



PURCHASE OF SERVICE GUIDELINE

10/24/2016	PURCHASE OF SERVICE POLICY STATEMENT	FINAL
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Eastern Los Angeles Regional Center (ELARC) may purchase services and supports for a consumer when services and supports will:

- 1) Prevent a developmental disability [WIC Sec. 4644(a)],
- 2) Prevent or minimize the institutionalization and dislocation of the individual from family and community or,
- 3) Enable the individual to approximate the pattern of everyday living of a non-disabled person of the same age leading to a more independent, productive and normal life in the community and promote integration into mainstream community life [WIC Sec. 4648].
- 4) Assist individuals with developmental disabilities, in achieving the greatest self-sufficiency possible and exercising personal choice.
- 5) Allow individuals to interact with persons without disabilities in positive meaningful ways [WIC 4648].

Additionally, ELARC may purchase services and supports for an infant or toddler ages 0-3 receiving Early Intervention Services when the child is at risk of a developmental delay [Title 17 Section 52022 (a) (b) Chapter 2 Early Intervention)].

Effective January 1, 2015, infants or toddlers from birth through two years of age, for whom a need for early intervention services, as specified in the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) and applicable regulations, is documented by means of assessment and evaluation as required in Sections 95016 and 95018 and who meet one of the following criteria:

(1) Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development. Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development for their age and their current level of functioning. This determination shall be made by qualified personnel who are recognized by, or part of, a multidisciplinary team, including the parents. A significant difference is defined as a 33-percent delay in one or more developmental areas.

Changes per DDS Recommendation presented to the Board on 10/13/2015

(2) Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. The conditions shall be diagnosed by a qualified personnel recognized by, or part of, a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay if the delay is not evident at the time of diagnosis.

(3) Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which are diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.

(b) Regional centers and local educational agencies shall be responsible for ensuring that eligible infants and toddlers are served as follows:

(1) The State Department of Developmental Services and regional centers shall be responsible for the provision of appropriate early intervention services that are required for California's participation in Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for all infants eligible under Section 95014, except for those infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the California Code of Regulations.

(2) The State Department of Education and local educational agencies shall be responsible for the provision of appropriate early intervention services in accordance with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) for infants with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments, who meet the criteria in Sections 56026 and 56026.5 of the Education Code, and in Section 3030(a), (b), (d), or (e) of, and Section 3031 of, Title 5 of the California Code of Regulations, and who are not eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

“Regional center funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services”[WIC 4648(a)(8)]. For minors, parental responsibility to pay for a service shall be first considered [WIC 4646.4(a)(4)].

Additionally, other sources of funding available to the consumer, shall be investigated prior to Regional Center purchase of service [WIC Sec. 4659 (a) (1) (2)]. ELARC shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, The Civilian Health and Medical Program for Uniform Services, In Home Support Services, California Children’s Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage [WIC 4659 (c)].

ELARC shall provide and arrange Early Intervention Services as required by the infant or toddler’s IFSP and shall be payor of last resort for infants and toddlers determined

eligible for Early Intervention Services [(Title 17 Section 52109 (a)(1)(2)&(b) Chapter 2 of Early Intervention Services)].

In those instances where it is determined that another agency should be responsible, the consumer and/or family will be assisted in obtaining the needed service. Certain identified personal resources such as private trusts and insurance plans may be considered only to the extent they can be appropriately utilized and, for parents of children under PART C, do not cause a financial burden. While the Regional Center is pursuing funding from another agency, it may consider purchasing urgently needed services and supports until that agency purchases the services. Effective July 1, 2009, a regional center shall not purchase Health (medical or dental) services for a consumer three years of age or older unless the regional center is provided with the documentation of a Medi-Cal, private insurance or health care service plan denial and that the regional center determines that an appeal by the consumer or family of the denial does not have merit.

The regional center may pay for medical services only during the following periods:

1. While coverage is being pursued, but before a denial is made.
2. Pending a final administrative decision on the administrative appeal if the family provides proof that an appeal is being pursued.
3. Until the commencement of services by Medi-Cal, private insurance, or a health care service plan [WIC 4659 (d)(1) (A)(B)(C)].

If ELARC identifies a service as a need in the IPP, then it may also consider funding the copayment, coinsurance or deductible associated with the private or generic health plan which accepts responsibility for coverage of the service and for which the parent, guardian or caregiver is responsible for; if all of the following conditions are met: (1) The consumer is covered by his or her parent's, guardian's, or caregiver's health care service plan or health insurance policy. (2) The family has an Annual Gross Income (AGI) that does not exceed 400 percent of the Federal Poverty Level (FPL). The Family Cost Participation Program Schedule shall be used to determine AGI not exceeding 400% FPL for the family. (3) There is no other third party having liability for the cost of the service.

ELARC may make an exception to fund for co-payments, –coinsurance and deductible for a consumer whose family income exceeds 400 percent of the federal poverty level, when the service is necessary to successfully maintain the child at home or the adult consumer in the least- restrictive setting, and the parents or consumer demonstrate one or more of the following: (1) The existence of an extraordinary event that impacts the ability of the parent, guardian, or caregiver to meet the care and supervision needs of the child or impacts the ability of the parent, guardian, or caregiver, or adult consumer with a health care service plan or health insurance policy, to pay the copayment, coinsurance or deductible. (2) The existence of catastrophic loss that temporarily limits the

ability to pay. (3) Significant unreimbursed medical costs associated with the care of the consumer or another child who is also a regional center consumer.

