

REGIONAL CENTER INTAKE & ELIGIBILITY GUIDELINES

State Council on Developmental Disabilities,
Orange County Office



September 2024

Objectives

- Lanterman / on-going eligibility (age 3+)
 - “Fifth Category” eligibility
- Intake procedures
- Timelines
- Eligibility determinations / disagreements
- Services and supports
- Questions and Answers

Lanterman Eligibility

On-going eligibility for ages 3 and older

Lanterman Eligibility

- **Diagnosis**
 - Intellectual Disability
 - Cerebral Palsy
 - Epilepsy
 - Autism
 - Fifth Category - disabling conditions found to be *closely related to an intellectual disability* **or** *to require treatment similar to that required for individuals with an intellectual disability*

- **Time of Onset:** Originating before age 18

- **Prognosis:** Likely to continue indefinitely

- **Severity:** Substantial disability in three (3) areas of major life activity

Lanterman Eligibility – Substantial Disability

Major Life Activity	Ages at which the categories are considered		
(Must have a major impairment in at least 3 domains)	Birth to 5	6-17	18+ (occurred prior to age 18)
1. Learning	X	X	X
2. Receptive/Expressive Language	X	X	X
3. Mobility	X	X	X
4. Self-Care	X	X	X
5. Self-Direction	X	X	X
6. Capacity for Independent Living		X	X
7. Economic Self-Sufficiency			X

Lanterman Eligibility

- *Note:* Regulations pertaining to eligibility changed on August 11, 2003. This PowerPoint reflects the current standards.

- However, if you were a regional center consumer prior to August 11, 2003, and allowed your case to be closed/inactivated without an administrative ruling and are seeking reapplication now:
 - “Any reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible.”

Lanterman Eligibility - Exclusions

- Developmental disabilities shall not include “handicapping conditions” that are
 - Solely psychiatric disorders
 - Solely learning disabilities
 - Solely physical in nature



Fifth Category Eligibility

Fifth Category Eligibility

- This is a category used by regional centers for those who do not meet one of the other defined categories.

- Definition of fifth category
 - Individual has a disabling condition “closely related” to an intellectual disability (i.e., “functions in a manner similar to that of a person with an intellectual disability ”)

OR

 - Individual requires treatment “similar to” that required for persons with intellectual disabilities

Fifth Category Eligibility

- Disabling conditions “closely related” to an intellectual disability, take into consideration the following:
 - Intellectual functioning in the low borderline range of intelligence (IQ score between 70 - 74)
 - Cognition is defined by the “the ability of an individual to solve problems with insight, to adapt to new situations, to think abstractly and to profit from experience.” (17 CCR §54002)
 - Substantial adaptive skill deficits (aka major life activities) are related to cognitive impairments

Fifth Category Eligibility

- Disabling conditions requiring treatment “similar to” an intellectual disability, take into consideration the following:
 - Skill deficits are a result of cognitive impairments
 - The nature of the training and intervention
 - Long-term habilitation is required (versus rehabilitation)
 - Long-term training is broken down into small, discrete units taught by repetition
 - Individual requires more supports with modifications across many skill areas

Fifth Category Eligibility

- To better prepare for the eligibility process under the fifth category, consider doing the following before applying:
 - ▣ Gather and bring all necessary documents during intake process
 - ▣ Gather documentation that reflects the nature of the training and intervention required (see last 2 slides)
 - ▣ Research case law via the DDS website at <http://www.oah.dgs.ca.gov/DDS+Mediation+and+Hearings/search.htm>
 - ▣ Consult with others who are familiar with the criteria for eligibility under the fifth category
 - ▣ Obtain a neuropsychological evaluation to clarify diagnosis and ability level if limited, or contradictory, documentation exists
 - ▣ Keep in mind that expert testimony at hearing is helpful in proving eligibility under the fifth category

Fifth Category Diagnosis Examples

- Down Syndrome
- Traumatic Brain Injury (prior to age 18)
- Borderline Intellectual Functioning
- Executive Dysfunction Syndromes
- Organic Brain Impairments
- Cognitive Disorder NOS
- Prader Willi Syndrome

*Although the law does not specify qualifying conditions/diagnosis under the 5th category, this is a non-comprehensive list of diagnoses that may be eligible provided that the individual is functioning in a way similar to that of a person with an intellectual disability (in terms of treatment or similar condition). Note that eligibility is determined based on the individual's functioning level, unique needs, and present levels of performance.



Intake Procedures & Timelines

Intake Procedures

- When applying for regional center services, the following documents are necessary:
 - Special education IEPs, assessments, triennial evaluations
 - Medical records that indicate disability and needs
 - Any assessments related to the disability
 - SSI award letter and eligibility documentation
 - Other agency evaluations (e.g. CCS, IHSS, Department of Rehabilitation)
 - Employer reports, if applicable
 - Contact information (name, address, phone number) for all treating physicians
 - Any log books you or others (caregivers, etc.) keep that chart/track development

Intake Procedures

- Consider obtaining the following additional documentation to help support eligibility for regional center services
 - ▣ Letters from professionals explaining why they believe the individual meets eligibility and substantial disability standards
 - Professionals include teachers, therapists, physicians, psychologists, vocational teachers and counselors.
 - ▣ Neuropsychological evaluation
 - Especially helpful to clarify diagnosis and ability level if limited documentation exists

