Training for Facilitators in Self-Determination

SCDD Los Angeles Office
411 N. Central Avenue, Suite 620
Glendale, CA 91203
818/543-4631

Christofer Arroyo, Advocate
Bruce Harrell, Advocate

Saturday, August 20, 2016
South-Central Los Angeles Regional Center

OVERVIEW OF SELF-DETERMINATION

SCDD Los Angeles Office
411 N. Central Avenue, Suite 620
Glendale, CA 91203
818/543-4631

Christofer Arroyo, Advocate
Bruce Harrell, Advocate

Friday, April 30, 2016
Co-Sponsored by the Family Focus Resource Center at CSUN and the Inclusion Institute

Acronyms Used

- **CMS** = Centers for Medicare and Medicaid Services
- **DDS** = CA Dept. of Developmental Services
- **FH** = Fair Hearings
- **LEA** = Local Educational Agency
- **PCP** = Person-Centered Planning
- **RC** = Regional Center
- **SCDD** = State Council on Developmental Disabilities
- **SD** = Self-Determination
- **SDAC** = Self-Determination Advisory Committees
- **WIC** = Welfare & Institutions Code

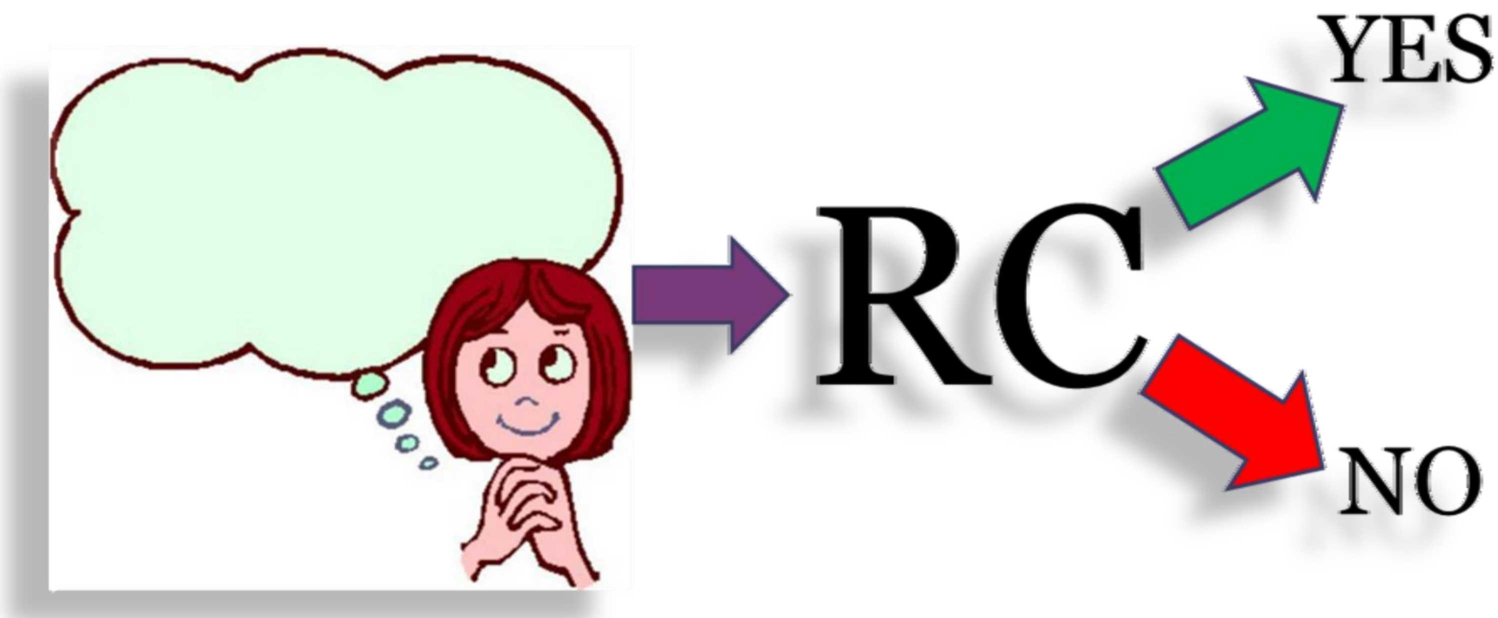
What We Will Cover

- Self-Determination
  - What it is, how it works, roles, and related issues
- Role of the Self-Determination Advisory Committees, Statewide SDAC, DDS SD Workgroup
- Current and emerging issues

