



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

Least Costly Provider¹

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 requires the IPP (Individual Program Plan) team to consider several factors when selecting a service provider including the provider's ability to deliver quality services and meet the IPP objectives and the cost of providing services or supports of comparable quality by different providers. The changes to the Lanterman Act include a requirement that the regional center purchase services from the least costly provider. How the least costly provider is decided is discussed below.

How the Law Changed

The regional center, consumer and, where appropriate, the parents or legal representative will review your IPP to determine if you are receiving services from the least costly provider available. In making this decision, the team must consider if:

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 Least Costly Provider are found directly in Welfare & Institutions Code, Section 4648(a)(6)(D).

- The service provider can meet all or part of your IPP;
- The service provider can meet your specific needs and, where appropriate, the needs of your family as set forth in your IPP;
- The services or supports are comparable to your current services or supports;
- The services are as integrated and no more restrictive than your current services. You cannot be required to use the least costly provider if the services are more restrictive or less integrated.

To determine the least costly provider, the regional center, consumer, and where appropriate, the parent or legal representative must consider:

- If the program is eligible for federal funding;
- The cost of transporting you to and from the program.

What Should You Do If the Regional Center Wants to Change Your Services To a Less Expensive Provider?

If your regional center wants to change your services, it must hold an IPP meeting.² At the meeting, the IPP team must discuss the new criteria for determining the least costly service and how that may affect who provides your services. You should discuss if the least costly service provider can meet your needs, if the services are the same, and if the services are provided in as integrated a setting.

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.¹ 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.³

- If you request the hearing within 10 days of receiving the notice, your services will be continued while the hearing process is conducted⁴; 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.⁵

² Welfare & Institutions Code, Section 4646.4 (a)-(c)

³ See Welfare & Institutions Code Section 4710.5 (a)

⁴ See Welfare & Institutions Code Section 4715

Your appeal should indicate, for example, why the new vendor cannot meet your needs, how the service is offered in a less integrated setting, or why the services are not comparable to what you currently receive.

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

⁵ See Welfare & Institutions Code Section 4710.5 (a)