

**FREQUENTLY ASKED QUESTIONS ABOUT AB 9
RCOC – AUGUST 10, 2009**

These are unprecedented times. The state has mandated that the community care system save \$384 million dollars this fiscal year (by June 30, 2010). RCOC is reviewing all of its services to be in complete compliance with the new changes to the Lanterman Act, its Board policies, and Purchase of Service Guidelines.

Respite – W&I Code Sect. 4686.5

Q: Is respite a required service under Early Start?

A: Only when it enables a parent to participate in another early intervention service (e.g., parent training). It is not to give the family a break as defined for consumers/families over the age of three. This is a change, in some cases RCOC provided respite to children in the Early Start program.

Q: How much out-of-home respite can be received in 1 fiscal year?

A: No more than 21 days of out-of-home respite (OHR) in a fiscal year.

Q: How much in-home respite can be received in 1 quarter?

A: No more than 90 hours of in-home respite (IHR) per quarter. This does not mean that RCOC has changed its respite “allocation” guidelines. 30 hours of respite per month or 90 hours of respite per quarter would be an exception, see below. However, it is a change in how respite can be used. Prior to this change in the law, RCOC had allowed consumers/families to use all the respite hours authorized in 1 year within 1 month.

Q: When does the in-home respite quarter start?

A: In most cases, the year refers to the fiscal year that began on July 1, 2009 and ends June 30, 2010, with quarters as follows: July 1 through Sept. 30, 2009; Oct. 1 through Dec. 31, 2009; Jan. 1 through March 31, 2010; and April 1 through June 30, 2010.

Q: What if my respite hours didn't start at the beginning of the quarter?

RCOC will continue to authorize respite hours per month. For families whose respite does not start at the beginning of the quarter, they will be able to use all of their monthly authorized respite hours.

Q: Can out-of-home (OHR) respite days be converted to in-home respite (IHR) hours?

A: Yes, but the IHR hours cannot exceed 90 hours per quarter without an exemption.

Q: What are the criteria for an **exemption**?

A: A regional center may grant an exemption if it is demonstrated that the intensity of the individual's care and supervision needs are such that additional respite is necessary to maintain the individual in the family home,

OR

There is an extraordinary event that impacts the family member's ability to meet the care and supervision needs of the individual.

Q: What constitutes an extraordinary event?

A: Death of a caregiver or close family member;
Serious illness of a caregiver or close family member;
Incapacitation or long-term absence of caregiver/family member;
The consumer experiences a behavioral or medical emergency;
A catastrophic occurrence such as fire, flood, earthquake or epidemic.

Holiday Schedule – W&I Code Sec. 4692

Q: What are the holidays?

A: There are a total of 14 days. For the 2009-2010 fiscal year, they are: January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, December 25, and the four business days between December 25 and January 1.

Q: What programs are affected by the new holiday schedule?

A: The following programs are affected. Next to the common name for each program is the service code number for the program:

Work activity programs 954	Activity centers 505
Adult development centers 510	Behavior management Programs 515
Social recreation programs 525	Adaptive skills trainer 605
Infant development programs 805	Program support group (day service) 110
Socialization training program 028	Community integration training program 55
Client/parent support behavior 048	Community activities support service 063
intervention training program	Creative arts program 094
Transportation vendor/family member 425	Transportation company 875
Transportation broker 883	Transportation/additional component 880
Transportation/auto driver 890	Transportation assistant 882
Taxi	

Q: Is there an exemption from the holiday schedule?

A: No.

Q: Will RCOC pay for “make-up” days?

A: No.

Transportation – W&I Code Sec. 4648.35

Q: Who will be required to be assessed for travel training?

A: Adults age 18 and older. **Exemption:** (1) individuals with severe or profound intellectual disability; (2) individuals with severe mobility limitations that preclude the safe use of public transportation; or (3) individuals who have severe behavioral challenges as documented by school/work or other assessments.

Q: When will the assessment occur?

