

## Vendorization for AWD – Title 17 Lanterman Act Requirements

### 54310. Vendor Application Requirements

submit Form DS 1890 (7/2011)	
Applicant's name, including the name of any governing body	
Applicant's Federal Tax ID number	
mailing address	
Address of service	
executive director	
Types of service	
Telephone number	
Facility capacity	
Identification of the type of consultants, subcontractors and community resources to be used by the vendor as part of its service	
Any license, credential, registration, certificate or permit required for the performance or operation of the service	
Any academic degree required for performance or operation of the service	
proposed or existing program design Reference 56712 and 56762	
proposed or existing staff qualifications and duty statements Reference 56722 and 56724	
supply a copy of its last accreditation report and indicate the date its next accreditation review is due	

### 56710. General Requirements

adopt and review, annually, a written internal grievance procedure Reference Welfare and Institutions Code 4705	
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### 56712. Program Design.

A program description	
The purpose and goals	
Anticipated consumer outcomes in measurable terms	
Program curriculum Reference Section 56742 or 56764	
Description of the location(s) in which consumer training occurs, such as a center-based environment or a natural environment	
Consumer attendance policy	
The requirement for the vendor to notify the regional center on or before a consumer's fifth consecutive day of unplanned absence	
The attendance requirements	

efforts the program will make to assure attendance	
staffing ratio Reference 56756 or 56772	
direct service operating hours including a sample of a current weekly schedule	
staff training plan Reference 56726 and 56774	
description of the entrance/exit criteria Reference 56714 and 56746	
how the vendor will assist each consumer in achieving his/her IPP objectives	
Consumer assessment procedures, timelines, and instruments used, including an explanation of how each instrument is applicable in assessing the consumer's needs	
assessment data for determining the specific activity and program services	
Evaluation procedures used to determine the extent of a consumer's progress toward achieving the specific outcomes in each IPP objective	
description of the method of evaluating program effectiveness Reference 56732	
the internal consumer grievance procedures Reference 56710 (a)	
Notify consumers and RCEB 30 days prior to any change in location, curriculum, staffing ratio, entrance/exit criteria, hours adjustment	
Rate Adjustment request submitted prior to Dec. 1 Reference 57922	

**56714. Vendor Entrance and Exit Criteria for Consumers.**

written entrance and exit criteria	
objective(s) of an individual consumer's IPP	
Ages of consumers	
prerequisites required for participation in the program	
level of skills and ability development indicating the program may no longer meet the consumer's needs	

**56722. Personnel Requirements.**

Current written job descriptions, or interagency agreements with the generic agency providing the staff, for all personnel, including staff whose wages are not paid by RCEB	
Each job description shall include: Position Title Role and responsibility Placement within organizational structure Duty Statement Work Hours Minimum qualifications	

Reporting supervisor (or who he/she supervises	
The vendor shall not assign any staff person to more than one full-time position	
Volunteers shall not be used to replace paid staff	
Staff whose wages are not paid by regional center purchase of service funds shall demonstrate the minimum qualifications Reference 56724	
From 56724 Direct service staff shall possess the following: <ul style="list-style-type: none"> <li>• Education and experience required in the job description; and</li> <li>• The ability to perform the functions required in the program design.</li> </ul>	
The vendor is authorized to utilize consultants to develop the program design pursuant to Section 56712 of these regulations , and to develop and carry out staff development and training	

**56724. Personnel Functions and Qualifications.**

vendor shall assign staff	
can designate positions by different titles than those listed	
Staff who are hired shall meet the minimum qualifications	
assign a director for Organizing and supervising the program Overseeing the areas of budgeting, program design and implementation, project planning, staff development and training, evaluation and the direction of program services; Organizing and monitoring the intake and continuing assessment process.	
From 56754 The director of an adult day program shall possess the following minimum qualifications: <ul style="list-style-type: none"> <li>• A bachelor's degree and a minimum of 18 months of experience in the management of a human services delivery system</li> <li>• Five years of experience in a human services delivery system, including at least two years in a management or supervisory system</li> </ul>	
Assign staff to carry out supervisory responsibilities for the program. supervisor shall have primary responsibility for: <ul style="list-style-type: none"> <li>• Selection, training, and supervision of assigned staff;</li> <li>• Planning, managing, coordinating and evaluating, assigned staff efforts to achieve the program's objectives and consumer outcomes;</li> <li>• Coordinating with RCEB the implementation</li> </ul>	

