



## **Public Meeting Announcement**

### 637 Waiver - Social Recreation As Additional PDS Services

AB 637 was passed into law in the late 1990s and allowed regional centers to develop "innovative means of providing needed services." Innovative per the 637 waiver means strategies that are prohibitive or impeded by existing laws and/or regulations.

San Andreas Regional Center (SARC) is submitting an AB637 Waiver Proposal to the Department of Developmental Services (DDS) in accordance with statutory requirements. Specifically, SARC is seeking approval for one proposal: 1) to use Financial Management Services (FMS) agencies for payment of social recreation services.

- The proposal offers an innovative means to provide needed services and was developed through consultation and collaboration with our stakeholder community.
- The proposal will increase the quality and quantity of direct services to individuals and will respond to the expressed need for timely access to service providers.
- The proposal is cost effective, as costs will not exceed the current projected costs of funding comparable services through existing vendored service providers.
- The proposal will be implemented within our existing budget.

### **Use of FMS Agencies for Social Recreation Services- Support to Self-Advocates and Families to Secure Their Own Services**

SARC's proposal will increase access to newly restored social recreation services consistent with Welfare and Institutions Code (WIC) Code section 4648.5, under the category of "Support to consumers/families to secure their own services". There are a limited number of vendored service providers for social recreation services at this time. Furthermore, many non-vendored social recreation providers are not interested in being vendored. Additionally, the available non-vendored social recreation services require up-front payment for their services, which many of the SARC families are not in the position to do. As such, our underserved families are not able to secure social recreation options of their choosing.

As a remedy, we propose adding social recreation services as a Participant-Directed Service. We are requesting a waiver of California Code of Regulations, Title 17, Section 58886 to include these restored services. Adding social recreation services as a Participant-Directed Service will

allow more access and flexibility in the delivery of said services and ensure Medicaid reimbursement of said services. Individuals and families will be able to procure their own community-based services (such as park and recreation services, art, etc.) through the use of an FMS Co-Employer or FMS Fiscal/Employer Agent agency as per California Code of Regulations, Title 17, Section 58886.

Additionally, we are requesting the ability for up-front payments to social recreation service providers via FMS agencies because many non-vendored social recreation service providers **require** up-front payment for their services. As such we are requesting that Welfare and Institutions Code (WIC) 4648 (a)(3) and California Code of Regulations (CCR), Title 17 section 54326(a)(10) be waived. The WIC code section requires regional centers to **reimburse** service providers for vendored or contracted services. The CCR section states that all vendors shall "Bill only for services which are actually provided to consumers and which have been authorized by the referring regional center".

Similarly, we ask that the following sections of the Welfare and Institutions Code be waived: WIC code 56029(s), 50608(d), 50612(a)(b)(1)(A)-(C). All of these sections imply that regional centers are to reimburse for services by describing the need to first authorize services which are then provided and billed for by the provider.

### **Public Comment Meeting**

DATE: November 10, 2022

TIME: 4:00pm

PLATFORM: VIRTUAL PRESENTATION

Zoom Registration Link:

[https://us06web.zoom.us/meeting/register/tZAKdOusqT0rEtOQ6lYk2pEgmpj0oP6c\\_oXc](https://us06web.zoom.us/meeting/register/tZAKdOusqT0rEtOQ6lYk2pEgmpj0oP6c_oXc)

WRITTEN INPUT: Accepted through 12 pm on November 14, 2022

Please send written comments via email to

Darby Gibson at [dgibson@sarc.org](mailto:dgibson@sarc.org) with

**PUBLIC COMMENT** in the subject line

or mail to

San Andreas Regional Center

6203 San Ignacio Ave, Suite 200,

San Jose, CA 95119

Attention: Darby Gibson/Public Comment

This information will be distributed to stakeholders via our social media platform, SARC website, Service Provider Advisory Committee and other means of notification to our community stakeholders by **October 26, 2022.**