

DEPARTMENT OF DEVELOPMENTAL SERVICES

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TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: SELF-DETERMINATION PROGRAM – GOODS AND SERVICES

In alignment with the key principles of the Self-Determination Program (SDP), participants have the authority to control an individual budget to purchase needed services and supports to achieve their Individual Program Plan (IPP) goals. The purpose of this correspondence is to provide additional guidance regarding goods and services in the SDP.

Deciding if a cost may be included in the SDP Budget

Before including any good or service in an individual budget or SDP spending plan, the planning team must first be clear about how the good or service addresses an identified need or goal in the IPP. Enclosure A provides detailed information about how the participant and the planning team can determine if a good or service addresses a need or goal in the IPP.

As noted in the Department of Developmental Services' January 11, 2019 directive regarding the individual budget and spending plan, SDP funds can only be used for goods and services that:

- have been approved by the federal Centers for Medicare and Medicaid Services; and,
- are not available through other funding sources (e.g., Medi-Cal, In-Home Supportive Services, schools, etc.)

However, in some cases consumers may require additional goods and services outside of what is funded by the individual budget to support their IPP. Enclosure B provides guidance on goods and services that can be funded by the individual budget in the spending plan, as well as what will be handled outside of the individual budget.

“Building Partnerships, Supporting Choices”

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Determining Service Designation (Participant-Directed Goods and Services)

The SDP allows for a service type defined as “Participant-Directed Goods and Services.” Enclosure C contains a flow chart intended to help the planning team determine when a good or service can be funded through Participant-Directed Goods and Services, Service Code 333.

If you have any questions regarding this correspondence, please contact sdp@dds.ca.gov.

Sincerely,

Original signed by:

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Deputy Director
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Enclosures

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
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Association of Regional Center Agencies
State Council on Developmental Disabilities
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The Individual Program Plan (IPP) team, using a person-centered planning process, develops the IPP which identifies the type and amount of all the needed goods and services to achieve the planned outcomes and ensure the participant's health and safety. The IPP team also develops the individual budget, which is the amount of regional center funding available to purchase goods and services to implement the IPP.

After the individual budget amount is determined, the participant develops a spending plan to use the available funds to purchase goods and services which meet their IPP goals and objectives. In developing their spending plan, the participant should consider the following:

Step 1: Is the Good or Service Related to the Self-Determination Participant's Needs and IPP Goals?

Each good or service in the spending plan must address an identified need or goal in the IPP.

- What is the need and how does it relate to the individual's IPP goals?
- How does the good or service help achieve the desired outcome in the IPP?
- Does the good or service increase participation in the community?

If the good or service is not related to participant's IPP need or will not help the participant achieve an IPP goal, it should not be included in the spending plan.

Step 2: Is there a Natural Support or Generic Service that Can Be Used?

Before including the good or service in a spending plan, the participant should determine if the good or service can be provided by a natural support or a generic service. In the SDP, participants must use available generic services first.

- Explore if there are natural supports that might help achieve that goal or outcome. For example, an older sibling of a minor self-determination participant may be available and able to watch the participant while the parent does the family's weekly grocery shopping. If this is possible it may not be necessary to use paid support and the unpaid older sibling would be considered a natural support.
- Explore if there are available generic services that might help achieve that outcome. For example, is the individual eligible for in-home supportive services (IHSS) and if so, do they receive personal care attendant (PCA) services that can be used? The regional center should assist the individual in applying for generic services.

Step 3: Are the Goods and Services Allowed Under the SDP and Medicaid?

The SDP is part of a federal government Medicaid waiver. This waiver approved a list of goods and services that may be purchased. SDP participants may only purchase goods and services that are allowed by the waiver (see Enclosure B).

- The definitions of allowed Medicaid waiver goods and services may be found [here](#). If the needed good or service falls within one of the allowed goods and services, that good or service may be listed on the spending plan.
- Some goods and services are not allowed under the SDP. The list of what is not allowed is found in Enclosure B. This list is not all inclusive.
- Some other goods and services may be provided outside of the participant's budget (see Enclosure B).
- There are additional rules about purchasing Participant-Directed Goods and Services under Service Code 333. These are discussed in Step 5 and in Enclosure C.