<p>of IPP objectives</p> <ul style="list-style-type: none"> <li>Assessing the program's effectiveness in achieving consumer IPP objectives</li> <li>Identifying barriers to consumer success in obtaining the IPP objective</li> <li>The supervisor shall possess the minimum qualifications</li> </ul> <p>Reference – meet minimum requirements in 56754 (a)</p>	
<p>From 56754 The supervisor of an adult day program shall possess the following minimum qualifications</p> <ul style="list-style-type: none"> <li>Three years of experience in a human services delivery system, including at least one year in a comparable program or a bachelor's degree in a human services related field</li> </ul> <p>demonstrated ability to provide staff training, supervision and planning</p>	
<p>assign staff to carry out direct service and program preparation</p> <ul style="list-style-type: none"> <li>Directly delivering individual and group learning experiences</li> <li>Maintaining data regarding consumer progress;</li> <li>Participating in consumer assessment, planning and evaluation processes.</li> <li>Implementing program curricula</li> </ul>	
<p>Direct service staff shall possess the following:</p> <ul style="list-style-type: none"> <li>Education and experience required in the job description; and</li> <li>The ability to perform the functions required in the program design.</li> </ul>	
<p>Assign staff with experience to carry out administrative support functions, including clerical, janitorial, and bookkeeping or accounting.</p>	
<p>vendor is authorized to use volunteers to augment paid staff</p>	
<p>vendor is authorized to assign staff to operate a motor vehicle</p>	
<p>vendor shall assure that any consultant it utilizes shall comply with all California licensing, certification, registration and vendorization requirements</p>	

**56726. Staff Training.**

<p>develop and implement a written staff training plan for new employee orientation and ongoing staff training</p>	
<p>Describe the amount, type, subject, and frequency of training for different categories of staff, including staff who are not paid by regional center purchase</p>	

of service funds or who are volunteers;	
Describe training curricula and techniques, including training in consumer safety procedures	
time frames for accomplishing the training	
new employee orientation – <ul style="list-style-type: none"> <li>• provided within the first two weeks,</li> <li>• based on the prior experience and qualifications,</li> <li>• curriculum includes W &amp; I Code 4502, 4504, 4518, 4646.5, 4648, 4655, 4705, 4710 and 4710.5 (Reference after Title 17 Requirements);</li> <li>• Consumer's rights</li> <li>• developmental disabilities service system</li> <li>• Specific job requirements</li> </ul>	
Ongoing staff training – <ul style="list-style-type: none"> <li>• provided on an annual basis</li> <li>• instructional methodology and techniques to meet their IPP objectives</li> </ul>	
document all training provided to employees	

**56728. Program Records.**

Program design Reference 56712	
Time sheets specifying each employee's shift	
Employee payroll records	
Consumer attendance	
Documentation/Records used to complete Form 1897	
All written approvals from RCEB	
rate determination Reference 57430 through 57534	
program evaluation Reference 56732	
written description of the vendor's organizational structure Refernce 54326	
Records for above retained for five years	
Current copies organizational structure description & Program Evaluation maintained and available	

**56732. Program Evaluation.**

Annual review of its program's effectiveness in relation to the program design – including <ul style="list-style-type: none"> <li>• Written evaluation design</li> <li>• Type of Data to be collected and used</li> <li>• Frequency of data collection</li> <li>• Data collection and analysis methods</li> <li>• distribution, communication of, and actions taken upon the results of the evaluation</li> <li>• Frequency of evaluations</li> <li>• Aggregate data on progress in IPP objectives</li> </ul>	
Sent to RCEB a written summary of the annual program evaluation Reference 56728	
Keep full written summary of program evaluation available	

**56746. Vendor Entrance and Exit Criteria for Consumers.**

entrance and exit criteria shall also include a description of the level of all of the following attributes required for participation Reference 56714	
Self-care skills	
Physical and medical conditions	
Behavioral characteristics	

**56756 & 56794. Staffing Ratio.**

staffing ratio shall be approved by RCEB based on the <ul style="list-style-type: none"> <li>• program design,</li> <li>• the curriculum,</li> <li>• the characteristics and needs of the consumers</li> <li>• the number of consumers enrolled</li> </ul>	
Vendors shall submit requests for supplemental staff in writing to RCEB	
Activity centers shall provide a direct care staff-to-consumer ratio of 1:8	
The overall direct care staffing ratio shall be determined by averaging the specific staff-to-consumer ratio needed for each individual consumer.	
May request more staffing if vendor is providing community or employment training in natural environments to groups of three or fewer	

<p>consumers for at least two hours in duration on a daily basis.</p> <ol style="list-style-type: none"> <li>1. one two-hour sessions per week, then the staffing ratio shall be 1:7.</li> <li>2. two-hour sessions per week, then the staffing ratio shall be 1:6.</li> </ol>	
Social recreation programs ratio of 1:10.	
maintain the approved staffing ratio during its direct service hours	
The ratio of staff on duty to consumers in attendance during all service hours which shall be determined by a numerical comparison of the number of individuals on duty as direct care staff with the number of consumers in attendance. If the numerical comparison results in a fraction, more than one-half of a staff person shall be rounded up to the next whole number. Less than one-half of a staff person shall be rounded up to the next one-half of a whole number. One-half of a staff person shall not be rounded.	