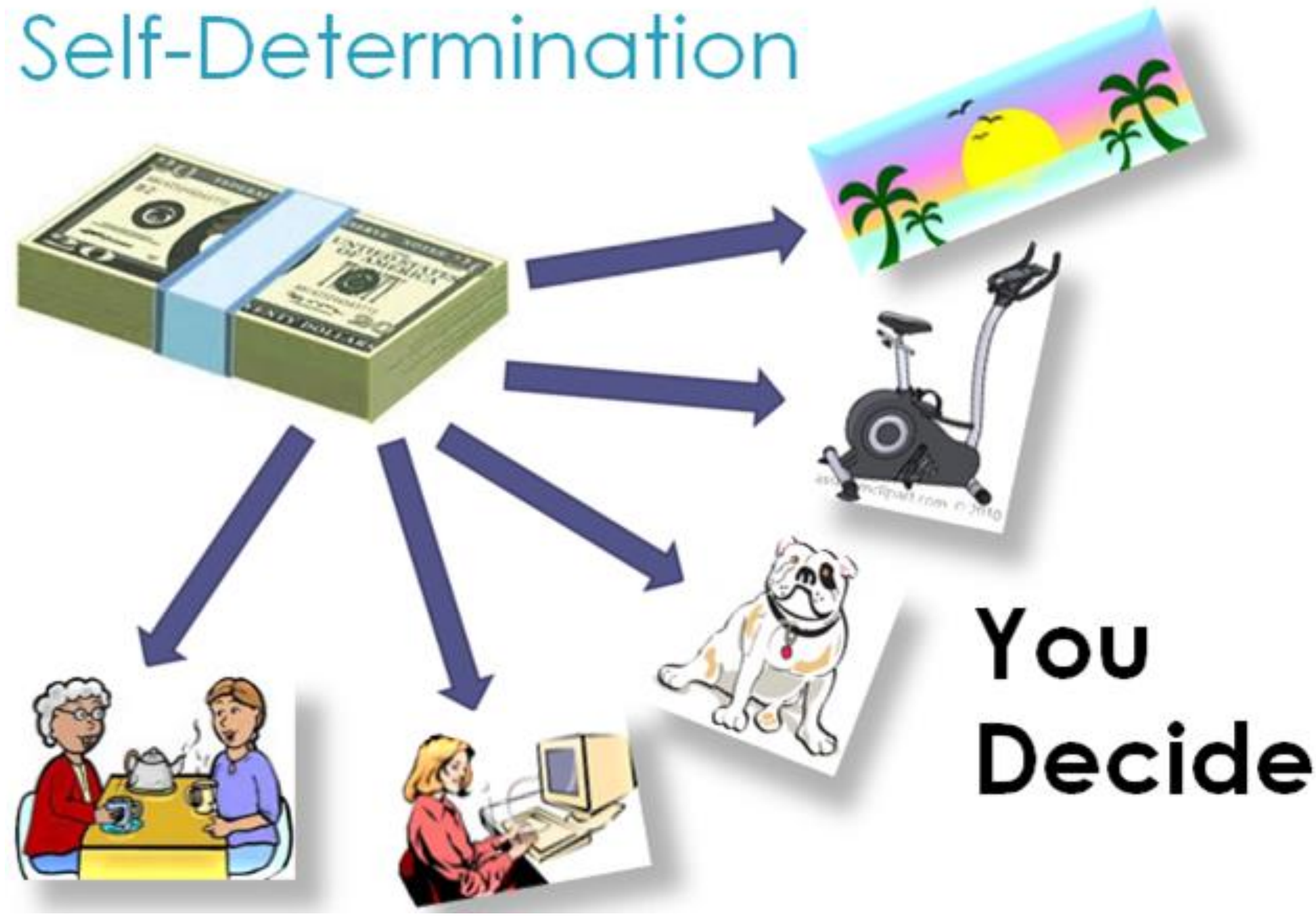
What Is Self-Determination?