Intake Procedures

- Call RCOC Intake Department
 - (714) 796-5354
 - 1525 North Tustin Avenue Santa Ana, CA 92705
- Intake screening by phone
- Application will be mailed for completion

- If enough information exists to suspect a developmental disability
 - Face-to-face interview with a Service Coordinator

Intake Timelines

Early Start (ages 0-3)

- Initial evaluation, assessment, and development of the initial IFSP must occur within 45 days from the time of the referral

17 CCR §52086

Lanterman (ages 3+)

- 15 business days for initial intake/decision to provide assessment¹
- 120 calendar days to determine eligibility²
 - No more than 60 days when delay exposes unnecessary risk to health and safety
 - The assessment period may be extended by one 30-day period with the advance written approval of the department

¹WIC 4642

² WIC 4643(a)



Eligibility Determination

Eligibility Determination - Granted

- If the individual is found eligible,
 - A service coordinator will contact you to set up an initial Individual Program Plan (IPP) or Individual Family Service Plan (IFSP) meeting to discuss services
 - The initial IPP meeting shall be completed within 60 days*

- The IPP is a legally binding document that will list:
 - Authorized services (contract number, approval dates)
 - Goals and objectives
 - Individual's needs
 - *Remember, this is a collaborative process!*

Eligibility Determination - Ineligible

- If the regional center denies eligibility,
 - They must send written notification of the decision with a “fair hearing packet” within 5 business days via certified mail (WIC 4710(e)).
 - You may file for a fair hearing within 60 calendar days of receiving notification of the regional center’s decision (WIC 4710.5(a)).
 - The informal meeting and mediation are optional (note on the fair hearing request form whether you want either).
 - The fair hearing must be held within 50 days of regional center’s receipt of the hearing request (WIC 4712(a)).
 - The decision must be issued within 10 days of the last day of the hearing (WIC 4712.5(a)).

Eligibility Determination - Ineligible

- If the regional center prevails at the fair hearing,
 - ▣ You may file a Writ of Administrative Mandamus in superior court within 90 days
 - ▣ You may wish to seek legal representation

Lanterman Services

A guideline of services available for over age 3

Services Available

The services and supports that regional centers provide include, but are not limited to, those listed below. This list is from section 4512(b) of the Lanterman Act, but if a consumer needs a service not contained in this list, the IPP team may still authorize it.

- | | | |
|---|--|--|
| - Adaptive equipment services | Community residential placement | Development of unpaid natural supports |
| - Advocacy | - Community support facilitation | - Diagnosis |
| - Advocacy assistance or facilitation | - Counseling for the consumer | - Diapers |
| - Assessment | - Counseling for the consumer's family | - Domiciliary care |
| - Assistance in finding, modifying and maintaining a home | - Daily living skills training | - Education |
| - Behavior Modification | - Day care | - Emergency and crisis intervention |
| - Camping | - Development and provision of a 24 hour emergency response system | - Emergency Housing |
| - Childcare | - | |
| - Community integration services | | |
| - | | |

Services Available

- Emergency relief for personal care attendants
- Evaluation
- Facilitated circles of support
- Facilitation, including outreach and education
- Facilitation with a facilitator of the consumer's choosing.
- Financial assistance
- Follow-along services
- Foster family placement
- Habilitation
- Home location assistance
- Homemaker services
- Identification of circles of support
- Infant stimulation programs
- Information and referral services
- Mental health services
- Occupational therapy
- Paid neighbors
- Paid roommates
- Parent training
- Peer advocates
- Personal care or assistance
- Physical therapy
- Protection of civil, service and legal rights
- Protective services
- Provision of circles of support
- Recreation
- Recruiting, hiring and training personal care attendants
- Respite
- Respite for personal care attendants
- Self-advocacy training
- Sexuality training
- Sheltered employment
- Short term out-of-home care
- Social services
- Social skills training
- Sociolegal services

Services Available

- Special living arrangements
- Specialized dental care
- Specialized medical care
- Speech therapy
- Support services for consumers in homes they own or lease
- Supported employment
- Supported living arrangements
- Technical assistance
- Training
- Transportation services
- Travel training
- Treatment
- Vouchered services
- Services and supports that are necessary for families to maintain their children with developmental disabilities at home, when living at home is in the best interest of the child.
- Services and supports needed to maintain and strengthen the family unit, where one or both parents is an individual with developmental disabilities.
- Other service and support options which would result in greater self-sufficiency for the consumer and cost-effectiveness to the state.

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Resources & Helpful Publications

Resources on Regional Center Eligibility

- **Association of Regional Center Agencies (ARCA)**
 - www.arcenet.org or phone (916)446-7961

- **California Department of Developmental Services (DDS)**
 - www.dds.cahwnet.gov or phone (916)654-1690
 - View on-line: Lanterman Developmental Disabilities Services Act and Related Laws

- **Disability Rights California**
 - www.disabilityrightsca.org or phone (800)776-5746
 - View on-line: Rights Under the Lanterman Act: Regional Center Services for People with Developmental Disabilities
 - Orange County Office of Clients' Rights Advocacy (714)621-0563

- **Regional Center of Orange County**
 - www.rcocdd.com or phone (714)796-5100

- **State Council on Developmental Disabilities, Orange County Office**
 - www.scdd.ca.gov or phone (714)558-4404

Questions & Answers



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