



# **Assistive Technology Through the Regional Center**

# Regional Center Overview

- ▶ Established by the Lanterman Act. Provides services for Californians with developmental disabilities

Welf. & Instit. Code §4501 et seq.

- ▶ Private, no-profit agencies contracted through the Department of Developmental Services (DDS)
- ▶ 21 regional centers within California
- ▶ Available for all ages
  - ▶ Early Start Program – Ages 0-3
  - ▶ Lanterman regional center eligibility – Ages 3 and above (children and adults)
- ▶ A “Consumer” is a client of a regional center

# Purpose of Services and Supports

- ▶ Regional centers offer a comprehensive set of services and supports, including assessments and case management.
- ▶ Services and supports to “approximate the pattern of everyday living available to people without disabilities of the same age”
- ▶ Under the Lanterman Act, services and supports must be directed toward:
  - ▶ Lessening the effects of a developmental disability;
  - ▶ Achievement and maintenance of an independent, productive, and normal live

# Regional Center Services

- ▶ “Assistive Technology” means any item, piece of equipment, or system that is used to help improve functional capabilities of an infant or toddler with a disability.

Cal. Code Regs. Tit. 17, §52000(b)(5)

- ▶ The Lanterman Act also uses the term “adaptive equipment” to describe assistive technology

Welf. & Instit. Code §§4685(c)(1), 4512(b)

# Types of Adaptive Equipment

- ▶ Examples of adaptive equipment (assistive technology)
  - ▶ Wheelchairs,
  - ▶ Hospital Beds,
  - ▶ Communication Devices
  - ▶ Other necessary appliances and supplies

# Right to Assistive Technology

- ▶ Consumers of regional centers have a right to get services and supports in the “least restrictive environment” (LRE)
  - ▶ Right to service and supports close to your home community.
  - ▶ Right to services and supports in your own home, in a health care or other licensed facility

Welf. & Instit. §4648(a)(2) & (9)(A).

- ▶ Right to assistive technology that meets consumer’s individual needs.

# Integrated Services

- ▶ “Integration mandate” under the ADA
  - Public entities
  - “Most integrated setting”
- ▶ Important that regional centers provide opportunities for consumers to be “integrated into the mainstream life” of their communities
  - Includes work, recreation, social community service, education, and public services

Welf. & Instit. §4688

# Determining Need for Assistive Technology

- ▶ You must establish:
  - ▶ Your need for an assistive technology device is related to his/her developmental disability
  - ▶ The assistive technology device is necessary to maximize your developmental potential
  - ▶ It will help with increasing access to employment, community integration, or independence
  - ▶ The need is documented in your specific Individual Program Plan (IPP)
- ▶ You have sought out other funding sources first , e.g. school district, insurance, etc.
  - ▶ Generic Resources



# Generic Resources

- ▶ Any agency receiving public funds with legal responsibility to serve all members of the general public.

Cal. Code Regs. tit 17, §54302(a)(31)

- ▶ Regional Center is the “payer of last resort”

Welf. & Instit. § 4659.10

- ▶ Regional centers are prohibited from purchasing any service that would otherwise be available from:

- Medi-Cal, Medicare;
- In-Home Supportive Services (IHSS);
- Department of Rehabilitation (DOR);
- School Districts;
- Private insurance or a health care service plan.

# Use of Generic Resources

- ▶ Regional Center is the generic Targeted Case Management provider.  
Cal. Govt. §14132.48; 42 USC 1396n(g)
- ▶ There shall be no gaps in service.  
Welf. & Instit. §§4501, 4648(g)
- ▶ Regional center must identify and pursue all possible sources of funding  
Welf. & Instit. §4659(a)

# Generic Resources – School

- ▶ School District – Special Education
  - ▶ No cost to families (Free and Appropriate Public Education, or FAPE)
  - ▶ Assist student with a disability in progressing toward IEP goals and objectives
  - ▶ Can request assistive technology through an IEP, or request an assessment for assistive technology (called an AT assessment).
  - ▶ Equipment can be used at home if it furthers IEP school goals.

