

Introduction to Regional Center Services for Housing Advocates



Disability Rights Education
& Defense Fund (DREDF)

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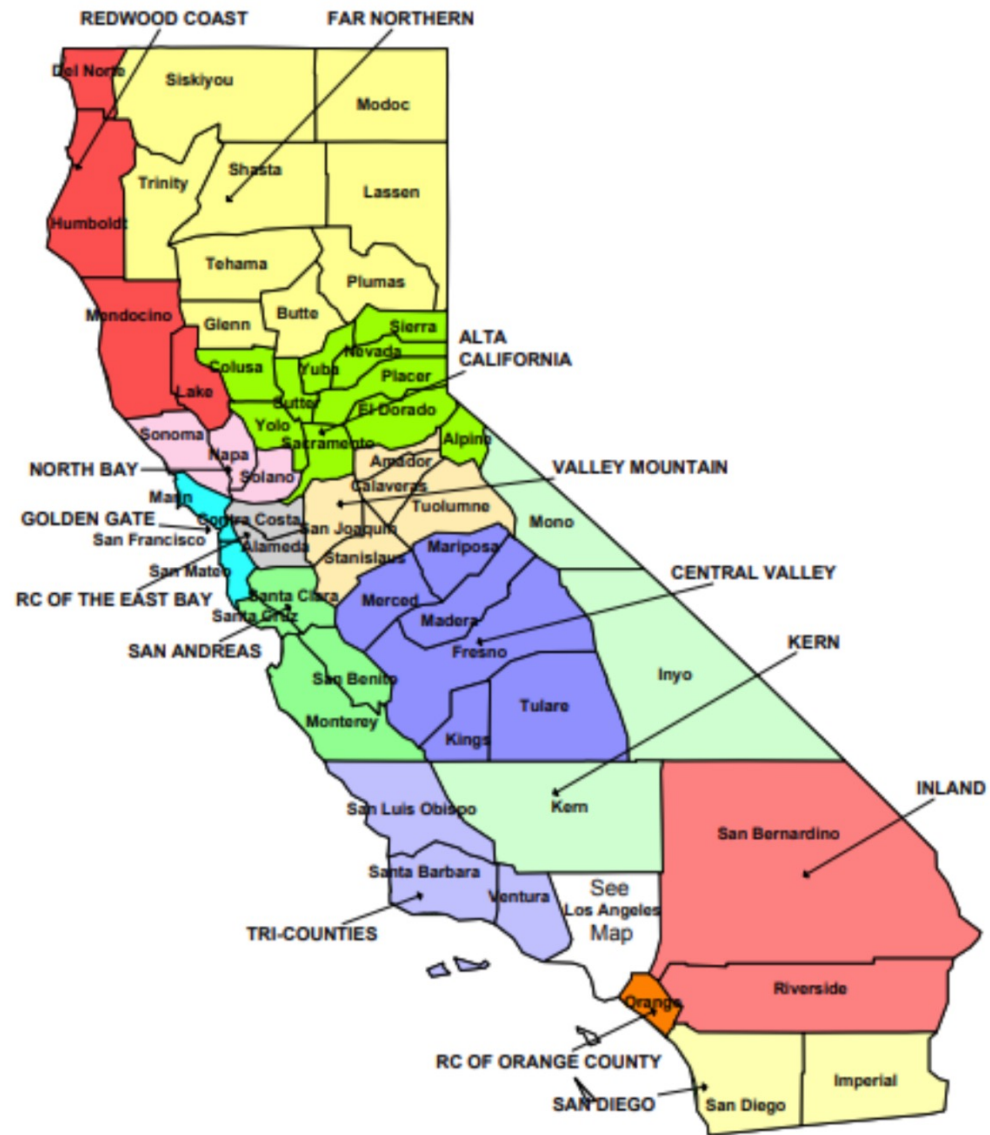


What We Will Cover Today

- Lanterman Act Basics
- Eligibility for Regional Center Services
- Regional Center Services and Getting Services Authorized through the Individualized Program Plan (IPP) Process
- Regional Center Services that Can Help People Find and Keep Housing in the Community
- Appealing Regional Center Decisions

The Lanterman Act

- State law passed in 1969 in response to the warehousing of people with intellectual and developmental disabilities in segregated institutions
- California “accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge”
 - Array of services and supports to meet needs and choices of people with I/DD
 - Services throughout state to prevent dislocation from families and communities
 - Enable people with I/DD to approximate pattern of everyday living available to people without disabilities of same age



The Lanterman Act (continued)

- Entitles people with I/DD to services and supports at state expense
- Creates Department of Developmental Services (DDS) to oversee provision of services
- Services provided through local non-profits called **regional centers (RCs)**
 - 21 RCs in CA
 - Each serves a different geographic area (“catchment area”)
 - Independently operated

Regional Centers

“Fixed points of contact in the community” for people with I/DDs

What do they do?

