	FINAL
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I. DEFINITIONS

- A. Day Care is defined as care and supervision for a child who is residing at home and is unable to care for her or himself when both parents or a single parent (primary care-provider) is employed full/part time outside the home or for a parent(s) to attend an educational program directed toward gainful employment.
- B. After School Day Care Services: commence immediately after the consumer's primary day program ends and encompass the period the parent(s) is working part/full time, usually lasting three hours.
- C. Extended Day Care Services: refer to programs that occur during holidays and when school is not in session.
- D. In-Home Day Care Services - Family Member: category refers to parents who have received prior authorization from ELARC to be reimbursed to employ a private care-provider for non-medical day care services. This option will only be available, if the individual is unable to be served in the community due to severe behavior deficits that require him or her to be in a structured environment after school to prevent out of home placement. Evidence to support the need for a structured environment and severity of behaviors should be well documented throughout the chart in Special Incident Reports, Medical records, school records etc. Should it be identified that a In Home Day Care Service Family-Member/Vouchered Vendorization will be used for the day care service, a Financial Management Service Fiscal/ Employment Agent or a Financial Management Service Co-Employer shall be required to assist with the administration of employees *A Financial Management Service Co-Employer (FMS Co-Employer) means a*

vendored entity that functions with the Co-Employer to hire an employee pursuant to the Co-Employer's recommendation and pays the employee to perform the Participant-Directed Services [Cal. Code Regs., tit 17, 58884(a)(4)].

Financial Management Service Fiscal/Employer Agent (FMS F/EA) means the vendored entity that functions as the adult consumer's agent or family member's agent in performing payroll duties according to IRS regulations, processing payments for the reimbursement of goods and services, and performing other employer responsibilities that are required by federal and state law. Under this arrangement the adult consumer or family member is the employer [Cal. Code Regs., tit 17, 58884(a)(5)].

A regional center shall classify an applicant as an FMS F/EA if the applicant meets vendor requirements described in California Code of Regulations, Title 17, Sections 54310 and 54326, and demonstrates the ability, skills, and knowledge to carry out both the responsibilities in (a) above and the following additional requirements of an FMS F/EA to assist an adult consumer or family member functioning as an Employer: (A) For the purposes of processing payroll, apply for and obtain authorization under Section 3504 of the Internal Revenue Code to be an agent for each adult consumer or family member that the FMS F/EA represents; (B) During the period from when the FMS F/EA makes application to the Secretary of the Internal Revenue Service (IRS) until receiving IRS approval, the FMS F/EA shall be responsible for applicable federal, state and local employment-related taxes and insurance; and (C) Process payments for reimbursements to entities providing goods and services in accordance with applicable IRS regulations. (2) The FMS F/EA may process payroll for services provided by individual workers, and reimbursements for services provided by other entities. (1) A regional center shall classify an applicant as an FMS Co-Employer if the applicant meets vendorization requirements described in California Code of Regulations, Title 17, Section 54310 and demonstrates the ability, skills, and knowledge to carry out both the responsibilities in (a) above and the following additional requirements specific to assisting an adult consumer or family member functioning as a Co-Employer: (A) Hiring of individual employees who have been selected by the adult consumer or family member to provide Participant-Directed Services; (B) Providing other employer-related supports to the Co-Employer as specified in the consumer's IPP. (2) The FMS Co-Employer shall process payroll for services provided by the employees.(d) The FMS Co-Employer and the FMS F/EA shall submit billings/invoices to the regional center for reimbursement for expenditures for authorized Participant-Directed Services [Cal. Code Regs., tit 17, 58887(b)(1), (c)(2), (d)]

II. CRITERIA

The regional center will only consider funding for day care when the planning team determines that specialized

services are required. Specialized services are those that a consumer requires to meet his or her supervised needs that are beyond those of a non-disabled child WIC 4659 & WIC4685. According to Title 17 Section 54326 (d)(1) regional centers shall not use purchase of service funds to purchase services for a minor child without first taking into account, when identifying the minor child's service needs, the family's responsibility for providing similar services to a minor child without disabilities WIC 4646.4 subd. (a)(4). In cases where specialized services are needed, ELARC will fund for the support/aide so that the child can participate in the day care setting within his/her community. ELARC Service Coordinators will assist parents who are unable to find an after school day care or extended day care program by providing referrals to these programs or private providers.

As a general practice, ELARC will not fund day care services for children under age 13. ELARC may only consider funding for day care for a child under age 13, if the IPP planning team has exhausted all generic resources identified in the Alternative Funding Resources Section of this policy and if it is determined that the family meets a financial need or hardship (WIC 4685 subd. (c)(6). The Federal Poverty Guideline (FPG) will be used to verify financial need and the family must be at or below the FPG. Income verification must be provided to the regional center in the form of W-2 Wage Earners Statements, at least a quarter of payroll stubs or a copy of the prior year's state income tax return.

For consumers who are 13 to 17 years of age, ELARC may consider funding for day care if the IPP planning team has exhausted all generic resources identified in the Alternative Funding Resources Section of this policy. Expenditures considered part of caring for a non-developmentally disabled consumer shall be excluded when determining funding. Non-disabled children are usually more capable and independent by age 13.

