

DURABLE AND NON-DURABLE MEDICAL, ASSISTIVE, AND ADAPTIVE EQUIPMENT AND ADAPTATIONS TO REAL OR PERSONAL PROPERTY

- I. **Purpose:** It is the intent of San Andreas Regional Center to ensure that the individuals it serves may continue to live successfully and with as little restriction as possible in their communities and family homes. The regional center acknowledges that many of the health needs of individuals it serves are the same as the needs of all members of the community. San Andreas Regional Center will work to ensure that all public and private entities with an obligation to serve the same individuals do so. The regional center may assist in obtaining necessary, appropriate, and cost-effective equipment or supplies, in compliance with all state and federal laws, regulations, and court decisions, to improve or maintain the individual's health.

- II. **Definitions:**
 - **Consumer, individual, and person served are used interchangeably in regional center policy and the Lanterman Developmental Disabilities Services Act and mean a person who has been found eligible and receives services from the regional center.**

 - *Equipment* refers to items that serve a functional or health-related purpose that are necessary to achieve, improve, or maintain an individual's life in the community.
 - *Durable* means items that can withstand repeated use for a reasonable amount of time. Examples include, but are not limited to, lifts, shower chairs, and track systems.
 - *Non-durable* means items that are single-use or cannot withstand repeated use. Examples include, but are not limited to, diapers or incontinence supplies and single-use gloves.
 - *Medical* means physical health related, either relating to the treatment of illness or of conditions requiring non-surgical treatment.
 - *Necessary or medically necessary* is proper and needed for the diagnosis or treatment of a medical condition; is provided for the diagnosis, direct care, and treatment of a medical condition; and meets the standards of good medical practice in the local area and are not mainly for the convenience of the patient, caregiver, or doctor.

- *Assistive* means equipment intended to enhance an individual's functional independence with mobility or activities of daily living, improving their safety, and/or decreasing their reliance upon a caregiver. Examples include, but are not limited to, lifts, wheelchairs, and standers.
- *Adaptive* means equipment intended to modify an existing tool for use by the individual to increase their functional independence. Examples include, but are not limited to, adaptive utensils, augmentative communication devices, and bath chairs.
- *Adaptations* refers to modifications to real or personal property for adaptive or accessibility purposes. Examples include, but are not limited to, ramps, tracking systems, and the widening of door frames to accommodate a wheelchair.
- *Property* means a thing or things belonging to someone or collectively.
 - *Real* property means land and permanent structures attached to the land to which the individual or family holds the rights of ownership and use for their or the individual's residential purpose. For the purposes of this policy, real property used for commercial, agricultural, industrial, or special purposes will not be considered.
 - *Personal* property means movable property exclusive of land or buildings.
- *Generic services* mean those public and private entities, including natural supports, with an obligation to serve the person with a developmental disability as they would any other.

III. **Policy:** San Andreas Regional Center will assist individuals and their families in obtaining durable and non-durable medical equipment related to needs arising from their developmental disability. San Andreas will, through advocacy and assistance, ensure that generic services and supports – including use of family or personal resources – are utilized to their fullest extent possible. In the event generic resources are insufficient to meet the need, San Andreas may provide financial assistance to facilitate the obtaining, procurement, or payment for the necessary equipment when doing so will enable the individual to live in the least-restrictive environment. San Andreas will not purchase real property, nor fund the remodeling of real property beyond the scope of what is medically necessary, appropriate, and cost-effective to meet the individual's needs. San Andreas shall not purchase a

vehicle for an individual, family, or caregiver. San Andreas shall not fund the remodeling or adaptation of any property that is not real property held by the person or their family and used as the person's primary residence.

The amount funded by San Andreas shall not exceed the usual and customary rates as established by Medi-Cal or of the least-costly equipment appropriate to meet the needs of the person, as determined by San Andreas. San Andreas shall not fund the reimbursement or purchase of non-durable medical equipment for children under the age of 36 months unless there is a demonstration of financial need. Any ongoing purchase of non-durable medical equipment shall be reviewed for necessity, appropriateness, and cost-effectiveness no less than annually, including those authorized by exception or through appeal.

- IV. **Purchase of Service Standard:** All requests for regional center funding of durable or non-durable medical equipment or adaptations to property must be made using the individual program plan team process. Once the request is made, the service coordinator will, if needed, request – and the individual, family, or responsible people shall provide – all relevant written and testimonial documentation sufficient to demonstrate the necessity, appropriateness, and cost-effectiveness of the requested item(s), as well as that all generic services and supports have been accessed to the maximum extent possible. Requests without sufficient documentation shall require a director's exception.

Purchases of non-durable medical equipment may, if applicable, be approved as part of the typical individual program plan purchase of services practice. All requests for the purchase of durable medical equipment and modification of real property will require an exception from the Executive Director or their designee.

- V. **Exception Process:** The executive director has full discretion to authorize purchases of service which are exceptions to the board-adopted purchase of service policies and standards. The executive director has designated that the Director and Associate Directors of Consumer Services are authorized to grant an exception in the executive director's stead; these individuals are referred to as director's designees.

The first formal discussion of a request for service takes place at the planning team meeting. If the request falls within the service policy, the request is granted.

If the request for service is not consistent with the policy, the service coordinator starts the exception review process by exploring the basis for the request. A timeline for the director's exception review is set by agreement between the individual/family and the service coordinator but the timeline may not exceed fifteen (15) days. Within that time, another planning team meeting will be convened. In the meantime, the coordinator presents the information to the manager to determine whether a director's exception may be warranted. At the scheduled planning team meeting the decision will be made. The director's designee will attend the planning team meeting if necessary. If the exception is granted, the service coordinator amends the person-centered individual program plan, notifies the individual/family, and gives a copy of the amended plan to the individual/family.

- VI. **Notice of Action:** If the exception is not granted, the service coordinator promptly informs the consumer/family that it has not been granted, informs the consumer/family of their appeal rights, and sends a notice of action and a fair hearing form.

If a decision is made to deny, reduce, or cancel the service without the agreement of the consumer or the consumer's representative, a Notice of Action will be sent.

- VII. **Notice:** This policy supersedes the Incontinence Supplies policy and any relevant portion of the Health Care policy that may apply to the purchase of durable and non-durable medical equipment.

DDS Approved - March 7, 2024
Board Adopted – March 18, 2024