



## ***EASTERN LOS ANGELES REGIONAL CENTER***

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DATE: August 24, 2009

TO: Service Providers of Respite Services

FROM: Frances Jacobs, Manager of Community Services Department

RE: Legislative Changes Impacting Services/Supports – **Respite Services**

Vendors of the above-referenced service will likely be affected by Trailer Bill Language (TBL) ABX4 9, Chapter 9, Statutes of 2009, that was enacted July 28, 2009 and effective immediately.

Please refer to TBL Section 20, Welfare and Institutions Code Section 4686.5 which was added to specify conditions under which a regional center may purchase respite services. Specifically, “a regional center may not purchase more than 21 days of out-of-home respite services in a fiscal year nor more than 90 hours of in-home respite in a quarter, for a consumer”. In addition, “a regional center is prohibited from purchasing day care services to replace or supplant respite services” and “a regional center may only consider IHSS a generic resource when the approved IHSS hours meet the respite needs as identified in the IFSP/IPP”.

“Day Care” is defined as regularly provided care, protection and supervision of a consumer, living in the home of his or her parents, for periods of less than 24 hours per day, while the parents are engaged in employment outside of the home or educational activities leading to employment, or both. For individuals receiving early start services, the Part C regulations list 16 “types” of services included under “early intervention services”. §303.12 (a) states that “early intervention services may include such services as the provision of respite and other family support services”. As stated, the term “respite” is not intended to mean “relieve” or “rest” but rather a child care-type service provided to enable parent(s) to participate or receive other early intervention services in order to meet the outcomes on a child’s Individual Family Service Plan (IFSP).

Eastern Los Angeles Regional Center (ELARC) has reviewed this trailer bill language and believes that in relation to the above noted categories the vendors assigned the following service codes by ELARC may be impacted by this change: In-Home Respite Services (862); In-Home Respite Worker (864); In-Home Nursing Services–Family Member (415); Respite Service Family Member (420); Home Health Agency (854). This information is not provided to vendors as the sole criteria that will determine whether regional center will terminate or reduce funding.

The regional center will be reviewing cases to ascertain whether consumers are receiving services that meet the conditions as described above. Consumers identified as a result will be issued NPAs (Notice of Proposed Actions) which they may appeal. As a service Provider, you will need to communicate directly with the service coordinator assigned to the consumer cases you are authorized to deliver services to for an update on the status of authorizations. On a case by case basis the IPP will be reviewed based on the intent of the related change in legislation to determine a course of action.

Each decision to terminate, reduce or to continue funding service will be made on an individual case basis. Though service codes were created to categorize the types of services that a regional center may purchase as precisely as possible, the precise nature of the service and how it is used varies from vendor to vendor and regional center to regional center. Consequently, determination of how a particular service is authorized is made on a case-by-case basis to determine whether it meets the criteria for respite services. Though the regional center will make the determination, we encourage all vendors to become familiar with the trailer bill language by logging on to the DDS website at [www.dds.ca.gov](http://www.dds.ca.gov) for a summary of the budget reductions. Additionally, we urge you to log on to [www.leginfo.ca.gov](http://www.leginfo.ca.gov) for a complete review of the trailer bill language. Only by thoroughly understanding the changes in the law can you decide on a course of action to take.

The regional center appreciates the services that you provide and the work that you do, and we hope that we will be able to continue to be partners in supporting people with developmental disabilities.

Finally, the regional center requests to be able to have a dialogue with you before you take any action to terminate services or to notify consumers that you intend to terminate services. Please contact Frances Jacobs, Manager of Community Services Department at (626) 299-4730 regarding this or if you have any questions or would like additional information.

cc: Gloria Wong, Executive Director  
Felipe Hernandez, Chief of Consumer Services  
Carmen Vasquez, Manager of Early Intervention Services  
Patricia Alvarez, Chief of Administrative Services  
Martin Cogan, Supervisor of Community Services Unit  
Tammy Bachrach, Chair of Vendor Advisory Committee  
vendor file