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May 23, 2019

LeeAnn Christian, Deputy Director
Department of Developmental Services
1600 9th Street Sacramento
Sacramento, CA 95814

Re: Request for Approval of Alternative Service Delivery Model- WIC, Section 4669.2 & Section 4669.75
("AB 637/1543 Proposal") Type: Service contracts providers

Dear Ms. Christianson,

North Bay Regional Center (NBRC) is seeking approval from the Department of Developmental Services (DDS) for the use of Speech Language Pathology Assistants (SLPA), Occupational Therapy Assistants (OTA) and Physical Therapy Assistants (PTA) pursuant to Welfare and Institutions Code ("WIC"), Section 4669.2(a)(3) & Section 4669.75. Specifically, NBRC is requesting a wavier for DDS's approval, for the use of SLPAs, OTAs and PTAs by vendored Speech Pathologists, Occupational Therapists and Physical Therapists who are vendored under service code 116 Specialized Therapeutic Services, pursuant to California Code of Regulations, Title 17, § 54356. NBRC is utilizing the 637 wavier process requesting an exception to **service provider contracts**.

Background:

There is a current and ongoing need to increase therapy service capacity for children in the Early Start program. This capacity increase is needed to support (1) existing Early Start therapy and service needs; (2) need for bilingual therapy services and (3) new Early Start consumer growth. Currently, there are not sufficient numbers of licensed speech pathologists, occupational therapists and physical therapists to provide the amount of therapy services needed to support NBRC's current and prospective early start consumer caseloads. NBRC is seeking to set aside the current regulatory requirements under California Code of Regulations ("CCR"), Title 17 Section §54319(a) California Code of Regulations (CCR) Group Practices, which does not allow for Specialized Therapeutic Services to be delivered in a group practice setting. Group practices are defined in Title 17 as more than one individual functioning as a business entity while providing services. The regulation does not require that all individuals within a group practice be licensed, certified or registered. Instead NBRC is seeking DDS to authorize the use of both either a validly licensed as a speech, occupational or physical therapist or an SLPA, OTA or PTA to provide the specialized therapeutic services to clients and families in the Early Start Program.

Currently, Title 17 vendorization regulations for specialized therapeutic services are not consistent with CCR, Title 16, Professional and Vocational Regulations which establishes the regulatory requirements for the delivery of speech, physical and occupational therapy services.

CCR, Title 16, Section 1399.179.2 allows for the use of SLPAs under the direct supervision or indirect supervision of a validly licensed speech pathologist.

CCR, Title 16 Section 4181 allows for the use of OTAs under the direct or indirect supervision of a licensed occupational therapist.

California Code, Business and Professions Code - BPC § 2630.3 A licensed physical therapist assistant may assist in the provision of physical therapy services only under the supervision of a physical therapist licensed by the board.

Title 17 vendorization regulations for the delivery of speech therapy services are not consistent with the American Speech-language-Hearing Association ("ASHA") guidelines, which mirror the CCR, Title 16 regulatory requirements for the use of SLPA's in the delivery of speech therapy services.

As such, for the reasons described above, NBRC is requesting DDS to set aside the current CCR, Title 17, vendorization requirements under *54319* which does not allow for Specialized Therapeutic Services to be provided in group settings and allow for the speech, occupational and physical therapies to be performed by assistants or licensed clinicians pursuant to CCR, Title 16 1399.170, 4181 and California Code, Business and Professions Code BPC § 2630.3 .

Pursuant to statute and the guidelines provided by DDS for Regional Center Alternatives for Service Delivery, NBRC produced materials regarding the use of SLPAs, OTAs and PTAs, conducted public hearings, posted notice on the NBRC website and social media, and solicited feedback and collected comments from the public.

Required Information:

In accordance with DDS's "Directions for Preparation of AB 637/1543 Proposals" dated May, 17, 2005, please find the following information:

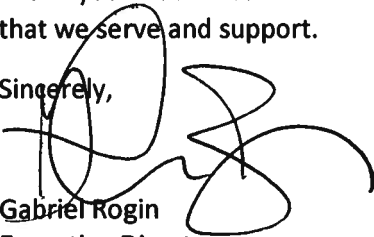
Required Information	NBRC Response
Will the proposal be cost effective to the State, and not create a net loss due to reductions in Federal reimbursement?	The proposal will be cost effective. Service code 116 is a negotiated rate and the services for SLPAs, OTAs and PTAs will be equal to or less than that current cost for services. Further, this service is billable under the Home and Community Based Services Waiver and will not create a loss in Federal reimbursements to the State.
Can the proposal be implemented within the regional center's existing funding allocation?	Yes, Service utilization will be determined by the IPP/IFSP planning process and consumer need. This is not an additional service, only bringing the required services to individuals served by NBRC.
If the proposal addresses negotiated levels of payment to providers through a contract, is there a clear description as to how the regional center proposes to determine rates?	NBRC will utilize the 2016 Statewide Median Rates chart to negotiate rates for the use of SLPAs, OTAs, and PTAs.