A: At the time of request for individuals not currently receiving transportation services; and at the time of development, modification or review of the IFSP/IPP for those who are currently receiving transportation services.

Q: Can children in Early Start still receive curb-to-curb van service?

A: Minors living in the family home shall be transported by the family unless the family provides a letter to RCOC that demonstrates the family is unable to provide transportation for the child.

Suspended Services – W&I Code 4648.5

Q: Can camp be used for respite?

A: No.

Q: When does the suspension of services in this provision go into effect?

A: August 1, 2009. Individuals currently receiving these services will be sent a 30 day Notice of Action (NOA) immediately; however, since RCOC and many other regional centers have not traditionally funded many of the services that are being suspended, most families that we serve will not be affected by this cost-containment measure.

Use of Private Insurance

Q: Must RCOC pay for insurance co-pay or deductibles?

A: DDS is not authorized to require regional centers to pay co-pays or deductibles.

Q: What position has RCOC taken, with regard to co-pays and deductibles?

A: RCOC's interpretation has been that we are unable to fund co-pays or deductibles.

Experimental Treatments – W&I Code Sec. 4648(a)(15)

Q: What are experimental treatments?

A: Experimental treatments or therapeutic services include experimental medical or nutritional therapy when the use of the product for that purpose is not a general physician practice. The legislation mandates that regional centers 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. Since it has been RCOC's long-standing policy not to fund experimental treatments, the families we serve will not be affected by this measure.

Supported Living Services – W&I Code Sec. 4689(h) and (i)

Q: The individual consumer I serve currently receives a rent subsidy funded by RCOC. Will this continue?

A: If specific conditions as spelled out in budget legislation below are met, a regional center may make rent, mortgage or lease payments.

- (a) The regional center Executive Director verifies in writing that making the rent, mortgage or lease payments or paying for household expenses is required to meet the specific care needs unique to the individual consumer as set forth in an addendum to the consumer's individual program plan, and is required when a consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself or herself, or another.
- (b) During the time period that a regional center is making rent, mortgage or lease payments, or paying for household expenses, the supported living services vendor shall assist the consumer in accessing all sources of generic and natural supports consistent with the needs of the consumer.
- (c) The regional center shall not make rent, mortgage or lease payments on a supported living home or pay for household expenses for more than six months, unless the regional center finds that it is necessary to meet the individual consumer's particular needs pursuant to the consumer's IPP. The regional

center shall review a finding of necessity on a quarterly basis and the regional center Executive Director shall annually verify in an addendum to the consumer's IPP that the requirements set forth in subparagraph (A) continue to be met.

Q: When will this section take effect?

A: A regional center that has been contributing to rent, mortgage or lease payments or paying for household expenses prior to July 1, 2009 shall at the time of development, review or modification of a consumer's IPP determine if the conditions in paragraph (1) are met. If the planning team determines that these contributions are no longer appropriate under this section, a reasonable time for transition, not to exceed 6 months, shall be permitted.

IHSS – W&I Code Sec. 4689.05

Q: If a person is otherwise eligible but refuses to apply for IHSS, will RCOC fund supportive services that replace IHSS?

A: No, unless the regional center Executive Director finds that extraordinary circumstances warrant a waiver.

Q: Can RCOC fund supportive services pending approval of the IHSS application?

A: Yes, but only at the IHSS rate set by the county in which the person resides. (A list of county IHSS rates can be found on the DDS web site www.dds.ca.gov.)

Least Costly Program – W&I Code Sec. 4648 (a)(E)

Q: How is this determined?

A: Welfare and Institutions Code section 4648(a)(6)(D) was amended to require the IPP planning team to review the cost of providing services or supports of comparable quality by different providers and to choose the least costly available provider, including transportation, who is able to accomplish all or part of the consumer's IPP, consistent with the particular needs of the consumer and family as identified in the IPP. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer is not required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports. This provision took effect on July 28, 2009, and is required to be implemented at the time of development, review or modification of the IFSP or IPP.

