

Determining Eligibility for Lanterman Services

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Lanterman Act Eligibility Requirements

- What are the eligibility requirements for Regional Center services over the age of three as defined in the Lanterman Act and Title 17?
 - What is a developmental disability?
 - What are ineligible conditions?
 - What constitutes an eligible diagnosis?
 - What constitutes a substantial disability?

What is a Developmental Disability?

- A disability that is due to intellectual disability, cerebral palsy, epilepsy, autism or,
- Disabling conditions found to be closely related to intellectual disability (5th category)

What is a Developmental Disability? (cont'd)

- The eligibility criteria for Early Start services are different than the criteria for Lanterman Act Services
- Most children who have a developmental delay do NOT have a developmental disability

What Conditions are NOT Developmental Disabilities?

- Solely psychiatric disorders
- Solely learning disabilities
- Conditions that are solely physical
 - Blindness
 - Deafness
 - Spinal cord injury
 - Most muscle diseases such as muscular dystrophy

Eligibility Criteria for Lanterman Act/ Regional Center Services

- To be eligible, all of the following criteria must be met:
 - Originate before age 18
 - Be likely to continue indefinitely
 - Be due to an eligible diagnosis
 - Must meet severity requirements, i.e., "substantial disabilities" ≥ 3 areas

Eligibility Criteria for Lanterman Act/ Regional Center Services (cont'd)

- Must be due to an eligible diagnosis:
 - Intellectual Disability
 - Cerebral Palsy
 - Epilepsy
 - Autism
 - Condition like Intellectual Disability (5th category)

What Is a Substantial Disability?

- Significant functional limitations in three or more areas of major life activity
 - Applicant's age is taken into account
 - Must differentiate between "can't do" a skill or task from "can do but chooses not to"

What Are the Areas of Major Life Activity?

- Learning
- Receptive and expressive language
- Self-care
- Self-direction including social skill difficulties
- Mobility
- Capacity for independent living (after age 6)
- Economic self-sufficiency (after age 18)

How Substantial Disabilities Are Determined?

- No single test
- Based on available information:
 - History provided by family, caretakers, teachers, therapists, etc.
 - Direct observation
 - Past psychoeducational testing

Eligibility Approach at RCOC

- Overarching goals
 - Be fair (i.e., use objective measures and criteria)
 - Be consistent
 - Be thorough
 - Follow the law
- Obtain information from as many sources as possible
 - BUT, time constraints sometimes require an eligibility determination based on limited information

Eligibility Approach at RCOC (cont'd)

- Seek additional information if what is available is inadequate or conflicting
 - Direct assessment of applicant by RCOC's M.D.s and/or psychologists
 - Observation of applicant in his/her home, school or the community

What Happens When an Applicant is Found Eligible?

- A Lanterman service coordinator is assigned
- An Individual Program Plan (IPP) is developed to determine needed services

What Happens when an Applicant is Found Ineligible?

- Applicant or their family can request a Fair Hearing
- Applicant can reapply in the future if new information is available
- Family can reapply when their child is older and has not made progress as expected

Conclusion

- The law requires that eligible applicants have a substantially disabling developmental disability with an onset prior to age 18 that is expected to be life long
- RCOC's policy is to make decisions that are fair, consistent, thorough, and follow the law