ELARC shall accept the assessment of insurers' providers of services unless there is a dispute between the insurer and the covered entities/ policy holders which may require further review. The covered entities/policy holders are expected to pursue all administrative remedies available to them under the plan in case of dispute.

Per WIC 4648(a)(16), effective July 1, 2009, ELARC shall not purchase experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown.

For children under Early Intervention Part C, all efforts will be utilized to avoid gaps in services and facilitate the provision of services as quickly as possible. Early Intervention services are designed to meet the developmental needs of each child eligible under Part C and the needs of family related to enhancing the child's development [(Title 17 Section 52106(d) Chapter 2 of Early Intervention Services)].

ELARC is responsible for the provision of appropriate Early Intervention Services through the development of an Individual Family Service Plan (IFSP) in accordance with Part C of the IDEA for all eligible infants under Government Code.

Services and supports shall be purchased to meet the consumer's needs with a developmental disability, or a delay for infants and toddlers 0-3 receiving Early Intervention Services, when such services and supports will accomplish all or any part of the consumer's Individual Program Plan/Individual Family Service Plan (IPP/IFSP) [WIC Sec. 4646]. Also, the regional center shall assure that consumers and their families, when appropriate, participate in all decisions identifying services and supports in the IPP/IFSP. IPP/IFSP's shall be prepared jointly by one or more representatives of the regional center, including the service coordinator, the person with the disabilities, and where appropriate, the person's parents, legal guardian, or conservator. When invited by the consumer, or where appropriate, the consumer's parents, legal guardian, or conservator, participants in the IPP / IFSP meeting may also include other persons. Services identified in the Service Provision Agreement / Schedule of Services Section of the IPP/IFSP is a result of the regional center's responsibility to gather information and conduct assessments [WIC 4646.4(a)(4)].

Person Centered Principles in the IPP/IFSP process are at the heart of the regional center's function to plan for and meet the needs of the consumer and his/her family using all alternative funding sources available whenever possible, and purchasing cost-effective services. The regional center's service coordination function focuses on opportunities for integration into community life, opportunities for work, for play and for social activities in natural settings with non disabled peers, whenever possible. The IPP and IFSP will therefore be sensitive to quality of life issues [W.I.C. Sections 4646.5, 4648].

Priority shall be given to those services that promote consumer choice and empowerment, provide integration into mainstream community life with emphasis on opportunity for interaction with non-disabled peers and provide unpaid natural support whenever possible[WIC 4688(b)(5), 4689c, 4512(e), 4646.5(a)(4) & 4648(a)(b)(c).

Services and supports shall be purchased only from providers who adhere to the quality of care standards set forth by the Regional Center, the Department of Developmental Services and California regulations related to the service. The Regional Center shall consider the following when selecting a provider of consumer services and supports:

1. A provider's ability to deliver quality services and supports which accomplish the specified IPP /IFSP objective.
2. The cost of providing services or supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer or family as identified in the IPP/IFSP shall be selected [WIC section 4648, subd. (a)(6)(D)].
3. The ability of the provider to develop and facilitate services in natural environments with natural supports.
4. The ability of the provider to empower consumers and their families, when appropriate, to make choices in their own lives including where and how they live, their relationships with people in the community, the way they spend their time, including education, employment and leisure, the pursuit of their personal future, and program planning and implementation. Cultural preferences and values of the consumers and families shall also be considered when purchasing services and supports.
5. The ability of the provider to provide services that result in a more independent, productive and normal life for the consumer.
6. The consumer's or, when appropriate, the parents, legal guardian, or conservator of a consumer's choice of providers [WIC 4648(a) (6) (E)].

No service or support provided by any agency or individual shall be continued unless the consumer or when appropriate, the consumer's parent, legal guardian or conservator ,or authorized representative is satisfied and the Regional Center and the consumer or, when appropriate, the person's parents or legal guardian or conservator agree as a planning team, that the planned services and supports have been provided, as specified above and reasonable progress has been made toward meeting the consumer's individual program plan objectives and the IFSP Outcomes [WIC Sec. 4648].

Persons with developmental disabilities have the same rights and responsibilities guaranteed to all other individuals by the United States Constitution and additional rights under the Lanterman Act.

No person by reason of having a developmental disability, or delay for infants and toddlers receiving Early Start Services, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, which receives public funds. [W.I.C. Sec. 4502].

This policy statement shall be applied along with the specific standards for each category of service. The categories of services set forth within these POS Guidelines are not all inclusive, nor are they intended to be. Certain circumstances or needs may warrant services not specifically addressed in the following guidelines. Exceptions to the Purchase of Service Policy or the service category may be granted on an individual basis, given extraordinary circumstances.

Lastly, ELARC will make every effort to adhere to a standard of timely provision of services [WIC Sec. 4646.5(a) (4)] (Title 17 Section 52106 Section (d) Chapter 2, Early Intervention Services)] to achieve resolution of service requests made in the IPP/IFSP planning process [WIC Sec. 4646(f)] and provide timely due process notices, when necessary [WIC 4710 (a) Title 17, section 52161].