**57430. Submission of Information**

Each community-based day program vendor shall submit the program, cost and vendor Form DS1897, for each service at unique vendor rate	
The vendor shall sign and date Form DS1897	
The vendor shall submit the original document to the Department with a copy to RCEB	

**57431. Reporting Periods for Submission of Information.**

For vendors receiving a temporary payment rate and whose temporary payment rate will be converted to a permanent payment rate, the reporting period shall be 12 consecutive months, incurred within 18 months from the date the temporary payment rate became effective.	
For vendors receiving a permanent payment rate the reporting period shall be Fiscal Year, and each alternate fiscal year thereafter.	

**57432. Required Due Dates for Submission of Information.**

Within 18 months from the date the temporary payment rate became effective or prior to the end of any extension	
If the information is not received by the dates specified. the Department shall, within 15 days, notify the vendor in writing if:	

<ul style="list-style-type: none"> <li>• payment of the vendor's rate was suspended, the effective date of the suspension and that payment shall remain suspended until the information is received</li> <li>• For vendors required to submit information suspension is effective at the end of 18 months, unless an extension of the temporary payment rate has been granted</li> <li>• For vendors required to submit information. suspension is effective on each alternate September 30</li> </ul>	
<p>This provision does not apply to vendors requesting a temporary payment rate, since the Department cannot initiate any action until the vendor submits its request for establishment of a temporary payment rate.</p>	
<p>If the information is submitted after the dates &amp; vendor's rate has been suspended, RGEB and the Department shall review the and the Department shall authorize the RGEB if any, to reinstate payment of the vendor's rate as of the date payment was suspended.</p>	

**57433. Required Information to Establish Temporary or move to Permanent Rate**

Vendor name, and name of the management organization, if any, vendor identification number, service code and subcode	
Facility or office telephone number, business and mailing addresses	
Name of the service director	
Name of RCEB	
copy of the program design (Reference 54310	
<p>In addition, submit for each month of the reporting period</p> <ul style="list-style-type: none"> <li>• total number of direct service hours actually provided</li> <li>• Maximum number of consumers enrolled</li> <li>• number of days of attendance</li> <li>• Number of days in which service was actually provided</li> <li>• Number of direct service hours operated per-day</li> <li>• Actual number of hours of attendance</li> <li>• include the actual number of hours for which the vendor was reimbursed for absences</li> <li>• the date that the vendor began as a vendor</li> <li>• copy of the vendorization approval letter</li> </ul>	

**§57922. Submission Requirements for Rate Adjustments.**

community-based day program requesting a rate	
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adjustment shall submit the following information in writing to the Department with a copy to RCEB	
Vendor program information Reference 57433	
specific reason for the adjustment request	
Supporting documents to justify the request	
Program, cost and vendor income info for only those items related to the rate adjustment request	
The date the additional cost was incurred or is expected to be incurred	

### Welfare and Institutions Code

#### 4502. Requirements to include in annual staff development

Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California.	
No eligible consumer shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity	
<p>shall have rights including the following:</p> <ul style="list-style-type: none"> <li>• A right to treatment and habilitation services and supports in the least restrictive environment. Such services shall protect the personal liberty and provided with the least restrictive conditions</li> <li>• A right to dignity, privacy, and humane care.</li> <li>• To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings.</li> <li>• to participate in an appropriate program of publicly supported education</li> <li>• to prompt medical care and treatment.</li> <li>• A right to religious freedom and practice</li> <li>• A right to social interaction and participation in community activities.</li> <li>• A right to physical exercise and recreational opportunities</li> <li>• A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect</li> <li>• A right to be free from hazardous procedures.</li> <li>• A right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.</li> </ul>	

The professional person in charge, for good cause, deny a person any of the rights specified under subdivisions of Section 4503	
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**4504. Denial of Rights Reporting**

Director of Developmental Services shall adopt regulations specifying the conditions under which rights may be denied	
Denial of a person's rights shall be entered into the person's treatment record and shall be reported to the Director of Developmental Services on a quarterly basis	
Information pertaining to denial of rights contained in the person's treatment record shall be made available, on request, <ul style="list-style-type: none"> <li>• to the person,</li> <li>• his attorney,</li> <li>• his parents,</li> <li>• his conservator or guardian,</li> <li>• the State Department of Developmental Services,</li> <li>• Members of the Legislature.</li> </ul>	