Step 4: Who Can Be Paid to Provide Services in the Spending Plan and What are the Provider Qualifications?

- Definitions of who is qualified will depend on the type of service. For example, some services such as nursing services or therapy services may require the person have a degree and a state license. Other services, such as a respite worker, do not have education or licensing requirements. All services must be provided by an adult and someone who is qualified to work.
- Specific service provider qualifications can be found [here](#) by searching for the specific service definition. A participant may hire someone with additional qualifications or skills if needed to meet their individual needs.
- A legally responsible person cannot be paid to provide services. This means, a person who has a legal obligation to care for another person. Legal responsibility is defined by state law, and generally includes the parents (natural or adoptive) of minor children, legally assigned caretaker, relatives of minor children, and sometimes spouses.

Step 5: Use of Participant-Directed Goods and Services

Participant-Directed Goods and Services are services, equipment or goods not otherwise provided through the SDP or through Medi-Cal, that address an identified need in the IPP (including accommodating, improving and maintaining the participant's opportunities for full membership in the community). An IPP team may consider the use of Participant-Directed Goods and Services after it has explored other possible goods and services and no other service aligns with the participant's IPP needs or goals. The Participant-Directed Goods and Services must be documented in the participant's IPP and purchased from the participant's individual budget. Experimental or prohibited treatments shall not be provided.

For Participant-Directed Goods and Services to be used, it must meet the federal waiver requirements for this service:

1. The good or service would result in less need for other Medicaid services

- a. *How will this good or service result in less need for services as it relates to the desired outcome in the plan? OR*
2. Promote interdependence and inclusion in the community
 - a. *How will this good or service promote involvement in the community as it relates to the outcome in the plan? OR*
3. Increase the person's safety in the home environment
 - a. *How will the good or service promote the participant's personal safety at home, in relation to the outcome in the plan? AND*
4. The good or service is not available through another funding source
 - a. *Are there other sources, including available generic resources, that might fund the good or service?*

Enclosure B provides additional information about the types of goods and services that may be purchased. This list is not all-inclusive.

Step 6: Spending Plan Development and Review

- Participants develop their spending plan.
 - The spending plan shall identify the cost of each good and service that will be purchased with regional center funds. If the exact cost is not known, it may be estimated.
 - The spending plan identifies the type of person providing each service. It does not need to include the name of a specific provider.
 - The total spending plan amount cannot exceed the total individual budget amount.
- Once the spending plan has been completed, the regional center reviews the spending plan for compliance with state law, including verification that the identified goods and services are eligible for federal financial participation and are not used to fund goods or services that are available through generic agencies.
- The approved spending plan must be attached to participant's IPP.

Self-Determination Program (SDP): What can or cannot be paid for and why?

The following information is intended to assist a participant and their team with the most common questions about SDP goods and services to date; it is not all-inclusive. For reference, the more comprehensive list of service descriptions can be found [here](#). If you have questions, please contact your regional center.

Goods and Services	Not Allowed, Allowed or Available: Not Included in Budget Calculation/Spending Plan	Why?	What does this mean?
HOME AND LIVING EXPENSES			
Housing access supports necessary to implement their individual program plan (IPP)	Allowed	Federal Waiver Service Code 314	Individual housing transition services, such as finding a place to live and helping with the tenant application Individual housing and tenancy sustaining services, such as helping the participant with tenant/landlord disputes or helping with recertifying housing
Disability-related environmental accessibility adaptation necessary to implement their IPP	Allowed	Federal Waiver Service Code 356	Adaptations to a person's home related to their disability, ensuring their health, welfare, and safety, or increasing the individual's independence within their home (for example, a ramp, grab bars, door opener)
Room and board	Not Allowed	Prohibited in Federal Waiver Programs	Rent, groceries, meals, hotel stays cannot be purchased directly (for example, paying a respite worker cash) and then billed to a Financial Management Service (FMS) agency for reimbursement
Adaptations or improvements to the home that are of general utility and are not related to the disability-related needs of the participant	Not Allowed	Prohibited in Federal Waiver Programs	Housing repair/renovations unrelated to disability needs and typical items that are the responsibility of the homeowner or landlord (for example, aesthetic kitchen remodel, swimming pool, electrician or plumbing services, roofing repairs, HVAC repair, updating appliances)

