

DEPARTMENT OF DEVELOPMENTAL SERVICES

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DATE: DECEMBER 8, 1998

TO: STAKEHOLDER ORGANIZATIONS

SUBJECT: INTER-REGIONAL CENTER TRANSFER GUIDELINES

Enclosed is the final version of the Inter-Regional Center Transfer Guidelines. Section 4643.5 (c) of the California Welfare and Institutions Code requires the development of such guidelines to help ensure "... a smooth transition of services and supports from one regional center to another ..." We thank all of you who provided comments on the three earlier drafts of the document.

Please contact Dale Sorbello, of my staff, at 916/654-1954, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eileen M. Richey".

EILEEN M. RICHEY
Deputy Director
Community Services Division

Enclosure

"Building Partnerships, Supporting Choices"

DEC 14 1998

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INTER-REGIONAL CENTER CONSUMER TRANSFER GUIDELINES

(December 4, 1998)

Introduction

Section 4643.5 (c) of the Welfare and Institutions Code (Chapter 294, Statutes of 1997, effective August 18, 1997) states that *"The department shall develop guidelines that describe the responsibilities of regional centers in ensuring a smooth transition of services and supports from one regional center to another, including, but not limited to, pretransferring planning and a dispute resolution process to resolve disagreements between regional centers regarding their responsibilities related to the transfer of case management services."* The following guidelines represent the Department's response to this mandate.

Guidelines

1. A well-planned and coordinated transition for consumers moving between regional center catchment areas helps minimize the trauma, frustration and disruption in services and supports that may occur without such planning and coordination. Therefore, it is incumbent on all those involved in the transition process (regional centers, consumers, families, vendors, etc.) to work in a coordinated and collaborative manner before, during, and after the transfer occurs.
2. Advance or pretransfer planning, when possible, is the foundation for successfully transitioning consumers between regional center catchment areas. A consumer or, where appropriate, his or her parents, legal guardian, conservator, or authorized representative needs to communicate planned move activities to the sending regional center as soon as possible. Both the sending and receiving regional centers should communicate and coordinate, as appropriate, with vendors and the consumer/family about a pending move as soon as it is known.
3. When the regional center becomes aware that a consumer/family is planning to move to another regional center, and if the family desires to meet, the sending regional center should contact the receiving regional center and a meeting or telephone conference should be convened to discuss transition services and supports during and after the move. Communication among all the involved parties should ensure there is clarity as to who is responsible for which transfer activity(ies), what the specifics of the responsibility are, and when the specified transfer activity(ies) will take place.
4. Transfers between regional centers should be coordinated between the Chief Counselors, or at a similar level reflecting the importance of this responsibility.
5. The provision of services and supports to a consumer or his/her family should not be delayed or withheld by either regional center pending the administrative transfer of a case.

6. The sending regional center should retain case management and fiscal responsibility for a consumer until the receiving regional center has effectively assumed such responsibilities. The receiving regional center should be deemed to have "effectively assumed" responsibility when a new service coordinator has been identified, a new or revised individual program plan (IPP) or individual family service plan (IFSP) has been developed, and the consumer is receiving the services and supports listed in the new or revised IPP or IFSP.
7. Consumers moving into a new regional center catchment area should have the same opportunity to receive services and supports as existing consumers. The sending and receiving regional centers should make best efforts to ensure that both regional center funded and generic services are provided with no gaps or delays.
8. When a disagreement exists between regional centers over case transfer, the sending regional center should maintain case management and fiscal responsibilities until such time as the issues are resolved. At no time should a consumer/family be without services due to disputes between regional centers.
9. The regional center must ensure its policies and practices conform with statutory provisions that may relate to consumer transfer activities. Some of these provisions include, but are not limited to, the following: Welfare and Institutions Code §§ 4418.3, 4519, 4643.5, 4646.5 (a)(4), 4648 (a)(10), 4652, 4805, 5008 (d), 42 CFR §§ 482.61 (e), 482.62 (a)(4), and 482.62 (f)(2).

Dispute Resolution Process

The following procedures are recommended in the event there is a dispute regarding the transfer of a consumer or funding from one regional center to another.

1. Regional centers should attempt to resolve all transfer disputes at the local level.
2. If resolution cannot be attained, either regional center or the consumer or the consumer's authorized representative may ask the Deputy Director of the Community Services Division, Department of Developmental Services, to review the case and to render a decision.
3. The request to the Department for intervention should be submitted in writing. A copy of the letter should be provided to the other regional center, or to both regional centers when the case review request is initiated by a consumer or authorized representative, and to any other involved parties.
4. The involved regional centers should provide the Department a written explanation of their respective positions within five working days. The written explanation may be submitted electronically. The Department may request additional information as

necessary. The Department may initiate a telephone conference call with the involved regional centers in lieu of, or in addition to, receiving the written information.

5. The Deputy Director, or his or her designee, will provide a written opinion on the disputed transfer case and/or funding within 30 days after receiving all the information needed from the involved parties to render a decision. The Deputy Director's decision will be binding on the involved regional centers to the extent the disputed matter involves the enforcement of an existing law or a provision in the Department's contract with the regional center.

Nothing in this dispute resolution process replaces or substitutes for the complaint process contained in Welfare and Institutions Code § 4731, or the consumer fair hearing process pursuant to Welfare and Institutions Code § 4700 et seq.