- Assess for Lanterman Act eligibility
- Assign a service coordinator
- Create plan about needs and services called an Individual Program Plan (IPP)
- Contract with “vendors” to secure services outlined in the IPP
- Develop resources to ensure a sufficient vendor network

Eligibility Requirements for Regional Center Services

Who is Eligible for RC Services?

Requirements to qualify for regional center services:

- Must have a developmental disability,
- Developmental disability must have originated prior to age 18,
- Developmental disability must be “substantial”

OR

Qualify under provisional eligibility (ages 0-5 only)

Must have a “Developmental Disability” (DD)

Applicant must have a “Developmental Disability”.

A developmental disability includes:

1. **Intellectual Disability**
2. **Cerebral Palsy**
3. **Epilepsy**
4. **Autism**
5. **(5th Category)** A condition that is:
 - a. Closely related to intellectual disability, or
 - b. That requires treatment similar to that required for intellectual disability.

Fifth (5th) Category Eligibility

Condition must be very similar to Intellectual Disability

Impaired cognitive skills

- A person with an IQ above 75, but still needs treatment similar to a person with an Intellectual Disability, may qualify under 5th category.

Impaired adaptive functioning

- Problems with the ability to function in activities of daily life.

If applying under 5th category, bring records and assessments that show limitations in cognitive and adaptive skills.

Developmental Disability is “Substantial”

Even if an individual has a diagnosis of one of the 5 developmental disabilities – Autism, Cerebral Palsy, Epilepsy, Intellectual Disability, or 5th category – you must still show that the disability is substantial.

A **substantial disability** means that the individual has significant functional limitations in three or more major life activities.

Developmental Disability is “Substantial” (continued)

There are 7 major life activities:

1. Self-Care
2. Receptive and expressive language
3. Learning
4. Mobility
5. Self-direction
6. Capacity for independent living;
7. Economic self-sufficiency

Must have limitations in at least 3 of the major life activities above.

The functional limitations must be linked to the developmental disability

Not Solely a Physical or Psychiatric Disability

Not solely physical disability:

- A person with disability that only affects their physical abilities is not eligible.

Not solely a psychiatric disorder:

- A person who has social and intellectual functioning issues that are caused solely by a psychiatric disorder is not eligible.
- Ex: psychosis, personality disorders, mental disorders, bipolar disorder or schizophrenia

Not solely a learning disability

Not Solely a Physical or Psychiatric Disability (continued)

An individual may still qualify for regional center services if you have:

- A learning, physical, and/or psychiatric disability, **and**
- A developmental disability (Autism, Epilepsy, Cerebral Palsy, Intellectual Disability, or 5th Category)

Must show that symptoms and needs are because of the developmental disability, and not only the result of the psychiatric or physical disability.

Provisional Eligibility

- For children under five years of who are not eligible for regional center services under “regular” Lanterman Act eligibility
- Does not need to have one of the five qualifying conditions.
- Must show significant functional limitations in at least two of the following areas of major life activity:
 - Self-care.
 - Receptive and expressive language.
 - Learning.
 - Mobility.
 - Self-direction.
- Cannot be solely physical in nature.

Applying for Regional Center Services

Initial Intake Meeting:

Contact the regional center that is closest to where you live. Make an appointment for a first meeting, called “initial intake meeting”.

- Initial meeting must be held within 15 days.
- Initial intake meeting must be in applicant’s (or parents’) native language.
- Bring relevant records (doctors notes, school records, health insurance, etc.) that show applicant’s developmental history.

Regional center will decide if it will complete a formal assessment to determine eligibility for services.

Applying for Regional Center Services (continued)

After the initial intake meeting, regional center has 120 days (4 months) to make a decision.

However, Regional center has only 60 days to make a decision, if a longer wait would:

- Put the applicant's health at risk,
- There is risk of further delay in mental or physical development, or
- There is imminent risk of placement in a more restrictive setting.

Regional Center's Decision

The regional center approves applicant's application.