Goods and Services	Not Allowed, Allowed or Available; Not Included in Budget Calculation/Spending Plan	Why?	What does this mean?
VEHICLES			
Disability-related vehicle modifications and adaptations and upkeep and maintenance of these items	Allowed	Federal Waiver Service Code 377	Adaptations or alterations to an automobile or van that is the participant's primary means of transportation in order to accommodate the disability needs of the participant (for example, lifts, ramps, hand brakes) Upkeep and maintenance of those modifications to an automobile or van that is the participant's primary means of transportation in order to accommodate the disability needs of the participant
Purchase or lease of a vehicle	Not Allowed	Prohibited in Federal Waiver Programs	Purchase/lease of a vehicle for transportation is not allowable.
Adaptations or improvements to a vehicle unrelated to a disability-related need	Not Allowed	Prohibited in Federal Waiver Programs	Upgrades or improvements to a vehicle that are unrelated to disability needs (for example, adding new rims or new paint)
Regularly scheduled upkeep and maintenance of a vehicle	Not Allowed	Prohibited in Federal Waiver Programs	Repairs or general maintenance to a vehicle that are unrelated to disability needs (for example, new tires, replacing the battery in the vehicle, oil changes)

Goods and Services	Not Allowed, Allowed or Available: Not Included in Budget Calculation/Spending Plan	Why?	What does this mean?
COMMUNITY INTEGRATION			
Community integration supports necessary to implement their IPP	Allowed	Federal Waiver Service Code 331	Community integration supports that help the participant attain or maintain their maximum level of functioning, interdependence and independence and/or increase and improve self-help, socialization, communication. These services may include socialization and community awareness, communication skills, visual, auditory and tactile awareness and perception experiences, and self-advocacy skills. They can reinforce skills or lessons taught in school, therapy or other settings. Services may include art and recreation programs if such services assist the participant "through therapeutic and/or physical activities" (for example, exercise class in the park, swim class at a public pool, painting at a local art studio); continuing education classes to help the participant explore interests or improve academic skills or complete a high school equivalency; peer mentoring, mobility services; friendship and relationship building.
Goods and services that are purchased for entertainment (for example, amusement park, concert tickets or recreation that provides no therapeutic and/or physical benefit)	Not Allowed	Prohibited in Federal Waiver Programs	Purely recreational activities that do not meet the disability-related needs of the participant and/or their IPP goals and outcomes (for example, entrance tickets for amusement park or similar for the consumer) The following goods and services cannot be paid for: hobby supplies, television, cable access, DVDs.

Goods and Services	Not Allowed, Allowed or Available: Not Included in Budget Calculation/Spending Plan	Why?	What does this mean?
GOODS AND SERVICES OUTSIDE OF SPENDING PLAN			
Supplemental Security Income (SSI)/State Supplementary Payment (SSP) Restoration	Available: Not Included in Budget Calculation/Spending Plan	State of California, Department of Developmental Services (DDS) policy	This is a "pass through" service, meaning this is a California cash benefit that is paid to the person through the regional center. The regional center will continue to fund this service outside of the spending plan through service code 065 for the individual while participating in SDP.
Competitive Integrated Employment	Available: Not Included in Budget Calculation/Spending Plan	State of California, DDS policy	Eligible incentives for Competitive Integrated Employment will be paid to service providers outside of the spending plan for the individual participating in SDP.
Paid Internship Program	Available: Not Included in Budget Calculation/Spending Plan	State of California, DDS policy	Eligible Paid Internship Program wages will be paid outside of the spending plan for the individual participating in SDP.
Costs for insurance co-payments, deductibles or co-insurance	Available: Not included in Budget Calculation/Spending Plan	State of California, DDS policy	Costs for insurance co-payments, deductibles or co-insurance will be paid outside of the spending plan for the individual participating in SDP.
Rental assistance, consistent with Welfare and Institutions (W&I) Code Section 4689(i)	Available: Not included in Budget Calculation/Spending Plan	State of California, DDS policy	Cost of rental assistance allowed by W&I Code section 4689(i) will be paid outside of the spending plan for the individual participating in SDP.

Participant-Directed Goods and Services (Service Code 333) Decision Tree

