



California's protection and advocacy system  
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## **#15: Fact Sheet on California's Budget Cuts to Developmental Disability Services & Programs - July 15, 2009**

### **Supported Living Services<sup>1</sup>**

These changes are included in the Budget Trailer Bill. They will be effective when the Budget is approved, unless the language is changed by the legislature.

#### **How the Law Changed**

The changes require:

1. The IPP (Individual Program Plan) Team must confirm that all appropriate and available natural and generic supports have been used to the fullest extent possible. Natural supports include supports provided by family or friends. Generic services are community services provided by other public agencies. Examples of generic services are Section 8 vouchers for low-cost housing, Medi-Cal and IHSS.
2. Consumers who live together in the same home must use the same Supported Living Service (SLS) provider. However, the same SLS provider can only be used if the particular needs identified in the consumers' IPP can still be met.

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<sup>1</sup> The changes are part of the Budget Trailer Bill AB x3 45.

You may find the law at [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0001-0050/abx3\\_45\\_bill\\_20090628\\_amended\\_asm\\_v98.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx3_45_bill_20090628_amended_asm_v98.html)

The changes to Supported Living Services are found in Welfare & Institutions Code, Section 4689.

3. Regional Centers must make sure that the administrative costs charged by SLS vendors are necessary and reasonable and that the most cost-effective rate methodology is used to determine the negotiated rate for providers of SLS services.
4. The rent, mortgage, lease payments, and household expenses of an SLS arrangement are the responsibility of the consumer and any roommate who lives with the consumer.

### **Exemption to Restriction on Regional Center Payments for Housing Costs or Household Expenses**

The regional center executive director may make an exception to the rule prohibiting the regional center from paying for an SLS consumer's rent, mortgage, lease, or household expenses if two conditions are met. The regional center executive director must state in writing that: (1) payment is required in order to meet the specific care needs unique to the consumer as described in an IPP addendum and (2) the consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself or herself, or another.

When a regional center is making rent, mortgage, or lease payments, or paying for household expenses:

- SLS providers must assist the consumer in accessing all generic and natural supports. Supports must be consistent with the needs of the consumer.
- All paid roommates and live-in support staff must continue paying their own share of the rent, mortgage, lease payments and household expenses for the home.
- Remember that your IPP should be followed and the services must be appropriate for you.

The regional center cannot pay for a consumer's rent, mortgage, lease, or household expenses for more than six months, unless it finds that it is necessary to meet the consumer's needs as described in the consumer's IPP. The regional center will review the consumer's need on a quarterly basis and the regional center executive director must annually verify in an IPP addendum that the two conditions for the exception continue to be met.

### **Exemption for Individuals Now Receiving Regional Center Payments for Housing Costs or Household Expenses**

If a regional center is paying a consumer's rent, mortgage, lease, or household expenses prior to July 1, 2009, the regional center must determine if the exception requirements above are met at an IPP meeting. If the planning team determines that the payments are no longer appropriate, the regional center must continue the exception and keep paying in order to allow for a reasonable time for transition. The transition time cannot be longer than six months.<sup>2</sup>

### **What Should You Do if the Regional Center Wants to Change Your SLS Services?**

If your regional center wants to change your SLS services it must hold an IPP meeting.<sup>3</sup> At the meeting, the IPP team must discuss the new SLS criteria and whether the exemption applies to you. For example, you should discuss if the natural supports or generic services are available and meet your needs. You could also discuss if having the same SLS provider as your roommate will meet your needs. For example, if you communicate through the use of American Sign Language and your roommate has an SLS provider who does not know ASL, that SLS provider may not meet your needs. If you want the regional center to pay for your rent, you should discuss your need and the health and safety risks you would experience. You may want to have letters from doctors, therapists, family members or friends documenting the need and health and safety risk.

If you do not agree with the decision following the IPP meeting, the regional center must give you a written notice. The notice must be given 30 days before the change begins.<sup>4</sup>

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<sup>2</sup> The proposed trailer bill language 4689(i) (2) states that the 6 month transition is "retroactive to July 1, 2009." How this would work is unclear.

<sup>3</sup> See Welfare & Institutions Code Section 4646.4 (a)-(c).

<sup>4</sup> See Welfare & Institutions Code Section 4710.

If you want to appeal the decision and continue to receive these services, you must request a fair hearing within 30 days.<sup>5</sup>

- If you request the hearing within 10 days of receiving the notice, your services will be continued while the hearing process is conducted<sup>6</sup>; and
- If you request the hearing after 10 days but still before the 30 day limit, you will receive the fair hearing but your services may be discontinued until the outcome of the hearing is known.<sup>7</sup>

Your appeal should include, for example, why natural support or generic service is not available or how you qualify for an exemption on payment of housing costs or household expenses.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Due Process and Hearing Rights.

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<sup>5</sup> See Welfare & Institutions Code Section 4710.5 (a)

<sup>6</sup> See Welfare & Institutions Code Section 4715

<sup>7</sup> See Welfare & Institutions Code Section 4710.5 (a)