- The applicant becomes a consumer/client of the regional center.
- An individual program plan (IPP) must be held within 60 days.
- IPP includes services & supports provided by the regional center.

The regional center denies applicant's application for eligibility for services.

- Within 5 days, regional center must provide a written notice of its decision (called a "notice-of-action" or NOA).
- If applicant disagrees with the decision, they can choose to appeal. This includes requesting a fair hearing before an administrative law judge.

Regional Center Services

Services and Supports

Consumers can ask for any services and supports to:

- Lessen the effects of the developmental disability.
- Have a “normal,” independent, and productive life.
- Learn new skills.

WIC sec. 4501.

Categories of Services

- ▶ Assessment Services
- ▶ Habilitation and Training
- ▶ Treatment and Therapy
- ▶ Preventive Services
- ▶ Living Arrangements
- ▶ Community Integration
- ▶ Employment/Day Programs
- ▶ Family Support Services
- ▶ Relationship Services
- ▶ Emergency and Crisis Intervention
- ▶ Recreation Services
- ▶ Specialized Equipment
- ▶ Transportation Services
- ▶ Facilitation Services
- ▶ Self-Advocacy
- ▶ Advocacy

WIC sec. 4512(b)

Who pays for regional center services?

In general, families are not required to pay for a consumer's services and supports listed in his/her IPP.

Exceptions:

- Family may be required to pay for portion of respite, day care, or camping services if they meet certain criteria
- Parents of children under age 18 who receive out-of-home care may be required to pay for some of the cost

Regional center cannot ask family to pay for other regional center services listed in the consumer's IPP.

Regional center cannot deny a service because family cannot pay for it.

Duty to Use Generic Resources

Regional Centers are the “payor of last resort” and are generally prohibited from purchasing any service that would otherwise be available from:

- Medi-Cal, Medicare;
- In-Home Supportive Services (IHSS);
- Department of Rehabilitation (DOR);
- School Districts;
- Private insurance or a health care service plan.

Always consider: whether the needed service is *actually* available from the generic resource, and whether it is *actually* duplicative

Duty to Use Generic Resources

(continued)

RC acts like gap filler:

- If no generic resource can provide service, RC can provide
- If generic resource denies service, RC can provide

RCs can (but rarely) provide:

- Gap funding
- Advocacy assistance in pursuing generic resource

Generic resources should be included in IPP

Purchase of Service Policies

- Regional center's guidelines for purchasing services and supports.
- Explains the requirements for receiving services and sometimes set limits.
- Must be cost-effective.
- Varies at each regional center.
- Cannot narrow the scope of the Lanterman Act entitlement or place fixed limits on services that interfere with individualized determinations made through the IPP process. (*Williams v. Macomber* (1990) 226 Cal.App.3d 225.)

Individual Program Plans (IPPs)

IPP Process

- Contract between consumer and the regional center.
- Must list all of the services and supports.
- Must be held every three years but usually every year.
- The consumer can request an IPP at any time. It must be held within 30 days of your request.
- Person-centered plan.

WIC sec. 4646, 4646.5(b)

Parts of the IPP

- Goals and Objectives.
WIC sec. 4646.5
- Schedule of Types and Amounts of Services and Supports
WIC sec. 4646.5
- Review of Health Status.
- Schedule for Review and Evaluation of the IPP
WIC sec. 4646.5(a)(2)-(5)

Why is an IPP Important?

- It lists what services and supports the regional center will provide.
- If a service is written into the IPP, the regional center must provide it.
- If a service is not written into the IPP, you cannot count on the regional center providing it.

Regional Center Housing Services

What Can Regional Centers Fund to Help People Secure Affordable, Accessible Housing?



Housing Access Services



Home Modifications



Rental Assistance

Individual Housing Transition Services

- Identification of the person's preferences and barriers to housing
- Preparation of individualized support plan, including identifying all possible sources of funding
- Assistance with the housing application process and communications with landlord
- Development of a housing support crisis plan



Housing and Tenancy Sustaining Services

- Assistance to resolve disputes with landlords and/or neighbors
- Advocacy to prevent eviction when housing is at risk
- Ongoing assessment to address barriers to retaining housing
- Support with activities related to household management, like timely payment of bills





Home Modifications

Also called **environmental accessibility adaptations**

Physical adaptations to the private residence of the participant or the participant's family. . .

required by the person's plan of care. . .

