



*California's Protection & Advocacy System  
Toll-Free (800) 776-5746*

# Maximizing Resources for Behavioral Services<sup>1</sup> - Fact Sheet

---

*July 2011, Pub # F053.01*

The State Legislature required the Department of Developmental Services (DDS) to reduce its budget by 174 million dollars for this fiscal year (2011-2012), in addition to the required 334 million dollar reduction effective July, 2009.<sup>2</sup> As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the changes in the use of behavioral services, any exemptions to those changes, and what will happen if the regional center wants to change your services.

---

<sup>1</sup> The changes are part of the Budget Trailer Bill (TBL) AB104. You may find the law at [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0101-0150/ab\\_104\\_bill\\_20110630\\_chaptered.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_104_bill_20110630_chaptered.html) Changes affecting behavioral services are found in Welfare and Institutions Code section 4686.31.

<sup>2</sup> The new law requires DDS to obtain even greater savings if certain triggers are not met in the state budget throughout the year. Disability Rights California will discuss this on its website if the triggers are not met.

## **HOW THE LAW CHANGED**

The Lanterman Act requires that behavioral services that have been received be verified in writing by the parent or guardian of a child under the age of 18 residing in the family home who is receiving behavioral services. This will help ensure that services billed for were actually received. Further, a new behavioral paraprofessional position will be developed.

### **A. Verification of Behavioral Services<sup>3</sup>**

The parent or legal guardian of a minor child receiving behavioral services will have to sign a verification of services form to indicate receipt of services. This form is to be a standardized DDS form which will then be submitted by the vendor to the regional center for payment of services rendered to the consumer. The form shall include, but not be limited to, the name and title of the vendor, the vendor identification number, the name of the consumer, the unique client identifier, the location of the service, the date and start and end times of the service, and a description of the service provided. If the parent or guardian cannot sign the form, they should contact their regional center service coordinator immediately.

Failure to sign the form cannot result in a change or termination of your behavioral services. If the regional center changes or terminates your behavioral services, it must either hold an Individual Program Plan (IPP) meeting and reach agreement with you about the change, or give you a written notice. (See Section C below.)

### **B. Behavioral Services Paraprofessional<sup>4</sup>**

The Department of Developmental Services will adopt regulations that address the use of paraprofessionals in group practice provider behavioral intervention services. The qualifications, supervision requirements, and rate of pay are still to be determined.

The regional center must provide you with a written notice before making any changes to your services including changing your current behavioral services to include the use of a paraprofessional.

---

<sup>3</sup> Welfare and Institutions Code section 4686.31

<sup>4</sup> Welfare and Institutions Code section 4686.3

### **C. What Will Happen If the Regional Center Wants to Change Your Services?**

If your regional center wants to change your services by requiring you to use a behavioral services paraprofessional, it must either hold an IPP meeting and reach agreement with you about the change, or give you a written notice.<sup>5</sup> The notice must be given 30 days before the change begins.<sup>6</sup> The notice must give you the following information:

- the action the regional center is taking;
- the basic facts about why the regional center is making its decision;
- the reason for the action;
- the effective date; and,
- the specific law, regulation or policy that supports the action.<sup>7</sup>

If you are already receiving the service and you disagree with the regional center's decision and want to continue to receive it, you must request a fair hearing within 10 days of receiving the notice.<sup>8</sup> Otherwise, the request must be made within 30 days.<sup>9</sup> If exemptions are available and you think you meet an exemption, remember to additionally put "I meet an exemption" into your fair hearing request.

For more important information on how to appeal decisions by the regional center, read our fact sheet, Regional Center Due Process and Hearing Rights at <http://www.disabilityrightsca.org/pubs/F02601.pdf>.

---

<sup>5</sup> Usually, decisions about the services you need must be decided by an IPP team. Welfare and Institutions Code section 4646.4(a)-(c). However, the law says if a regional center wants to reduce, end or change a service in your IPP without your consent, it has to give you a 30 day notice first. Welfare and Institutions Code section 4710

<sup>6</sup> Welfare and Institutions Code section 4710

<sup>7</sup> Welfare and Institutions Code section 4701. The information must also be in the language you understand.

<sup>8</sup> Welfare and Institutions Code section 4715

<sup>9</sup> Welfare and Institutions Code section 4710.5(a)

*Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.*