**4518. Responsibilities for Confidentiality**

Any person may bring an action against an individual who has willfully and knowingly released confidential information or records for the greater of the following amounts: (1) Five hundred dollars (\$500). (2) Three times the amount of actual damages Reference Health & Safety Code Chapter 1 (Section 11860) of Part 3 of Division 10.5	
Any person may, in accordance with the provisions of bring an action to enjoin the release of confidential information or records in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section. Reference Civil Procedure Code Chapter 3 Title 7 Part 2	
It is not a prerequisite to an action under this section that the plaintiff suffer or be threatened with actual damages	

**4646.5. Requirements for Developing the IPP**

Planning process for IPP shall include	
Info & assessments to determine <ul style="list-style-type: none"> <li>• life goals,</li> </ul>	

<ul style="list-style-type: none"> <li>• capabilities and strengths,</li> <li>• preferences, barriers,</li> <li>• concerns or problems</li> </ul>	
Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible	
<p>Info taken from</p> <ul style="list-style-type: none"> <li>• the consumer,</li> <li>• his or her parents and other family members,</li> <li>• friends,</li> <li>• advocates,</li> <li>• authorized representative</li> <li>• providers of services and supports</li> <li>• other agencies</li> </ul>	
Assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family	
<p>Statement of goals, based on</p> <ul style="list-style-type: none"> <li>• needs, preferences, and life choices</li> <li>• specific, time-limited objectives</li> </ul>	
Objectives stated in terms that allow measurement of progress or monitoring.	
<p>Goals and objectives should maximize opportunities to</p> <ul style="list-style-type: none"> <li>• develop relationships,</li> <li>• be part of community life in the areas of community participation, housing, work, school, and leisure,</li> <li>• increase control over his or her life,</li> <li>• acquire increasingly positive roles in community life,</li> <li>• develop competencies to help accomplish these goals.</li> </ul>	
Schedule of the type and amount of services/ supports to be purchased by the regional center or obtained from generic agencies or other resources	
<p>ID of the provider responsible for attaining each objective, including,</p> <ul style="list-style-type: none"> <li>• vendors,</li> <li>• contracted providers,</li> <li>• generic service agencies,</li> <li>• natural supports.</li> </ul>	
Specify scheduled start date for services and timelines	
<p>When agreed to by the consumer or guardian - annual review of the general health status of the adult, including medical, dental, and mental health needs.</p> <p>include</p> <p>current medications,</p> <p>observed side effects,</p> <p>date of last review of the medication.</p>	
If any concerns are noted during the review,	

referrals shall be made to RGEb, Drs, & Providers	
Documentation of health status and referrals made in the consumer's record	
transportation access plan for all of the following: <ul style="list-style-type: none"> <li>• RCEB is purchasing private, specialized transportation services</li> <li>• Determined that consumer's community integration &amp; participation could be safe and enhanced through public transportation services</li> <li>• Determined that generic transportation services are available and accessible.</li> </ul>	
The transportation access plan shall identify the services and supports necessary to assist the consumer in accessing public transportation i.e. mobility training services or the use of transportation aides.	
A schedule of regular periodic review of the IPP at least once every three years	
If requested, the IPP shall be reviewed within 30 days	
Give highest preference to those services and supports which would allow, 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.	
In implementing the IIP, first consider services and supports in natural community, home, work, and recreational settings	
A regional center may, purchase services or supports for a consumer from any individual or agency which the regional center and consumer or, where appropriate, his or her representatives, determines will best accomplish all or any part of that consumer's program plan.	

**4710.5. Consumers filing complaints**

Consumer or guardian may file a complaint about any decision or action of the service agency which he or she believes to be illegal, discriminatory, or not in the recipient's best interests,	
Shall be afforded an opportunity for a fair hearing within 30 days.	
The consumer will be offered the opportunity to request a voluntary informal meeting or voluntary mediation	
The request for a fair hearing and for mediation, or for a voluntary informal meeting, or any combination thereof, shall be stated in writing on a hearing request form provided by the service agency	
If any person makes a request for mediation or a	

fair hearing other than on the hearing forms, the employee of the service agency who hears or receives the request shall provide the person with a hearing request form and shall assist the person in filling out the form if the person requires or requests assistance	
Any employee who willfully fails to comply with this requirement shall be guilty of a misdemeanor	
The hearing request form shall be directed to the director of the service agency	
The service agency director shall simultaneously facsimile (FAX) a copy of the hearing request form to the RCEB within five working days	
shall keep a file of all hearing request forms	

**4646.5. (con't) Regional Center Mission**

The department, with the participation of representatives of a statewide consumer organization, the Association of Regional Center Agencies, an organized labor organization representing service coordination staff, and the Organization of Area Boards shall prepare training material and a standard format and instructions for the preparation of individual program plans, which embodies an approach centered on the person and family.

The department shall biennially review a random sample of individual program plans at each regional center to ensure that these plans are being developed and modified in compliance with Section 4646 and this section. Welfare and Institutions code 4648.

In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following: securing needed services and supports

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, 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.