



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

In-Home Supportive Services (IHSS)¹

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.

Every county has an In-Home Supportive Services (IHSS) program where services are provided to help people stay in their homes. These are services that persons cannot perform by themselves. The county must determine that you need the services to stay safely in your home. The county pays another person to provide IHSS services for you.

How the Law Changed

The new law changes your ability to receive some kinds of services from your regional center in the following way:

- a. Unless you meet an exemption, the regional center cannot pay for services that are available through the county's IHSS program when you meet the criteria to receive IHSS services but you decline to apply for it;

¹ 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

The changes affecting In-Home Supportive Services are found in Welfare & Institutions Code, Section 4689.05.

- b. The regional center can pay for supportive services between the time you apply for IHSS and the time it is approved but the rate the regional center pays for the services it purchases cannot be greater than the IHSS hourly rate for the county in which you live.
- c. Regional Centers are required to use generic services to meet your needs before the regional center purchases services.² IHSS is a generic service and therefore, the regional center cannot purchase supported living services to replace IHSS services.

Exemption

The regional center executive director may make an exception to the rule and pay for services even if you decline to apply for IHSS, if there is an “extraordinary circumstance” that warrants making an exception and it is documented in your Individual Program Plan (IPP).

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

If your regional center wants to change your services it must hold an IPP meeting.³ At the meeting, the IPP team must discuss the new services criteria and whether the exemption applies to you. For example, you should discuss if you have an extraordinary circumstance that prevents you from applying for IHSS even if you meet the criteria. You might also want to discuss how the number of hours you receive from IHSS does not cover all of your services needs.

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.⁴

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

- If you request the hearing within 10 days of receiving the notice, your services will be continued while the hearing process is conducted⁶; and

² See Welfare & Institutions Code Section 4648

³ See Welfare & Institutions Code Section 4646.4 (a) (b)

⁴ See Welfare & Institutions Code Section 4710

⁵ See Welfare & Institutions Code Section 4710.5 (a)

- 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.⁷

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

⁶ See Welfare & Institutions Code Section 4715

⁷ See Welfare & Institutions Code Section 4710.5 (a)