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GOVERNOR

February 6, 2024

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: SOCIAL RECREATION, CAMPING AND NONMEDICAL THERAPIES –
LEGISLATIVE INTENT AND PROVIDER ACCESS

The purpose of this Directive is to clarify the requirements contained in Welfare and Institutions (W&I) Code section [4688.22](#) and provide guidance to regional centers on facilitating access to providers and vendorization of social recreation services, camping services, and nonmedical therapies including but not limited to, specialized recreation, art, dance, and music (social recreation, camping and nonmedical therapies); the requirements for facilitating vendorization and using participant-directed services; and, the application of Usual and Customary (U&C) rates as outlined in California Code of Regulations (CCR), Title 17 section [57210\(a\)\(19\)](#). W&I Code section 4688.22(c) authorizes the Department of Developmental Services (Department) to issue directives or similar instructions to implement the provision of these services consistent with this section.

Background

The Department provided guidance to regional centers on [November 3, 2023](#) regarding the statutory changes impacting social recreation, camping and nonmedical therapies. The legislative intent language contained in W&I Code section 4688.22(a) is that regional centers not only refer individuals to existing service opportunities related to social recreation, camping and nonmedical therapies, but to fund those services, along with supports needed to access them, to increase the availability of vendors, and to expedite vendorizations.

W&I Code section 4512(b) in part states: “Services and supports for persons with developmental disabilities’ means specialized services and supports or special adaptations of generic services and supports directed toward 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 an independent, productive, and normal life.” In light of the Legislature's intent to increase access to these services as stated in W&I Code section 4688.22(a), regional centers must not use W&I Code section 4512(b) to restrict funding of these services to only those that are specialized or directed toward the alleviation of a developmental disability.

The review and determination of the need for social recreation, camping and nonmedical therapies must be rooted in the individual program plan process and the planning team must consider the legislative intent language contained in W&I Code section 4646(a)

which states, “It is the intent of the Legislature to ensure that the individual program plan 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, if appropriate, as well as promoting community integration... 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 individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.”

Funding 1:1 Social Recreation Services

W&I Code section 4688.22(a)(2) states, “As such, it is the intent of the Legislature for social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music, be made widely available to individuals, not only for socialization, but to lead the lives they want in the community.” Therefore, when considering funding social recreation, camping and nonmedical therapies, regional centers must not apply nor include in purchase of service (POS) policies, the requirement that services meet both a recreation and socialization need. While a 1:1 service may not directly provide socialization, it could support the acquisition of skills that would promote community inclusion and socialization opportunities. To this end, regional centers shall not prohibit the purchase of 1:1 services to include private lessons.

Prohibition Against Requiring a Copayment or Shared Pay Arrangement

W&I Code section 4688.22(b)(3) states, “Effective July 1, 2023, a regional center shall not require a consumer or family member to do any of the following: (3) Pay a copayment, or a similar shared pay arrangement aimed at offsetting costs, in order to receive social recreation services, camping services, or nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.”

The above statute does not provide any exceptions to the prohibition of requiring a copayment or shared pay arrangement based on the need these services fulfill, including a day care or respite need. This includes stipends, such as funding up to a limited portion of costs with the expectation that any costs above that limit be paid by the individual or family.

Regional Center Social Recreation POS Policies

W&I Code section 4688.22(a)(5) states, “It is further the intent of the Legislature for the department to prioritize and expedite any policies, procedures, or written directives that may be necessary to facilitate regional center efforts to increase access, collect data, or track expenditures pertaining to these services.”

The Department is prioritizing providing technical assistance to regional centers, including a preliminary review of POS policies for social recreation, camping and nonmedical therapies. The Department's review may include approval prior to the regional center's Board of Directors, conditioned upon Board approval if Board approval is required by the regional center.

Regional centers shall make best efforts to identify consumers and their families, where appropriate, whose need for social recreation, camping and nonmedical therapies may have been determined, after July 1, 2023, using POS policies that are not consistent with this Directive or W&I Code section 4688.22. In these cases, regional centers shall contact consumers and/or their authorized representative to discuss the consumer's need for social recreation, camping and nonmedical therapies using the standards outlined in this Directive.

Increasing Availability of Service Providers through Participant-Directed Services and Expediting Vendorization

W&I Code section 4688.22(a)(4) states, "It is further the intent of the Legislature for regional centers to prioritize access to those services, not only by referring consumers and their families to existing opportunities for social recreation services and camping services, but also by funding those services directly along with the supports they may need to access them, increasing the availability of vendors, and expediting vendorizations accordingly."

To increase the availability of service providers and expeditiously vendor and fund social recreation and camping services, regional centers shall implement all of the following:

- 1) As described in the Department's November 3, 2023 guidance, services can be funded through Participant-Directed Services. This makes it possible for regional centers to directly fund existing opportunities for social recreation services and camping services within the meaning of W&I Code section 4688.22(a)(4) through providers who have not been vendored. Also, per the guidance issued by the Department on November 16, 2022, payments for these services shall be aligned with the typical processes used by local businesses or community resources. For example, if a subscription or access fee is payable at the beginning of the month, the Financial Management Services should adjust their payment schedule to purchase these services at the beginning of the month to support service access.

- 2) As part of expanding access to social recreation and camping services, regional centers must make every effort to vendor community programs and service providers, including grantees of the Department's social recreation grants. The Department awarded Grants for Enhanced Community Integration for Children and Adolescents (social recreation grants), in Spring 2023, diversifying the range of services and increasing accessibility of social recreation to individuals served by regional centers.
- 3) When vendoring social recreation and camping services, regional centers should require only the documents provided in the Standardized Vendorization Packet for Restored Services referenced in the November 3, 2023 correspondence (Enclosures A-E). Deviation from the use of the Standardized Vendorization Packet for Restored Services requires advance approval from the Department.

Usual and Customary Rates

For social recreation, camping and nonmedical therapies, including community programs that provide services to the public such as Boys and Girls Clubs and dance studios, regional centers may reimburse at the Usual and Customary (U&C) rate. Per CCR, Title 17 section 57210(a)(19), U&C rate means the rate which is regularly charged to the general public by a program for a service that is used by individuals and/or families served by the regional center and where at least 30% of the recipients of the given service are not individuals or families served by the regional center. A U&C rate is used when neither the Department nor the Department of Health Care Services have an established rate. In establishing U&C rate records, regional centers must follow the guidance provided in the [February 8, 2022](#) correspondence, and use the "SRA" subcode for restored services.

Please refer to the [Frequently Asked Questions](#) located on the Department's website, for additional information about the vendorization process. If you have questions about this Directive, please contact your Primary Regional Center Liaison, or the Office of Community Operations at (916) 654-1690 or oco@dds.ca.gov.

Sincerely,

Original Signed by:

ERNIE CRUZ
Deputy Director
Community Services Division

cc: See next page.

Regional Center Executive Directors
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