Adult consumers attending a public school program (18 to 22) may be eligible for an after school day care or extended day care program during school breaks based on individual needs and parent's work schedule. It is

expected that all adult consumers eventually will transition into inclusive community placement programs that will provide age-appropriate activities. As with children, all alternative funding resources must be explored and exhausted.

ELARC may consider supplementing funding for extended day care services provided during holidays or whenever school is not in session, when it is determined by the interdisciplinary team that the consumer requires a structured environment to control intense severe behaviors which would escalate significantly during the school/program vacation periods, without such structure.

If applicable, the service coordinator will assess the consumer for the Family Cost Participation Program as defined in WIC 4783.

III. AMOUNT OF SERVICE

The interdisciplinary team will determine the number of hours per day for day care based on the level of natural support resources available to the family, to the consumer, and on the family's and consumer's needs. For individuals who attend a full-day school program, after school day care will not exceed four hours per day. Standard day care hours are from 7:00 a.m. to 6:00 p.m. Parents will be responsible for hours not authorized by ELARC.

IV. ALTERNATIVE FUNDING RESOURCES

ELARC in collaboration with the family shall explore the following resources: After school programs provided by the public local school, county resources such as Options, Head Start and pre-schools, community agencies assisting parents while in work programs (Gain, MAOF, etc.), local social recreational programs, IHSS, SSI, etc. Consumers receiving SSI at the board and care rate (consumers in residential facilities or in foster homes) will not be eligible for day care services.

The school district usually provides transportation to an after school day care program. Parents need to initiate and arrange transportation to day care programs. Parents are expected to pick up consumers from after school day care. Transportation for extended day care, when school is not in session, will be provided by consumer's family. Service coordinators will assist family to explore available resources.

V. PROCESS FOR PURCHASE OF SERVICE

- A. Alternative funding sources have been exhausted.
- B. After planning team has determined that the individual meets criteria for purchase and/or an exemption is determined due to extraordinary circumstances, a vendorization will be processed and/or a purchase of service form (1-11) will be submitted by the service coordinator.
- C. ELARC may reimburse the current California Minimum Wage per hour of day care/family member *(As long as it complies with WIC section 4691.9 Sub. (a) and (b) Notwithstanding any other provision of law or regulation, commencing July 1, 2008: (a) No regional center shall pay an existing service provider, for services where rates are determined through a negotiation between the regional center and the provider, a rate higher than the rate in effect on June 30, 2008, unless the increase is required by a contract between the regional center and the vendor that is in effect on June 30, 2008, or the regional center demonstrates that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization. (b) No regional center may negotiate a rate with a new service provider, for services where rates are determined through a negotiation between the regional center and the provider, that is higher than the regional center's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is lower. The unit of service designation must conform with an existing regional center designation or, if none exists, a designation used to calculate the statewide median rate for the same service. The regional center shall annually certify to the State Department of Developmental Services its median rate for each negotiated rate service code, by designated unit of service. This certification will be subject to verification through the department's biennial fiscal audit of the regional center. (c) This section shall not apply to those services for which rates are determined by the State Department of Health Care Services, or the State Department of Developmental Services, or are usual and customary. if it is determined that parents qualify*

for a financial need per the Criteria Section of this policy and consumer requires specialized supervision due to severe behavior deficits that require him or her to be in a structured environment after school to prevent out of home placement.

D. ELARC Fiscal/Administration will process 1-11.

VI. EVALUATION OF SERVICE EFFECTIVENESS

Age-appropriate activities and integration with non-disabled peers in a safe, well-supervised environment are factors that service coordinator will assess in collaboration with parent, program, and if appropriate, clinical team. Individual needs for supervision and care will be the focus of the evaluation.



Eastern Los Angeles Regional Center

Day Care Services/Family Member, Day Care Worker Information

Vendor's Name: _____ Vendor's Number: V _____

Date: _____ Service Coordinator Name: _____ I.D. #: _____

Dear: _____,

Please send a packet of information on vendorization of a " Day Care/Family Member Worker" to the parent/guardian of:

Consumer's Name (*Nombre del Consumidor*)

UCI #

Applicant's Name (Family Member Guardian)

Signature (*Firma*)

SS# (*Seguro Social*)

(*Nombre de guardian/paciente*)

Address (*Direccion*)

Phone # (*Telefono*)

Information about the Day Care Worker(s) that the applicant will hire: (*Informacion sobre el trabajador de cuidado durante el dia*):

Name (*Nombre*)

Signature (*Firma*)

SS # (*Seguro Social*)

Address (*Direccion*) : _____

Phone # (*Telefono*): _____

Age (*Edad*): _____

Name (*Nombre*)

Signature (*Firma*)

SS# (*Seguro Social*)

Address (*Direccion*) : _____

Phone # (*Telefono*) : _____

Age (*Edad*): _____

Federal Poverty Guideline

2015 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
Persons in family/household	Poverty guideline
For families/households with more than 8 persons, add \$4,160 for each additional person.	
1	\$11,770
2	15,930
3	20,090
4	24,250
5	28,410
6	32,570
7	36,730
8	40,890