

North Los Angeles County Regional Center
Guideline

**Out-of-Community Travel or Out-of-State Travel Guideline
for Supported Living Service Providers**

1. General

The purpose of the Out-of-Community Travel or Out-Of-State Travel Guideline (Guideline) is to establish guidelines for ensuring that individual program planning is directed towards ensuring the health and safety of our consumers and ensuring appropriate care and supervision by supported living service (SLS) providers when consumers travel outside their community or outside the state of California while under the care and supervision of an SLS provider.

2. Departments Affected

This Guideline applies to all North Los Angeles County Regional Center (NLACRC) service coordinators in the San Fernando Valley, Antelope Valley, and Santa Clarita Valley offices.

3. Responsibility

The deputy director/program services director, consumer services directors, consumer services managers, and consumer services supervisors shall have the responsibility to monitor compliance of the Guideline. All NLACRC employees must ensure that they comply with the Guideline as outlined below.

4. Statutes, Regulations, and Assumptions

4.1 Welfare and Institutions Code (WIC), Section 4502.1 states that “The right of an individual with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including but not limited to, regional centers, shall respect the choices made by consumers or, where appropriate, their parents, legal guardian, or conservator. Those public or private agencies shall provide consumers with opportunities to exercise decision making skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer making his or her choice.”

- 4.2 WIC, Section 4512(b) defines services and supports for people with developmental disabilities as specialized services and supports or special adaptations of generic services and supports directed towards the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, and normal lives. The determination of which services and supports are necessary for each consumer shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by Individual Program Plan (IPP) participants, the effectiveness of each option in meeting the goals stated in the IPP, and the cost-effectiveness of each option.
- 4.3 WIC, Section 4646.4(a)(2) states that when regional centers are purchasing services supports, the regional shall ensure: 1) utilization of generic services and supports when appropriate; and 2) utilization of other services and sources of funding as contained in WIC, Section 4659.
- 4.4 WIC, Section 4659(a) states the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services.
- 4.5 WIC, Section 4648(a) states that "in order to achieve the stated objectives of a consumer's IPP the regional center shall conduct activities, including, but not limited to all of the following: (a) securing needed services and supports."
- 4.6 WIC, Section 4646(a) states that "It is the intent of the Legislature to ensure that the IPP and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and health environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the IPP, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources."
- 4.7 WIC, Section 4648(a)(1) states that "It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal

choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways."

4.8 WIC, Section 4648(a)(2) states that "In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, where appropriate his or her family."

4.9 WIC, Section 4648(a)(6) states that the regional center and the consumer, or where appropriate, his or her parents, legal guardian, conservator, or authorized representative shall, pursuant to the individual program plan, consider all of the following when selecting a provider of consumer services and supports:

4.9.1 A provider's ability to deliver quality services or supports which can accomplish all or part of the consumer's individual program plan.

4.9.2 A provider's success in achieving the objectives set forth in the individual program plan.

4.9.3 Where appropriate, the existence of licensing, accreditation, or professional certification.

4.9.4 The cost of providing services and supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individualized program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

4.9.5 The consumer's choice of providers, or, where appropriate, the consumer's parent's, legal guardian's, authorized representative's, or conservator's choice of providers.

- 4.10 WIC, Section 4648(a)(9) states that “A regional center may, directly or through an agency acting on behalf of the regional center, provide placement in, purchase of, or follow-along services to persons with developmental disabilities in appropriate community living arrangements, including, but not limited to, support services for consumers living in homes they own or lease; foster family placements; health care facilities; or licensed community care facilities.”
- 4.11 While circumstances may support the need for travel and transportation in order for consumers to access their community, it is not the intent of SLS providers to provide SLS for extended or continual travel outside the community in which the consumer resides or outside the state of California. In these situations, it is difficult for the regional center to meet its obligation to appropriately monitor the provision of SLS and supports by the service provider.
- 4.12 There may be situations in which an SLS provider plans to travel with consumers on vacations or trips outside of the community in which the consumer resides or outside the state of California.
- 4.13 A regional center shall not expend funds allocated to it by the Department of Developmental Services (DDS) for the purchase of any service outside the state unless the director of DDS or his/her designee has received, reviewed, and approved a plan for the out-of-state service in the consumer’s IPP. WIC, Section 4519 (a)
- 4.14 A regional center is prohibited from purchasing camping services, social recreation activities (except for those activities vendored as community-based day programs), education services for children 3 thru 17 years of age, nonmedical therapies, including but not limited to specialized recreation, art, dance, and music. WIC, Section 4648.5(a)
- 4.15 Title 17, Section 58601 states that direct services means any service component enumerated in Section 58614. Title 17, Section 58614, Service and Support Components, states that SLS providers shall provide individually designed service or assessment of the need for services as described in Title 17, sections 56814(a) through 56814(c).
- 4.16 Title 17, section 56002(a)(14) “Direct Supervision” means those activities in which direct care staff provide care, supervision, training and support to promote the consumer’s functioning in the areas of self-care, daily living skills, physical coordination, mobility, behavioral self-control, choice-

making, community integration, accessing community resources and participating in leisure time activities.

