

Self- Determination

**State Council on
Developmental Disabilities
Orange County Office**

***Adapted with permission
from the Los Angeles
Regional Office**

**What is it,
How Does it
Differ From
Traditional
Services &
Is It Right For
Me?**

What's the Big Idea?

- Major change to the Lanterman Act
- Creates a new way to access services
- Guided by this idea:

People with disabilities should have the ultimate authority to decide how money designated to support them should be spent.

The Five Principles



Freedom



Authority



Support

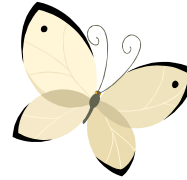


Responsibility



Confirmation

FREEDOM



- **To choose where and with whom you will live**
- **To decide what important things you will do with your life**

AUTHORITY

- **Over how money is spent**
- **To set standards**
- **To make decisions**

SUPPORT



- **That is individually designed to meet your unique needs**
- **That is aimed at helping you live your chosen life**
- **That comes from freely chosen family, friends and paid supports**

RESPONSIBILITY



- For spending public dollars wisely
- For making decisions and accepting responsibility for them
- For exercising citizenship

CONFIRMATION

- **Close the circle**
- **Share your insights**
- **Be leaders in crafting this system**

*Another way to look at
the principles...*

**Freedom
Support
Authority**

RESPONSIBILITY

Confirmation

Responsibility is big.

WHY???

- Your budget = public dollars - You have the ***RESPONSIBILITY*** to spend it wisely.
- Have a problem? You have the ***RESPONSIBILITY*** to handle it.
- Need help? Don't ask the regional center. You have the ***RESPONSIBILITY*** to figure it out.
- *The buck stops with you* because you have the...

Who is Eligible?

You or your family member must:

- **Be a regional center client**
- **Live at home or in the community**
- **Go to required Pre-Enrollment Informational Meeting at the Regional Center of Orange County**
- **Agree to work with a Financial Management Service**



You are not eligible if...

- You live in a licensed, long-term health facility such as a developmental center or an Intermediate Care Facility

** Unless you are in the process of moving out- then you may be eligible.*



The Roll Out

- **For the first three years (roughly 2017 – 2020) only 2500 people statewide will be selected through a lottery to participate. (155 from RCOC)**
- **After that, anyone eligible who chooses* self-determination will get it.**

***Self-Determination is voluntary.**

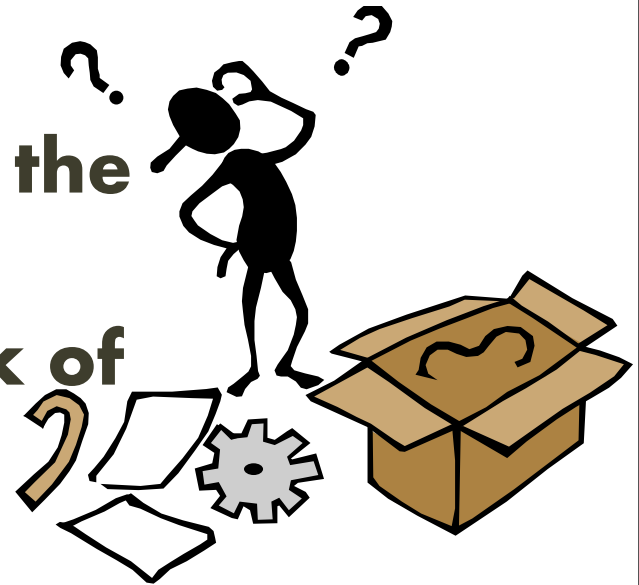
The Players



- **You – the leader of the band**
- **Facilitator – if you want one**
- **Financial Manager – Handles the \$**
- **Your friends, family, paid supports, etc.**

The Facilitator

- Helps develop Person-Centered Plan
- Helps plan and maintain the budget
- Helps develop a network of support
- Helps find providers, negotiates rates, hours of service, and write contracts



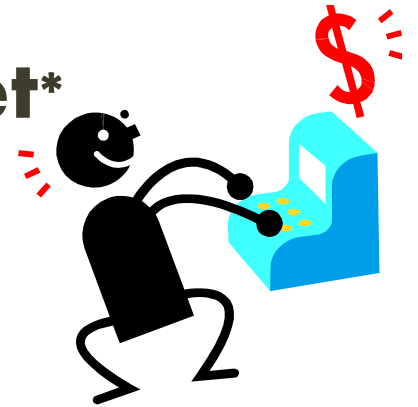
The Facilitator

- **Makes sure providers live up to their agreements**
- **Helps mediate issues with providers**
- **Helps the person and supporters to abide by the principles of Self-Determination.**

****You pay for the facilitator out of your budget. But you don't have to hire a facilitator. It's up to you.***

Financial Management Service

- **Outside entity hired by you**
- **Paid for out of your budget***
- **Manages your money**
- **Vendored by RC**
- **Required to be used by all SD participants**
- **Does not make budget decisions**