- Huge change in the law
- New option
  - Voluntary
- Typical RC services vs. SD services
- Handout
- http://www.dds.ca.gov/SDP/

Typical RC Services



Self-Determination Services



Principles of Self-Determination

- Freedom
- Authority
- Support
- Responsibility
- Confirmation

Eligibility

- Have a RC case under the Lanterman Act
- Live at home or in community
  - Not eligible if you live in some kinds of long term care facilities, unless you are in the process of moving into the community
- Be willing to receive training and comply with the program's rules

The Budget

- The amount of the Individual Budget (IB) is based on how much was spent on the client over the last 12 months
  - Annual statement of POS
- May be adjusted for various reasons (to be covered in detail shortly)

Budget

- With the help of people your client trusts, develop a PCP and budget that reflects your client's vision in the different areas of their life and set goals
  - Your client decides how it's spent; designate "chunks" of money for service categories — prioritize!
- Can move 10% from one category to another

Budget

- New to the system, no previous 12 month history
- Cannot purchase generic services…but why would you want to?
- Budget pays for FMS and facilitator
- Re-determined each year, going up or down depending on changing needs
  - Changing circumstances
  - Unaddressed or unmet needs

Budget

- "The RC certifies on the individual budget document that RC expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program."

- Here is an example using Independent Living Services to show how you can get more bang for your buck with self-determination

Helping Participants Get More Bang for Their Buck

- Traditional Services – ILS

According to the Department of Developmental Services (DDS), the rate for 1:1 Independent Living Services is currently **$31.62** per hour. Let's say the consumer uses 15 hours of ILS for the month totaling **$474.30**. The Regional Center pays the ILS Agency $474.30. The ILS Agency pays the direct support person **$10.00** per hour which means the support person was paid **$150.00** that month.

Helping Participants Get More Bang for Their Buck

- Traditional Services – ILS

ILS Agency Gets:	$474.30
Staff Gets:	$150.00
$474.30 - $150.00 =	**$324.30**

So, what happened to the $324? It went to cover the ILS Agency's administrative costs, such as office rent, CEO salary, utilities, supplies, etc.

Helping Participants Get More Bang for Their Buck

- Self-determination – ILS

Because the participant does not have to pay the costs of maintaining an office, paying a CEO's salary, etc., she or he can use the entire $474.30 for paying the support person. Let's say the participant wants to pay the support person **$15.00** per hour.

$15.00 X 15 hours = **$225.00**

$474.30 – $225.00 = **$249.30**

Helping Participants Get More Bang for Their Buck

- Self-determination – ILS

Conclusion: the participant can pay the direct support person $15.00 per hour and still have **$249.30 left over**.

So, what happens to the **$249.30**? It's up to the participant. But it could go to benefits, mileage, or other things that will help find and/or retain a skilled and dependable employee.

Budget

- Advocacy strategies (DRC Handout)
  - The strategies feed back in to the planning process
  - Changing circumstances
  - Unaddressed or unmet needs
  - "The RC certifies on the individual budget document that RC expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program."

The Process and the Players

- Person-Centered Planning (PCP)
- Your client, the person with a RC case
- RC
- Facilitator
- Fiscal manager – fiscal/employer agent or co-employer
- Criminal background checks, fingerprinting, etc. – paid by provider

Timelines for Implementation

- Once the waiver is accepted by CMS, the waiver must be approved within 90 days
  - Questions versus resubmissions
- Once the waiver is approved, implementation of the SD Program will begin, end of 2016 at the earliest
- Three years after that anyone may participate in the SD Program

Is SD Right for Someone?