- 4.17 Title 17, Section 56002(a)(48) “Special Services” means specialized training, treatment, and/or supervision which are required by the consumer’s (IPP) and provided by direct care staff in addition to direct supervision.
- 4.18 Title 17, Section 58631, Service Design Components, states that a required service design shall include, but not be limited to, the following: (b) A description of the range of approaches and strategies the SLS provider is prepared to employ to achieve the aims specified in Section 58632; and (b)(1) The SLS vendor shall specify for each aim whether and to what extent each of the associated services are available through the vendor.
- 4.19 The Lanterman Act and SLS services are designed to assist consumers living in their own homes and communities. While circumstances may support the need for this supportive service during travel, it is not the intent of SLS to provide services for extended or continual travel outside the state. In these situations, it is difficult for the regional center to meet its obligation to appropriately monitor the provision of services and supports.
- 4.20 There may be situations, such as an out-of-state family member’s funeral, during which the regional center may want to fund SLS services.
- 4.21 WIC, Section 4689 places a high priority on providing opportunities for adults with developmental disabilities, regardless of the degree of disability, to live in homes that they own or lease with support available as often and for as long as it is needed, when that is the preferred objective in the IPP. WIC, Section 4689 focuses on normalization and providing services in the home and in the home community. It does not state that consumers cannot travel out of state and it could not because all consumers have the right to travel, unless that right is restricted by a conservatorship. Further, WIC Section 4689, is further supplemented by Title 17, Section 58614, which outlines SLS services to include participating in community life and 24-hour emergency assistance, including direct service in response to calls for assistance.
- 4.22 A regional center may expend funds allocated to it for the purchase of services for residents of California and administrative costs incurred in providing services in the border areas of a state adjacent to California

when the purchase is approved by the regional center director. WIC, Section 4519(d)

5. **Guidelines**

5.0 The IPP Planning Team has the responsibility to assess each request for travel arrangements by SLS providers.

5.1 Each trip or travel arrangement proposed by a consumer and/or their SLS provider shall be planned as part of the IPP process and the following questions shall be addressed during IPP planning:

5.1.1 Is there an outcome related to travel in the consumer's IPP or addendum to the IPP?

5.1.2 Is there a cost associated with the proposed travel plans? What is the amount? Does the consumer have sufficient funds to go on the trip? Have other generic resources been considered, such as natural supports or a specialized travel organization?

5.1.3 Will the required staffing ratio, as established in the SLS provider's program design, be maintained or enhanced during the proposed period of travel?

5.1.4 How will the consumer's individual care and supervision needs be met by the SLS provider during the period of travel?

5.1.5 If the consumer's individualized care and supervision needs warrant consideration in order for the consumer to be successful and safe while traveling, have specialized services that specifically coordinate travel and support services during travel been considered?

5.1.6 Is the period of travel time-limited and sufficiently circumscribed such that the regional center can monitor the SLS delivery?

5.1.7 Does the SLS provider have an emergency service plan? What is the SLS provider's plan to ensure that the staffing ratios are maintained during the period of travel? Has the SLS provider secured background checks, as appropriate, for all staff or individuals identified in the emergency plan? What is the SLS provider's plan to ensure that staff coverage is provided during staff break times? Does the situation appear to be safe for everyone involved?

5.1.8 Has the SLS provider checked with the Employment Development Department and/or their legal counsel to verify that their staff will be appropriately compensated while on the trip? Does the SLS provider's plan demonstrate that direct care workers will be provided meals and rest periods? Further does the SLS provider's plan demonstrate that there will be sufficient number of staff available to support consumers while staff are taking meal and rest periods?

5.1.9 Does the SLS provider have adequate insurance to cover any potential claims or injuries during the trip?

5.2 Should the travel arrangements require increased staffing to meet the obligations of appropriate care and supervision, as well as applicable labor laws, the SLS provider shall be responsible for these additional costs.

5.3 Who will be responsible for staff travel costs, including but not limited to lodging, meals, travel, etc.?

6. Procedure

6.1 All IPPs and IPP addendums for travel shall be approved by both the consumer services director and the deputy director/program services director prior to the completion of the addendum.

6.2 The SLS provider shall submit a written plan for the period of travel to the IPP planning team for review and recommendation. The SLS provider's plan during the period of travel shall identify the following information:

1. The dates of travel.
2. The itinerary for each day of travel.
3. Staff to consumer ratio during the period of travel.
4. Emergency plan.
5. Process to ensure back ground checks of all staff that will be providing care and supervision during the period of travel.
6. Staffing plan to ensure staff are provided appropriate rest periods and breaks.
7. Acknowledgment from the SLS provider that they have adequate insurance to cover any potential claims or injuries during the trip.
8. Plan to ensure that all individualized dietary requirements will be met.
9. Plan to ensure proper medication administration during the period of travel.
10. Budget to determine the cost of travel.

11. Process to determine that consumers have sufficient personal funds to cover the cost of travel.
 12. Process to report special incident reports during the period of travel.
- 6.3 The consumer services supervisor shall ensure that the IPP identifies the following during the period of travel:
1. The IPP shall identify the care and supervision requirements during the period of travel.
 2. The IPP shall include a copy of the SLS provider's plan during the period of travel.
- 6.4 Upon review and approval of the IPP and SLS provider's plan by the consumer services director and deputy director/program services director, the IPP addendum shall be finalized by the service coordinator.
- 6.5 If the SLS plan is denied by the IPP planning team, the service coordinator shall provide the SLS provider with a written notice of the regional center's decision and the reasons for the regional center's denial.