



California Budget 2024-25 Changes to the Lanterman Act

Social Recreation and Camping Virtual IPP and In-Person Meetings

July 16, 2024

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California Budget Process

Annual State Budget

- Allocates funds according to state priorities; vehicle for major policy changes
- Changes to the law needed to implement the budget = trailer bill language (TBL)
- TBL “trails” behind the main budget bill; bypasses normal legislative process
- Different rules/deadlines; negotiated behind the scenes by Administration and Legislature with limited transparency

Assembly Bill 162

- TBL for 2024-25 developmental services budget
- Approved by Governor and **took effect July 2, 2024**
- https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB162



Assembly Bill 162

Changed laws related to:

- **Defining and increasing access to social recreation and camping**
- **Making the ability to have IPP/IFSP meeting virtually a permanent option**
- **New requirement for RCs to see clients in person at least once every 12 months**
 - **Or once every 6 months for Early Start**
- Adding details to the Master Plan for Developmental Services
- Pushing full implementation of provider rate increases to January 1, 2025
- Allowing statistical sampling to be used in fiscal audits of service providers
- Abolishing the Family Cost Participation Program entirely
- Compressing timeline/steps for determining provisional eligibility for RC services

Social Recreation (History)

- Funding for social recreation was suspended in 2009 due to budget cuts
 - Loss of services negatively impacted Latinx families
 - Legislative analysis suggested restoring services could reduce POS disparities
- Legislature lifted suspension in Summer 2021, but did not add any new language or say how to implement – problems arose
 - Previous laws assumed segregated services, preceded HCBS Settings Rule, and were now outdated
 - RCs had no guidance re: the definition or scope of social recreation
 - RCs came up with policies that **placed significant restrictions on services**
 - Over 10 years of no social recreation meant no social recreation vendors
 - Only available providers were “typical” providers like YMCA, local parks and recreation, and private lessons, gyms or studios

Social Recreation (RC Policy & Practice)

- RC policies and practices that denied or limited access
 - Considered social rec and supports to assist people to access social rec (like transportation) to be a **“family’s responsibility,”** so generally wouldn’t fund
 - These services are not “specialized” when not directed towards “alleviating” the developmental disability
 - Required **the reduction of 1 hour of respite** for every hour of social recreation
 - Refused to fund more than 1 social recreation activity at a time
 - Prohibition on private lessons, regardless of individual need
 - Set caps on the total number of activities that could be funded in a given period
 - **Would only cover the first \$200** and require family to cover remaining costs
 - Made families pay for activities upfront wait and get reimbursed. But wait for RC **reimbursement could take several months to a year.**
- OAH hearing officers deferred to regional center policies and practices

2023 Budget Changes to Social Recreation

Regional centers can no longer restrict access to social recreation by:

1. Requiring IHSS to be exhausted as a generic resource first
2. Requiring people to exchange respite or any other service in order to receive social recreation and camping services
3. Requiring families to pay a copayment or otherwise share costs of services in order to receive them

Regional centers may now authorize social recreation services as a “participant-directed service” – allowing them to pay up front through financial management services, instead of requiring families to pay up front and get reimbursed later

Citation: Welf. & Inst. Code §4688.22(b),(c)

2024 Budget: AB 162 (Legislative Intent)

1. Legislature **places a high priority on promoting the full inclusion and independence of individuals with developmental disabilities, including through opportunities for recreation**
2. Legislature's intent is for services **to be made widely available to consumers, not only for socialization, but to lead the lives they want in the community**
3. Purchase of service policies should **reduce administrative barriers to the utilization of these services... to the fullest extent possible**

Citation: Welf. & Inst. Code §4688.22(a)

2024 Budget: AB 162 (POS Policy Principles 1)

RCs **shall** use these principles in purchasing social rec, camping & non-medical therapies:

1. Services must be in **settings typical of those in which persons without disabilities engage in social recreation, etc.**
2. Services **shall promote community inclusion by providing opportunities to build ongoing relationships through or around shared interests or activities**, including activities that:
 - a) Directly support the **ability to participate in typical social recreation or other community activities without paid support present**
 - b) May identify or develop specific interests or skills
 - c) **Enable the consumer to engage with others around shared affinities or goals**
 - d) **Build informal social networks that reduce isolation, strengthen community ties... and can be a source of voluntary natural supports**