- Ask these six questions:
  - Does your client have a complicated life?
  - Has your client had a lot of denials, fair hearings, and conflicts with RC?
  - Has your client lost services due to changes in the Lanterman Act or budget cuts?
  - Does your client need or want unique services not typically available through RCs?
  - Does your client want to start a business, get good work training or get a good paying job?
  - Is your client ready to take on the responsibility, with or without help?

A Historical Context

- SD Pilot Programs
- How they worked compared to the current self-determination program
- Our experiences working with one RC
- Outcomes
  - – http://tinyurl.com/juhvfzr

Role of the SDAC

- Composition of the SDACs
- Objectives
  - To ensure the work is getting done, not to do the work
- Statutory requirements [WIC §4685.8(x) and (x)(1)]
  - Provide oversight of the Self-Determination Program
  - "The committee shall review the development and ongoing progress of the Self-Determination Program, including whether the program advances the principles of self-determination and is operating consistent with the requirements of this section, and may make ongoing recommendations for improvement to the regional center and the department."
- Open to the public

Other Advisory Committees

- SCDD's Statewide SDAC
  - Membership is the chair of each group or their designee
  - At least twice per year
  - "to identify self-determination best practices, effective consumer and family training materials, implementation concerns, systemic issues, ways to enhance the program, and recommendations regarding the most effective method for participants to learn of individuals who are available to provide services and supports. The council shall synthesize information received from the Statewide Self-Determination Advisory Committee, local advisory committees, and other sources, shall share the information with consumers, families, regional centers, and the department, and shall make recommendations, as appropriate, to increase the program's effectiveness in furthering the principles of self-determination"
- DDS' SD Workgroup

Current & Emerging Issues

- Soft roll out
  - 2500 participants during the three year phase-in period
  - How participants will be selected
    - Attend pre-information enrollment meeting
    - Get on the list
- RCs must contract with local consumer or family-run organizations to conduct outreach
- Discussions re: guidelines or caps for facilitators and if there should be statewide FMS services

THE ROLE OF THE FACILITATOR IN SELF-DETERMINATION

SCDD Los Angeles Office
411 N. Central Avenue, Suite 620
Glendale, CA 91203
818/543-4631

Christofer Arroyo, Advocate
Bruce Harrell, Advocate

Friday, April 30, 2016
Co-Sponsored by the Family Focus Resource Center at CSUN and the Inclusion Institute

Role of the Facilitator

- Handout – review the one pager
- References in the law
  - WIC §4685.8(b)(2)(E)
  - WIC §4685.8(c)(2)
  - WIC §4685.8(d)(3)(A)
  - WIC §4685.8(d)(3)(F)
  - WIC §4685.8(n)(1)(A)(iii)
  - WIC §4685.8(n)(1)(B)(iii)

What Makes a Good Facilitator?

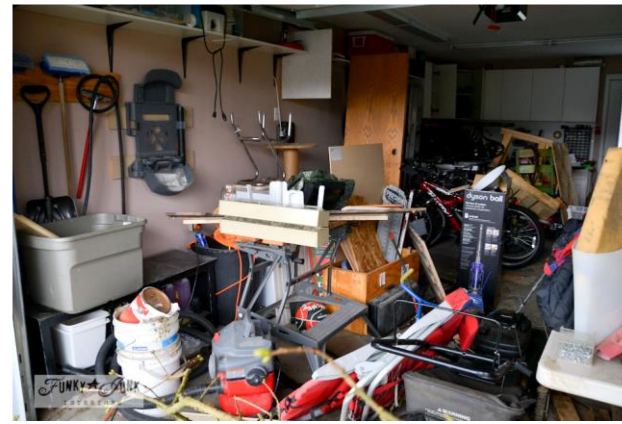
- The facilitator can be described as a “skilled generalist” with strong personal qualities and a values system that recognizes the participant’s inherent worth, uniqueness, and right to live the life they choose
- The facilitator must understand how the developmental disabilities service system works and have excellent professional and technical skills