Financial Management Service

- **Receives funds allocated and makes payments to service providers**
- **Maintains financial records, generates reports**
- **Manages taxes, workers' compensation, liability insurance, and ensures all provider legal requirements are met**
- **Conducts criminal record checks**

How it Works: Your Budget

- **Individual Budget = \$ spent on you for the last 12 months***
 - **Re-determined each year; changing needs ↓ or ↑ your budget**
 - **You decide how it's spent; designate "chunks" of money for service categories**
 - **Budget pays for Facilitator & FMS***
- *If you identify unmet needs, budget may be increased initially. *FMS pending**

How it Works: The Basics

- **Ask for Self-Determination**
- **Agree to abide by the rules and live within the limits of your individualized budget (IB).**
- **Hire a facilitator (if you want)**
- **Hire a financial manager**

Make a Team

- **Decide who you want on your team. Some possibilities:**
 - **Family**
 - **Friends**
 - **Neighbors**
 - **Co-workers**
 - **Facilitator**
 - **Service Coordinator**

How it Works: The Basics

- **Develop a Person-Centered Plan (PCP) with your team**
 - **Critically important step**
 - **Identify wants, future plans, needs, preferences**
 - **Identify what is needed to meet all of the above – goals, services, accommodations, supports etc.**

How it Works: The Basics

- **Services will fall under broad “service categories.”**
- **List your goals, accommodations, services and supports under these categories**
- **Designate chunks of money to service categories**
- **You can shift up to 10% each year between service categories**

How it Works: The Basics

- **Once you've decided on your plan and budget:**
 - **Give your Plan and Budget to your FMS**
 - **Interview potential workers**
 - **Ask the FMS to conduct criminal record checks**
 - **Make the hire and have them sign contract**
 - **They start working; Your FMS starts paying the people you hired**

Traditional vs. Self-Determination

Traditional

- You want **Awesome Therapy (AT)**.
- You have tried all programs offered and none meet needs. You have letters from professionals to back up request for AT.
- Service coordinator says AT isn't "vendored" and takes request to "committee." 3 weeks later you get a denial letter.
- You appeal denial and wait up to 50 days for a decision.
- And you might lose.

Self-Determination

- You want AT.
- You make sure there's enough money in budget to pay for AT.
- You talk with AT and come to an agreement about hours & rate.
- You give hours & rate info to FMS who makes sure AT has required certification and that staff don't have criminal records.
- You start receiving AT.
- Whole process takes a few days.

Traditional vs. Self-Determination

Traditional Services

- Jen asks for ABA for 10 year old son
- RC says POS policies stop ABA at 6 years old
- Jen goes to fair hearing
- One year after request, she wins hearing
- ABA started
- RC tries every year to stop funding it

Self-Determination

- Jen puts ABA therapy into her son's PCP
- Jen contracts with preferred provider
- ABA therapy started within a few days
- Jen decides when to start fading ABA therapy; keeps for as long as son needs it

Roles & Responsibilities: Service Coordinator vs. You

Service Coordinator

- **Caseload = 100+**
- **Limited authority**
- **Services determined by POS standards**
- **Services must be cost-effective**
- **Services can only be provided by a vendor of the Regional Center**
- **SCs are bound by all of the above**

You

- **Caseload = 1**
- **Complete authority**
- **Services determined through PCP**
- **Must make sure there's enough money in budget**
- **Can purchase services from anyone, vendor or not**
- **Have full responsibility and are answerable only to yourself**

Roles & Responsibilities: Service Providers



Traditional

- **Vendored by/under the legal and contractual authority of the regional center.**
- **Must provide services according to regional center policies.**
- **Payment rates/service hours set by the regional center.**
- **Forbidden to provide services outside the scope of their vendor agreement.**

Self-Determination

- **Providers are under your authority**
- **FMS is "employer of record"**
- **Providers must give you the type and amount of services and accept payment according to your contract**
- **You have the authority to tailor services and set your own standards**



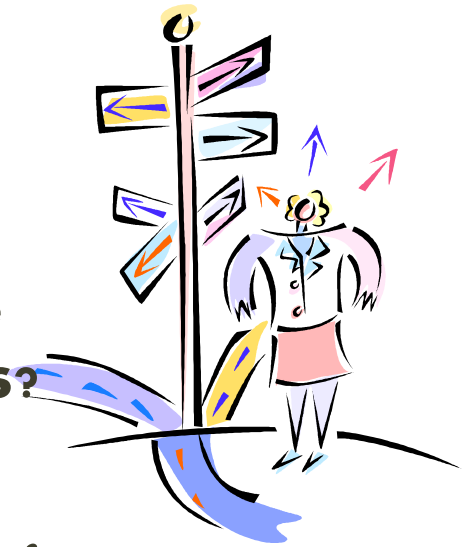
Is Self-Determination Right for You??

Ask yourself the next 4 questions.

Four Questions to Ask Yourself

1. *Do you have a complicated life?*

- Do you get lots of services from various sources?
- Do you need your services to be flexible for your changing needs?