2024 Budget: AB 162 (POS Policy Principles 2)

1. POS policies and procedures **shall promote access for:**
 - a) Consumers who are **children**
 - b) Consumers who **experience disparities** in the receipt of RC services
 - c) Consumers **unable to afford paying for services upfront** and waiting for reimbursement

2. POS policies and procedures **shall not:**
 - a) **Restrict funding only to services that are specialized** or directed toward the alleviation of a DD
 - b) **Prohibit the purchase of 1:1 services**, including private lessons
 - c) **Generally prohibit or disfavor** purchase of these services

2024 Budget: AB 162 (Extension of Remote IFSP and IPP Meetings)

- March 2020: California changed the law to temporarily allow IFSP and IPP meetings to be held “by remote electronic communications... upon request” by the consumer
- After a few extensions, this flexibility was set to expire on June 30, 2024
- From 2022-2023, DDS resisted advocates’ requests to make the virtual option permanent. Argued that “eyes on” IPP/IFSP meetings were necessary to ensure consumer well-being and identify abuse/neglect
- January 2024: DRC, ICC and Public Counsel co-sponsored AB 1876 (Jackson), which proposed eliminating the June 2024 expiration date

Citations: Welf. & Inst. Code §4646(f); Gov’t Code §95020(c)

2024 Budget: AB 162 (Extension of Remote IFSP and IPP Meetings; New In-Person Requirement)

- January 2024: DDS proposed TBL that kept June 2024 expiration date and stated **that in-person IFSP/IPP meetings should be “prioritized.”** No language re: whether or when remote meetings would be allowed
- Hearings and tough negotiations followed. Resulting compromise:
 - Eliminated the June 2024 expiration date, making the option for people to have IFSP/IPP meetings virtually upon request available *indefinitely*
 - But added a **new requirement** to the Lanterman Act for the first time regarding the frequency of in-person meetings between RCs and consumers

Citations: Welf. & Inst. Code §4646(f); Gov’t Code §95020(c)

2024 Budget: AB 162 (New In-Person Requirement)

RC that has not held an in-person IPP, or any other in-person meeting or visit, in the previous 12 months must hold an in-person meeting with the individual

- In-person meeting must take place at **time/location convenient to the individual**
 - No requirement to meet in person's home
- And **cannot delay/prevent timely updating of IPP** or receipt of services
 - RC can't require IPP meeting be held in person just to fulfill this requirement
 - To ensure timely IPP and receipt of services, RC must grant request for virtual IPP meeting and then schedule another in-person meeting with the individual separately

For IFSPs: in-person meeting requirement applies to those who haven't been seen in person by their RC in the **previous 6 months**

2024 Budget: AB 162 (New In-Person Requirement)

Statute requires DDS to review new requirement, with input from stakeholders, and report to the Legislature by May 2026.

- Review must include recommendations re: the extent to which the new in-person meeting requirements are effective in:
 - Helping the individual to meet their IPP goals
 - Positively facilitating and **improving service access and equity**
 - **Helping to build relationships** between service coordinators and parents, legal guardians, conservators or authorized representatives

Citations: Welf. & Inst. Code §4646(f); Gov't Code §95020(c)

2024 Budget: AB 162 (New In-Person Requirement)

DDS and RCs' stated reason for requiring regular in-person meetings:

- Necessary to build trusting relationships between service coordinators and individuals
- Seeing the person in their home helps RCs to fully assess individual service needs

Concerns from individuals/families, particularly from communities of color:

- Feels like a way for RCs to have a way to conduct “wellness checks” for health and safety monitoring, and to compel individuals to cooperate
- Creates anxiety and make families feel judged, especially those who live in poverty and/or may be struggling due to lack of adequate supports
- Parents have expressed fear that SCs may misinterpret poverty or struggle as neglect, abuse or bad parenting and take their children away. Or that SCs will use additional info obtained through in-person meetings to justify reducing or taking away services

2024 Budget: AB 162 (New In-Person Requirement)

Implementation questions that need to be addressed:

- Will there be any consequences to the individual if the RC is unable to meet with them in-person on time under the new requirement?
 - What about honest delays/missed communication due to family crisis or other factors?
 - Could a person's case be deactivated if they are not seen in person on time?
- How will service coordinators be trained on this new requirement?
 - What will they be told to do, check on, or accomplish in these in-person meetings?
 - What about clients who may be resistant or wary of meeting their service coordinator in person? How will they be directed/supported to respond and earn back their trust?
- Will there be flexibility for youth who are justice-involved or served by the child welfare system, or others with major barriers to being able to meet in person?

Questions?