Personal Qualities & Skills of a Good Facilitator

- A commitment to empowering people while safeguarding basic human rights
- An acceptance of the participant's right to make their own decisions without imposing personal or professional bias
- Self-directed and able to prioritize work tasks
- Calm under pressure
- Other attributes such as tact, diplomacy, initiative, sound judgment, empathy, patience, integrity, a sense of humor, tenacity, and trust

CALIFORNIA SCDD STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

EVERYTHING ELSE



SCDD Los Angeles Office

411 N. Central Avenue, Suite 620

Glendale, CA 91203

818/543-4631

Christofer Arroyo, Advocate

Bruce Harrell, Advocate

Friday, April 30, 2016

Co-Sponsored by the Family Focus Resource Center at CSUN and the Inclusion Institute

What We Will Cover

- EFFECTIVE facilitation
- How to prepare to represent someone
- Preparing for the IPP/PCP meeting
- The steps to a successful IPP/PCP
- Matching services to individuals
- Managing conflict, being an effective advocate, and maintaining relationships

Preparing to Represent Someone

- Must be knowledgeable of laws, resources, etc.
- Become an expert
- Schmooze
- Letters of understanding
- Managing conflict
- Negotiating
- Contracts
- Learn how to read a RC file

Must Be Knowledgeable

- Laws
  - Lanterman Act (WIC)
    - Rights Under the Lanterman Act (RULA)
      - http://tinyurl.com/gwnm5z9
    - “Typical” lives
    - Home versus institution
    - Maximize independence
    - Least restrictive environment
- CMS Rules/SD Waiver
  - What is allowable and not under the waivers

Must Be Knowledgeable

- Limits of the Lanterman Act
  - Generic services first (WIC §§4646.4(a)(2) & 4648.55)
  - Service limits such as respite and “unfundables” such as non-medical therapies
  - Least costly provider
  - POS standards
  - Vendor requirement

Must Be Knowledgeable

- Diagnoses
- Typical treatment methodologies
  - Based on diagnoses
  - Based on level of need or assistance
- Other systems and what they are responsible for
  - Generic services [WIC §4685.8(d)(3)(B)]
  - Special education, SSI, IHSS, Medi-Cal, Health Care, Patient Protection and Affordable Care Act, HIPAA, ADA, housing, open meeting laws, long term services and supports, Olmstead, etc.
- An understanding of the concept of the “circles of support” and its relevance to the participant’s quality of life

Must Be Knowledgeable

- Resources
  - Source materials
  - For assistance and referrals
- Issues impacting the community
- Yourself!
  - Know what you are and aren't good at
- Schmoozing
- Different models and their impact on case management, treatment plans, and an effective PCP
  - Medical-, social-, rights-based
- How to read a RC file

Must Be Knowledgeable

- Letters of Understanding
  - Prove they were received
  - Methods to ensure receipt of letters
  - Fax with a special kind of confirmation page; certified mail; hand delivery, with a date/agency stamp
  - Possible negative impact of certified mail (http://tinyurl.com/znbm7xc)

Become an Expert

- To understand evaluations and their recommendations
- To ask appropriate questions during the IPP meeting
- To get what you need
- To prepare for fair hearings

Prepare for the PCP Meeting

- Release of Information form
- Review the RC file
  - Client review, 3 business days (WIC §4728)
- Important documents to review
  - Annual statement of POS
  - POS authorizations, including pre-2009
  - IRs
  - Current and previous IPPs; pre-2009
  - Current and previous IEPs, if relevant
  - ISPs

Prepare for the PCP Meeting

- Evaluations/Reports from other agencies
- Correspondence
- ID Notes
- CDER (http://tinyurl.com/zn5fvs5)

- Get copies of relevant documents from RC file. There are things you will need and things you can ignore.
- Try to discern: likes, dislikes, preferences, clinical and diagnostic data, goals, scope of network/support, etc.

