



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

### **Suspension of Services and Supports and the Individual Choice Budget<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.

The Lanterman Act currently does not limit the kinds of services a regional center may purchase provided that the IPP (Individual Program Plan) team determines that the service is needed. The changes to the Lanterman Act suspend the regional center's ability to purchase some services until the Director of the Department of Developmental Services (DDS) develops and implements a new service delivery model called the Individual Choice Budget that will result in state budget savings.

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

Regional centers may not purchase the following services until the Individual Choice Budget Model is developed. There is an exemption which allows the regional center to purchase these services in limited circumstances. (See Exemption below.)

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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 affecting Suspension of Services and Supports and the Individual Choice Budget are found in Welfare & Institutions Code, Sections 4648.5, & 4648.6.

1. Camping services and associated travel expenses.
2. Social recreation activities, except those activities vendored as community day programs.
3. Educational services for children 3 to 17 years of age.
4. Nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.

This new law takes effect on July 1, 2009. If you currently have any of the above listed services in your IPP or IFSP (Individualized Family Service Plan), it will not take effect until August 1, 2009.

### **Individual Choice Budget**

The Individual Choice Budget will be developed as an alternative way for regional centers to provide services to consumers. The Individual Choice Budget program will be developed by DDS and other stakeholders. This model is designed to help the state save money, maximize federal dollars and increase consumer choice. Individual budgets will be determined using a fair and equitable process. The goal is to develop this model in early 2010 and pilot test it at each regional center.

### **Exemption**

Regional Centers can grant an exception on an individual basis and purchase the services for the consumer if there are extraordinary circumstances. A request for an exemption should be discussed by the IPP team. An exemption can be made when the regional center determines that the service is:

1. A primary or critical means for ameliorating the physical, cognitive or psychosocial effects of the consumer's developmental disability; or
2. The service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs.

## What Should You Do If the Regional Center Wants to Suspend Your Services?

If your regional center wants to suspend your services, it must hold an IPP meeting.<sup>2</sup> At the meeting, the IPP team must discuss whether or not the exemption applies to you. You should discuss if you need the services to lessen the effects of your disability or if the service is necessary for you to remain in your home and whether any alternative service is available. For example, if you get swimming lessons to address the spasticity caused by your cerebral palsy, you should tell the regional center how this lessens your disability.

If after the IPP meeting, you do not agree with the decision to not provide an exemption, the regional center must give you a written notice of its decision. The notice must be given 30 days before the change begins.<sup>3</sup>

If you want to appeal the decision and continue to receive these services, you must request a fair hearing within 30 days.<sup>4</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>5</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>6</sup>

Your appeal should indicate why you qualify for an exemption.

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>2</sup> See Welfare & Institutions Code Section 4646.4 (a) - (c)

<sup>3</sup> See Welfare & Institutions Code Section 4710

<sup>4</sup> See Welfare & Institutions Code Section 4710.5 (a)

<sup>5</sup> See Welfare & Institutions Code Section 4715

<sup>6</sup> See Welfare & Institutions Code Section 4710.5 (a)