

# 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 (5<sup>th</sup> 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"  $\geq 3$  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 RCOOC

- 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