Prepare for the PCP Meeting

- History from the chart, ideas about who the person is…now that you have it, set it aside, and start from scratch
  - Interviews – client, family, friends, paid support staff, etc.
    - Through the interviews, discern likes, dislikes, etc.
- Where is there flexibility in your client's wants, goals, desires, etc.?
- Do you need to manage expectations?

Prepare for the PCP Meeting

- By this stage you should have a pretty solid idea of who the person you are working for is and IF you think you're going to work with them.
  - Now is the time to refine what you know
  - Use one of the following methodologies to determine your roadmap for the IPP meeting
- Once needs are identified, ensure you have a plan to relate the disability to the need and the need to the service
  - Previous, failed interventions
  - Write up the objectives and ensure your client agrees

IPP Meetings/PCPs

- What's an IPP? What's a PCP? What's the difference?
  - PCPs are a way or style to empower individuals – with help from family, friends and allies – and plan for their future
  - We focus on the participant and their vision of the future
- The Power of a good PCP: **example**
- Handouts

IPP Meetings/PCPs

- Your client's rights under SD
- There are different styles of holding a PCP meeting
  - Personal Futures Planning
  - MAPS (Making Action Plans)
  - Essential Lifestyle Planning
  - Personal Passport
  - And even more!

Compared to system-centered planning, person-centered planning is different in the following ways:

- The mood is more festive and less rushed
- Time is spent celebrating successes
- People use common words to describe what they know or observe
- The person is considered the best guide for identifying goals
- People who spend a lot of time with the person or people who care most about the person are considered the best guides for next steps

Compared to system-centered planning, person-centered planning is different in the following ways:

- The group together thinks about and creates a plan for the person to achieve a more meaningful life
- Professional and the entire group link people to resources
- Papers, reports and documents are not a critical part of the process

***Adapted from College of Direct Support, Person-Centered Planning, Marijo McBride, mcbri001@umn.edu, University of Minnesota, Institute on Community Integration (UCEDD)

PCPs

- Personal Futures Planning
  - Identifies “capacities” with help of people who care about the “focus person,” including family and friends, and community members
  - Works to “discover a vision of a desirable future” and make an action plan
  - Builds stronger and more effective support by making small, positive changes
  - Calls on all participants to work creatively together over time as equals
  - http://tinyurl.com/jxe7s4l

PCPs

- MAPS (Making Action Plans)
  - Focuses on a person's gifts, strengths, and talents over "disabilities"
  - Asks key questions including: What is the dream? What is the nightmare? Who is the person? What are the person's gifts, strengths, and talents? What does the person need now?
  - An action plan is developed spelling out who will do what and when
  - http://tinyurl.com/gr87s7x

PCPs

- Essential Lifestyle Planning
  - A guided process for learning how a person wants to live and developing a plan to make it happen
  - Discover what is important to a person in everyday life
  - Identify what support the person requires and any issues of health or safety
  - Describe what you have learned in a way that is easily understood by those who will help the person to get what is important to them
  - http://tinyurl.com/z95uvlb

PCPs

- Personal Passport
  - Start by focusing on the people who are important to your client and help your client
  - List your client's hopes and dreams for the future
  - Make a list of things your client likes to do and what they need to live the life they want
  - List the things that get in your client's way
  - List the kind of supports your client will need to achieve their hopes and dreams
  - http://tinyurl.com/hvpsraj

The "Old Way" vs. SD Way of IPP Meetings

- Role of service coordinator
  - Collaborating with them
  - Knowledgeable resource
    - Work collaboratively
- Record IPP meetings with at least 24 hours' notice; choice of location, who attends; expected length of time for a good PCP meeting

The "Old Way" vs. SD Way of IPP Meetings

- While under traditional services we concern ourselves with strategies to defend against reductions or terminations in services, in SD we concern ourselves with unmet needs or changing circumstances
- Requesting new services
  - Maintain in own home, participate in the community, increase independence

