

DEPARTMENT OF DEVELOPMENTAL SERVICES

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March 30, 2020

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT DIRECTIVE 01-033020: ADDITIONAL PARTICIPANT-DIRECTED SERVICES

Pursuant to Governor Gavin Newsom's Proclamation of a State of Emergency dated March 4, 2020, and Governor Newsom's Executive Order N-25-20 issued on March 12, 2020, the Director of the Department of Developmental Services (Department) issues this Directive to regional centers waiving or modifying certain requirements of the Lanterman Developmental Disabilities Services Act (Lanterman Act) and/or certain provisions of Title 17, Division 2 of the California Code of Regulations (Title 17). The Department recognizes that to ensure the health, welfare and safety of regional center consumers and the general population, there may be instances where consumers, regional centers, and service providers will need flexibility to receive and provide services and supports.

Participant direction provides consumers the option to exercise more authority over how, and by whom, services are provided. Currently, consumers can coordinate respite, day care, transportation, nursing and day services through participant direction. With participant direction, consumers have employer authority and responsibilities including choosing, scheduling and supervising workers. The intent of this Directive is to provide consumers, regional centers and service providers the greatest flexibility to support consumers and their families.

Additional Participant-Directed Services

To increase access and flexibility in service delivery, the Department hereby modifies any requirements of the Lanterman Act or Title 17 specifying the services that may be participant-directed. In addition to the services currently available through participant direction, consumers may also choose to direct the following services:

- Personal assistance
- Independent living skills
- Supported employment

This temporary modification is necessary because the Director finds that concerns related to exposure to COVID-19 may prevent consumers' ability to access services. The option to access these services through participant direction affords consumers the ability to choose workers (e.g. friends, some family members, etc.) to provide these services. Enclosed is information on accessing the three additional participant-directed services.

“Building Partnerships, Supporting Choices”

Regional Center Executive Directors
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This directive remains in effect for 30 days unless extended by the Director of the Department. Consumers, family members or providers should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to Brian Winfield at (916) 654-1569 or brian.winfield@dds.ca.gov.

Sincerely,

Original Signed by:

NANCY BARGMANN
Director

Enclosure

cc: Regional Center Board Presidents
Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies

Additional Participant-Directed Services

In order for consumers and families to temporarily access the additional participant-directed services, the following steps should be followed.

- The consumer and/or family member identifies a person/people they want to provide the service(s). The person:
 - Must have the ability to perform the work as verified by the consumer/family;
 - Must be 18 years or older; and
 - Cannot be the consumer's spouse or parent for personal assistance or independent living skills.

- The consumer and/or family must use a Financial Management Service (FMS) provider to handle payroll, taxes, reporting, etc.:
 - Regional center assists in identifying available FMS providers
 - Regional center explains the types of FMS (Fiscal Agent vs. Co-Employer) to help the consumer/family determine the best type for their situation
 - The consumer/family chooses which FMS provider they will use

- Worker submits required paperwork to the chosen FMS provider
 - Verification of age; and
 - Employment and federal disclosure information.

- The individual can begin working as soon as all required paperwork is received by the FMS.

- A separate vendorization of the consumer or individual providing the service is not required.

- Regional center creates authorization with FMS provider using sub-codes below in combination with either service code 490 or 491:
 - PA - Personal Assistance
 - ILS - Independent Living Services
 - SEP - Supported Employment Programs

- The rate paid to the FMS is \$22.80 per hour and includes the following:
 - Employee wage of no less than \$16.25 per hour
 - Mandated employer costs (estimated at 22% of employee wage)
 - FMS cost (estimated at 15% of the total wage and employer costs)