



California's Protection & Advocacy System
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Mixed Payment Rates in residential Facilities with Alternative Residential Model (ARM) Rates¹ - Fact Sheet

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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, 2009.² As a result, there are changes to the types and amounts of services that regional centers can purchase. This fact sheet describes the 2011 changes to payment rates of consumers who reside in ARM rate facilities, any exemptions to those changes, and what will happen if the regional center wants to change your services.

¹ 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. The changes affecting mixed payment rates in ARM rate facilities are found in Welfare and Institutions Code section 4681.7.

² 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

These provisions only apply to consumers who reside in a facility that receives payment based on a cost model known as the ARM rate (ARM rate facility). ARM facilities include small community living homes that are sometimes called group homes or referred to by the level of services they provide such as level 2 or level 4(i). The ARM rate is based on the specific service and support needs of the consumers who live in that facility. However, sometimes a consumer's service and support needs change and the consumer no longer requires the level of service and support for which his or her ARM rate facility is designed. For any consumer who requires a lower level of service and support than his or her facility's ARM rate designation, the law allows regional centers to negotiate a lower payment rate with the facility for that consumer. The law only allows the lower payment rate when the regional center; the consumer, or his or her representative; and the facility agree that the facility can safely provide the service and supports needed by the consumer. The law also says that the Individual Program Plan (IPP) team makes the determination as to whether a consumer's service and support needs have changed.

The purpose of the law is to allow consumers to remain in the home of their choice even when their service and support needs change. These provisions cannot be used to require consumers to move from their current home unless the consumer and his or her IPP team agree that a different living arrangement is appropriate.

This law does not impact consumers who may require a higher level of service and support than their facility's ARM rate designation. Existing law allows regional centers to purchase additional staffing that exceeds the level of staffing in the consumer's ARM rate facility when the consumer's IPP team determines that the additional staffing is necessary and consistent with the consumer's IPP.³ Existing law also allows the regional center to purchase emergency and crisis intervention services to allow the consumer to remain in the home of his or her choice.⁴

³ Welfare and Institutions Code section 4648(a)(9)(D)

⁴ Welfare and Institutions Code section 4648(a)(10)

What Will Happen If the Regional Center Wants to Change Your Services?

If your regional center will not allow you to stay in your current facility by adjusting its ARM rate, or if the regional center thinks you need a lower level of service and you disagree, the regional center must either hold an IPP meeting and reach agreement with you about the change or give you a written notice.⁵ The notice must be given 30 days before the change begins.⁶ 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.⁷

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.⁸ Otherwise, the request must be made within 30 days.⁹ 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>.

⁵ 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

⁶ Welfare and Institutions Code section 4710

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

⁸ Welfare and Institutions Code section 4715

⁹ 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>.