The “Old Way” vs. SD Way of IPP Meetings

- Demeanor
  - You must always be the most reasonable person in the room
  - Overt hostility will not win the day
  - No matter how you feel, always be respectful
  - It’s okay to ask for breaks!
- Supporting informed decision making
  - Giving your opinion

Matching Services to Individuals

- Must know what is available
- Vendor categories
- RC vendor lists
- CSCs
- Your client
- Internet
- License verification at www.dca.ca.gov
- Employment
  - http://tinyurl.com/hd9a58v
  - www.db101.org

Matching Services to Individuals

- Finding and contracting with vendors and non-vendors (Sample)
  - Negotiating terms of services
  - Legal Zoom
- FMS
  - Can be found looking at RC websites…they are the only vendored service that must be used in self-determination
  - Provide contracts, PCPs, and budget to them

Matching Services to Individuals

- When possible, offer client choice of providers from which they can select
- What to do if they have a preference before they receive your input

Manage Conflict, Develop & Maintain Relationships

- With whom may conflict arise?
  - Clients, family members, RCs, contractors
- Ask questions
  - Questions are collaborative, accusations and yelling are not. Questions:
    - make people want to help you
    - can change the mind of the listener and/or
    - prepare you for due process
  - Homework
    - Peter Falk/Columbo movies or Who’s Line Is It Anyway, Questions Only

Manage Conflict, Develop & Maintain Relationships

- Why manage conflict?
- Managing conflict
  - Informal – IPP meetings, phone calls with service coordinators or supervisors, troubleshooting, etc.
  - Formally – FHs, 4731, whistleblower complaints
    - In order to avoid FH, prepare for FH
    - DRC FH Packet – http://tinyurl.com/h3ba6gu
    - OAH website, reading cases

Manage Conflict, Develop & Maintain Relationships

- Conflict resolution styles – "Getting to Yes: Negotiating Agreement Without Giving In"
  - Assertive/Cooperative Axes
    - Competing (win at all costs), accommodating (taking the back seat), avoiding (run away), collaborating (make your point and ensure you're heard)
    - When you are midway between both axes, you will get a quick and dirty decision

	Assertive – Yes	**Assertive – No**
Cooperative – Yes	Collaborative	Accommodating
Cooperative – No	Competitive	Avoiding

Manage Conflict, Develop & Maintain Relationships

- Win-win negotiating – find a reason to get them to do what you need
- Building consensus
- Collaborative problem solving (versus being oppositional)
  - Work with interests, not positions
  - The role and components of communication – expressive verbal/nonverbal, receptive verbal/nonverbal, paraverbal message
    - Consistency of message
    - Professional communications

Manage Conflict, Develop & Maintain Relationships

- Joining strategies
  - Acknowledgements, phrasing (avoid the word “but”), humor
- Reframe the issue

- At a Health Club
  - Conflict when the disabled and non-disabled worlds collide
  - “Pounding on the table”, “that’s the law so you need to do it”
  - Alternative solutions
- No return calls

The Business of Facilitation

SCDD Los Angeles Office
411 N. Central Avenue, Suite 620
Glendale, CA 91203
818/543-4631

Christofer Arroyo, Advocate
Bruce Harrell, Advocate

Friday, April 30, 2016
Co-Sponsored by the Family Focus Resource Center at CSUN and the Inclusion Institute

What We Will Cover

- The need for high quality services & obtaining clients
- How to prepare to represent someone
- How to work with your clients
- The business of facilitation

The Need for High Quality Services

- High stakes
  - Know your stuff
- If you are interested in being a facilitator – whether you are a self-advocate, parent, family member, or potential small business owner – these are steps every facilitator can and should use

The Need for High Quality Services

- Repeat business
  - You do marketing in everything you do
  - Reputation is everything
  - Beyond reproach approach
- Cultivate networks and relationships
- Consult with colleagues when you need a second opinion
- Know **your** non-negotiables as a facilitator

How Can Clients Find You?