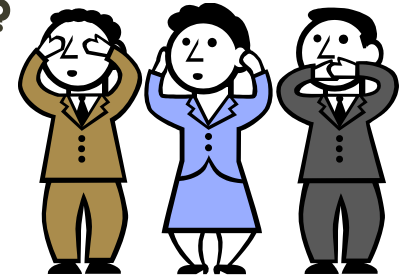
Because of the boundaries placed on regional centers, they have a harder time responding quickly to changing needs.

If you have a complicated life that requires “out of the box” solutions and quick responses to challenges, then Self-Determination could be right for you.

Four Questions to Ask Yourself

2. Have you had a lot of denials, conflicts with RC or fair hearings?

- RCs can and do say "NO"
- You have the right to appeal



Under SD the details are worked out during the person-centered planning process. Reduces risk of conflict and disagreement.

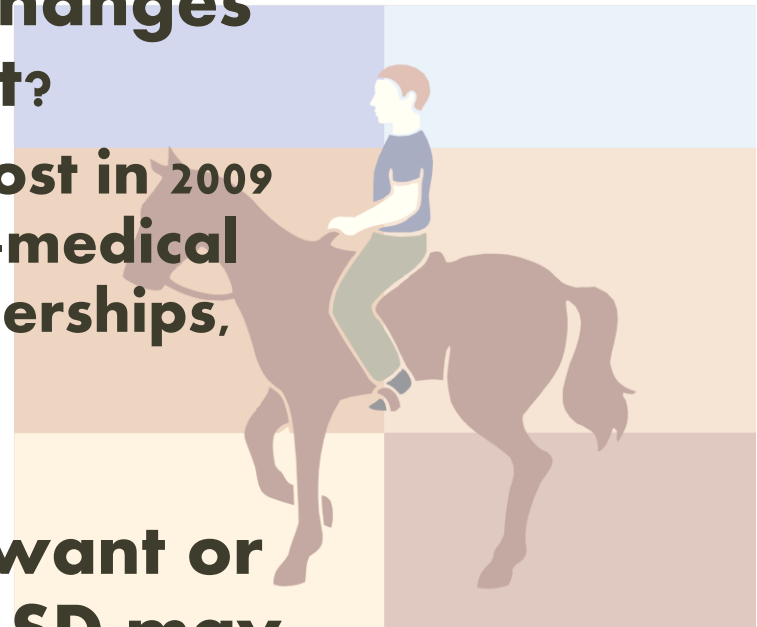
If the answer to this is Yes, SD may be right for you.

Four Questions to Ask Yourself

3. Have you lost services due to budget cuts and changes to the Lanterman Act?

- **Many services were lost in 2009 such as camping, non-medical therapies, gym memberships, recreation etc.**

If you or your child want or need these services, SD may be right for you.



Four Questions to Ask Yourself

4. Do you need unique services not typically offered by Regional Centers?

- RC does not have to pay for a service even if you think it's the best for you
- RC can offer a lower cost service if it is "comparable."

Under SD you can purchase any service you want if you can pay for it out of your budget.

If you want a specific and/or unique service the RC won't pay for, SD may be right for you.

And Finally...

**Are you READY to take on
the RESPONSIBILITY??**



Timeline

- **Now – Advisory committees for each regional center are meeting**
- **Federal gov't's Center for Medicaid and Medicare Services (CMS) has to approve SD before it can start**
- **Anticipated start in early 2017**
- **Three year roll-out for first 2500 people**
- **2020 – any eligible person can join**

What to do now

- Think strategically
- Ask for and use all of the services you need now
- Go to fair hearing when denied
- Go to the RCOC's Self-Determination Advisory Committee Meetings to learn more

Dear Regional Center,
My child needs X,Y and Z services.

Yours Sincerely,

Common Questions

- ***Can I move money around in my budget?***

You can transfer up to 10% of money designated for one service category to another. If you have to move more, you need to discuss the change with your team.

- ***What happens if I move to a different regional center?***

You can stay in SD and keep your budget if you move as long as you are still eligible.

Common Questions, cont'd

- ***What if I want to leave the Self-Determination Program or I become ineligible for some reason?***

The regional center must help you transition back to traditional services. Participation is voluntary.

- ***If I leave Self-Determination by choice can I return?***

If you leave by choice you have to wait 12 months to return. After the waiting period you can rejoin if there is a slot open (2017 – 2020)

Common Questions, cont'd

- *What I disagree with regional center about my eligibility or the amount of money in my budget?*

You can appeal a regional center decision about your eligibility or your budget the same way would under traditional services.

Any MORE Questions?

Contact your the State Council on Developmental Disabilities Orange County Office, Regional Center of Orange County, sign up for updates on the DDS Website, go to RCOC SD Advisory Committee Meetings, and learn all you can!

Resources

- **State Council on Developmental Disabilities**
www.scdd.ca.gov
- **Disability Rights California:**
www.disabilityrightsca.org Pub. #F07701
- **The Center for Self-Determination**
www.centerforself-determination.com
- **Senate Bill 468:** www.leginfo.ca.gov
- **The Autism Society of Los Angeles:**
www.autismla.org