- which are necessary to ensure the health, welfare safety of the individual, or
- enable the individual to function with greater independence in the home



Home Modifications

(continued)

- Installation of ramps
- Widening of doorways
- Bathroom modifications
 - Roll-in shower
 - Grab bars
- Soundproofing
- Specialized Flooring
- Controlled lighting
- Flashing light alerts
- Durable accommodations
- Enabling technologies

Rental Assistance

Regional centers may fund rental assistance **for:**

People who live in their own homes and receive supported living services **when:**

The regional center director verifies that rental assistance is required. . .

- to meet the specific care needs unique to the individual consumer
- when a consumer's condition presents a health and safety risk

Intersection with the right to reasonable accommodations

Housing providers are required to provide reasonable accommodations when necessary for a person with a disability to use or enjoy their housing. (*E.g., waiver of “no pet” policy.*)

For a client of a regional center, housing providers may have to make accommodations such as:

- Accepting rental assistance from the regional center
- Communicating with a service coordinator in the application process or during the tenancy (*e.g.* as part of a plan of action to provide notice, manage crises, or address lease violations)
- Making arrangements for visiting service providers (*e.g.*, providing parking for respite providers or other caregivers)

Intersection with the right to reasonable modifications

Housing providers are required to allow reasonable modifications when necessary for a person with a disability to use or enjoy their housing. *E.g., lowering counter; removal of cabinets.*

- The costs of modifications generally falls on tenants
 - Exception: public housing
 - Exception: limited circumstances under state law related to failure to comply with building standards at time of construction or failure to maintain
- Regional center can help with those costs as home modifications
- Regional center can help with restoration or maintenance, where required

Keep in mind:

The duty to provide reasonable accommodations and allow reasonable modifications is an affirmative one.

Housing providers must engage in an interactive process with prospective tenants and tenants regarding requests (2 CCR § 12177). This may include having conversations with regional center staff.

Regional center services can be used to address (or prevent) adverse housing actions, such as eviction, neighbor disputes or complaints.

May need to provide regional center clients time to go through the IPP process to gain approval for needed services/supports.

The failure to allow or accept regional center services as accommodations/modifications may violate fair housing law.

Appealing Regional Center Decisions

When written notice is required

- An individual asks to be an eligible for regional center services, and the regional center says “no”.
- Regional center decides the consumer is no longer eligible for services (ending eligibility).
- The regional center says it will not provide (deny) a **new** service that the consumer asks for.
- The regional center wants to stop or change a service in the IPP, and consumer does not agree.
- The regional center claims that it does not have enough money to provide services in consumer’s IPP.
- Consumer informs the regional center that the consumer disagrees with all or part of the IPP.

Importance of written notice

Regional center cannot deny or change a service/eligibility without giving the consumer written notice.

If you do not receive a notice and the regional center has taken an action, file an administrative complaint (called a *§ 4731 Complaint) and Fair Hearing Request (ask for Aid Paid Pending).

Once you receive a NOA, you can file for hearing if you disagree with the decision.

* Used when rights have been denied or violated

Deadlines for Appealing Decisions/ Filing for Fair Hearing

Consumer must request a fair hearing within **60 days** after receiving a notice.

If the regional center tries to change the services a consumer already gets, the consumer has a right to continue getting those services while appealing the regional center's decision.

- The consumer has only **30 calendar days** after receipt of the notice to request a fair hearing and get Aid Paid Pending.

Filing an Appeal

Regional center must send appeal forms with the notice.

- Regional centers cannot refuse to give the appeal forms.
- Forms can also be found at DDS website:

<https://www.dds.ca.gov/transparency/dds-forms/>

Fair Hearing Request form:

<https://www.dds.ca.gov/wp-content/uploads/2019/05/DS1805.pdf>

Consumer can choose to go to an informal meeting and/or a mediation instead of or in addition to a hearing.

More information about the appeal process and fair hearings in DRC's manual, Rights Under the Lanterman Act

Resources

Rights Under the Lanterman Act (RULA) Manual

<https://rula.disabilityrightsca.org/>

Individualized Program Plan (IPP) Planning Guide

<https://www.disabilityrightsca.org/publications/in-dividualized-program-plan-ipp-planning-guide>

Purchase of Service (POS) Data Toolkit

<https://www.disabilityrightsca.org/resources/regional-center/purchase-of-service-pos-data-toolkit>

Regional Center Appeals and Hearings Toolkit

<https://www.disabilityrightsca.org/resources/regional-center/regional-center-appeals-and-hearings-toolkit>

Questions?