# Generic Resources – Department of Rehabilitation

- ▶ DOR assists those with disabilities to obtain and retain employment (work) and live independently in their communities.
  - ▶ Tailored to help people meet employment goals.
  - ▶ Can provide educational and college training.
- ▶ If you are eligible to get services from DOR, then the regional center cannot purchase the same or similar services.
  - ▶ Assistive technology falls under “rehabilitative technology”
  - ▶ DOR can also provide “assistive technology services”, which includes evaluating your need for an AT device.

# Generic Resources – Other Agencies

- ▶ Medi-Cal
  - ▶ State and federal program that ensure health care coverage to many low-income people
  - ▶ Assistive technology falls under “durable medical equipment” or “medical supplies”
  - ▶ Includes communication devices if determined to be medically necessary
- ▶ California Children’s Services
- ▶ Your Employer
  - ▶ Federal and state law require employers to accommodate and provide assistive technology as a reasonable accommodation
    - ▶ Americans with Disability Act (ADA)
    - ▶ Section 504 of the Rehabilitation Act, California laws

# Generic resources – Gap Funding

- ▶ If a service written in your IPP is not provided by a generic agency, the regional center must fill the gap (i.e., fund the service) in order to meet the goals set forth in the IPP
- ▶ Regional centers can pay for services while the coverage is being pursued, pending a final administrative decision or until the commencement of the services.

Welf. & Instit. Code §§4648(a)(1) and (g), 4501

# Purchase of Service Policies

- ▶ Regional center's guidelines for purchasing services and supports.
- ▶ Explains the requirements for receiving services and sometimes set limits.
- ▶ Must be cost-effective.
- ▶ Varies at each regional center.
  - ▶ Some regional center POS policies include specific policies for funding assistive technology

# EXAMPLE: Regional Center of the East Bay (RCEB)

- ▶ “RCEB may purchase AT when it is required for reasons related to the developmental disability...”
- ▶ When the Planning Team believes either:
  - ▶ (a) The equipment or device will prevent further disabilities, maintain or improve current functioning;
  - ▶ (b) The equipment is integral to the health care or function of an individual, or makes specialized care in the home possible;
  - ▶ (c) The equipment allows the consumer to interact with his/her environment, and increases independence and family/community inclusion



# Requesting Assistive Technology

- ▶ You can request assistive technology at an IPP meeting.
- ▶ You can request an IPP meeting at any time. The meeting must be held within 30 days.
- ▶ If regional center doesn't make a decision at the IPP meeting, it must schedule another meeting within 15 days.
- ▶ Important that assistive technology is written into the IPP
- ▶ Provide evidence that supports your need for assistive technology. You can also request an AT assessment.
- ▶ Prepare questions to ask service coordinator
  - ▶ Who will provide the training for the AT device?
  - ▶ Who is responsible for damage or repairs?

# Disagreement with Regional Center

- ▶ If the regional center denies your request for assistive technology, it must provide its decision in writing within 5 days
  - ▶ Notice of Action (NOA)
- ▶ If you disagree with the regional center's decision, you can choose to "appeal".
  - ▶ File for fair hearing.
  - ▶ Right to a hearing before an Administrative Law Judge
  - ▶ You have within 30 days of receiving the NOA to file for fair hearing
- ▶ If you want a service or support to stay in place, you need to file an appeal within 10 days of being notified by the regional center.
  - ▶ Aid Paid pending

# Assistive Technology and access to Effective Communication

- ▶ AT supports may include equipment or devices to help consumers communicate effectively with other people.
  - ▶ Do you need some type of assistive technology device or equipment to participate in your IPP meetings?
  - ▶ Do you need assistive technology to communicate with group home staff, day program staff, or service provides?

# Assistive Technology for Blind or Visually Impaired

- ▶ The regional center must communicate with the consumer by using alternative communication services.
  - Information in a “culturally and linguistically appropriate” manner includes using alternative communication services
- ▶ These services must include appropriate auxiliary aids and services where necessary.

# DRC Resources

- ▶ Website: <https://www.disabilityrightsca.org/>
- ▶ For more information on the services provided by the regional center and on the Individual Program Plan (IPP) process, refer to our publication, *Rights Under the Lanterman Act* (RULA).

# Questions?

Thank you!

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Group

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