- Get on referral lists
  - Are DDS, RCs, attorneys, NPs, GOs, etc. maintaining a list of facilitators?
- Regional centers refer people to facilitators
- Conduct outreach
  - Self-advocacy groups
  - Parent support groups

How Can Clients Find You?

- – Events – RC, LEA, other systems and trainings
- – Pro bono presentations

- Write articles for newsletters or email groups
- Social media!
- Advertising
- Tri-folds, flyers, and business cards

Conflicts of Interest

- Ensure you have no conflicts of interest
- Be careful in serving on boards, commissions, committees, work groups, etc.
- Don’t overextend yourself

Working with Your Clients

- Who do you work for?
  - Know how you're going to deal with people who have a different opinion than who you work for
- Be honest about what you will and won't do
  - Clients will shop around
- Presume competence and respect cultural values
  - Meet people where they are

Expectations

- When you agree to assist your client, be sure to tell them the plan
- Learn your client's dream resolution and know their realistic resolution
- Manage any gap between the dream and realistic
- Beware of pessimism
- Recognize individuals' fears
  - Create and manage expectations, identify fears, communicate openly, attend to concerns, maintain client involvement, seek feedback to your performance, convey your style, explain acronyms

Working with Your Clients

- Determine with your client the extent of your involvement at the IPP meeting
  - Are you primary and they're secondary? Are you secondary and your role is to back up your client?
  - You may wish to consider the impact, if any, your role will impact your fees
- Client communication styles
  - Nonverbal doesn't mean noncommunicative
  - Picture format, PECs, behavioral indicators

Working with Your Clients

- Discuss disagreements or concerns – don't save them for IPP meetings!
- Ghost writing versus direct representation
- Release form (Sample)

The Business of Facilitation

- Representation form (Sample)
  - Contracts with clients
  - May want a withdrawal from representation clause
  - Understand sections of agreements and which ones you need
- For example: definitions, scope of work, no warranty/guarantee clauses, etc. Non-engagement letters
- If you don’t take a case, explain why to the client

The Business of Facilitation

- "Keeper" docs
  - Intake checklist
  - Face sheet
  - Representation form
  - Release forms
  - Previous IPPs, ISPs, POS reports and auths
  - Evaluations
    - Become more scarce as individuals age
  - Reports
  - Correspondence
  - IRs, documents related to behavioral concerns, etc.

The Business of Facilitation

- Create a policy pertaining to the retention of client files – and include it in your representation agreement
- Have a methodology for organizing a client's file – digital, binders, two prong, folders, etc.
- Manage your workload
  - Take only the number of cases you can handle
  - Assembly line approach

The Business of Facilitation

- May want a timesheet for your own use in order to review how much time you are spending on cases in what activities
- Ensure clients can get in touch with you
- Respond to your clients
- Whether paid or pro bono, you should be doing exactly the same amount of work and quality

The Business of Facilitation

- You may wish to consider liability insurance – discussions that DDS will issue regulations
- Mandated Reporter – Welfare and Institutions Code 15630-15632 (Handout)
  - When reporting, ask about cross-reporting
  - Same day reporting

Fees

- No established rates — usual and customary
- At the end of the day, all you have to give someone is your time
- Can be retainer (generally not recommended because requires client trust accounts) or fees (hourly, flat, or flat capped rates)
  - Flat – best for when the amount of time doesn't vary much on a case by case basis

Fees

- Flat capped – like standard hourly basis, but there is a cap on what can be charged
- Hourly – when you are uncertain of the complexity of the case and how much time is needed to resolve it (bill monthly for fees earned)

- Consider your role
  - Facilitating the IPP meeting alone? Acting as an advocate? Troubleshooting problems?
- Talk to a tax advisor before starting a business

The End

Please complete and submit your post-test.

Letters of Attendance will be distributed upon receipt of your post-test.