Required Information	NBRC Response
Under which of the eight general headings noted above does the proposal fall? (please reference, "DDS Directions for Preparation of AB 637/1543 Proposals" dated 05/17/12)	Service Contracts with Providers, WIC Section 46922(a)(3).
What existing statutory or regulatory requirements would need to be waived to enable the proposal to go into effect?	Title 17 Section §54319(a) California Code of Regulations (CCR) Group Practices
Does the proposal include freedom of choice assurances as required in the Home and Community Based Services waiver?	Yes. The IPP/IFSP process is person centered and authorization of this service is determined by the planning team.

Granting approval of the use of SLPAs, OTAs and PTAs to provide therapy services will allow NBRC vendored service providers, who provide therapy services under service code 116, to increase their direct worker capacity in order to provide therapy services to early start consumers during a critical period during the child's formative years. The need for these therapy services is more critical now than ever because of (1) our early start consumer growth; (2) increased service needs for Spanish speaking families; and (3) the need to increase available speech services to meet both NBRC's current and prospective speech therapy service needs for our early start consumers. NBRC respectfully requests DDS approval of this AB637/1543 proposal for the use of SPLA's, OTAs and PTAs by our therapy vendors under service code 116.

Thank you in advance of DDS's consideration of this request to support the consumers and the families that we serve and support.

Sincerely,



Gabriel Rogin
Executive Director
North Bay Regional Center

Enclosures



AB 637 was enacted into law in 1993 it added new *Regional Center Alternatives for Service Delivery*. The regulation has been amended several times and allows regional centers to develop “innovative means of providing needed services.” The term innovative refers to strategies that are prohibited or impeded by existing laws and/or regulations.

North Bay Regional Center proposes the ability to negotiate with contracted Speech/Language, Physical, Occupational and Early Intervention Program Therapy Vendors to utilize Speech and Language Pathology Assistance (SLPAs), Physical Therapy Assistants (PTAs) and Occupational Therapy Assistants (OTAs) to provide direct services to the birth to 36 months population in their family homes or Natural Environment (NE). As we strive to lessen disparity and increase access to Early Start services for all our families, an appropriate network of service providers is crucial, and the use of certified assistants, supervised in a manner required from their respective board, as described in the California Business and Professions Code, will help ameliorate the challenges of securing services for individuals and families.

Summary

The regional center is unable to use a vendor’s SLPA, PTAs or OTAs to provide direct therapy services to the infant and toddler population of birth to 36 months. This proposal will provide the regional center the authority and flexibility to provide the required services, when the Individual Family Service Plan (IFSP) has determined therapies are a required service. SLPAs, PTAs and OTAs will be utilized prudently, when a regional center contracted agency’s licensed therapists are at capacity and are unable to meet the needs of a consumer.

Regulations that will be waived under the proposal

Title 17 Section §54319(a) California Code of Regulations (CCR) Group Practices Lists all services and service codes that can apply to both group and individual practices. 54319 omits Service code 116 Specialized Therapeutic Services which is used for Speech, Occupational and Physical Therapies for children birth to 36 months from the approved list of service providers that may be vendored as a group. NBRC is requesting to use service code 116 as a group practice and allow assistants to work under licensed therapist.

Currently, Title 17 vendorization regulations for speech therapy services are not consistent with CCR, Title 16, Professional and Vocational Regulations which establishes the regulatory requirements for the delivery of speech, physical and occupational therapy services.

CCR, Title 16, Section 1399.179.2 allows for the use of SLPAs under the direct supervision or indirect supervision of a validly licensed speech pathologist.

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North Bay
Regional Center

637 Waiver Overview and Public Meeting Announcement

Impact on North Bay Regional Center individuals served under the proposal

The proposed use of SLPAs, PTAs and OTAs would increase the available therapy resources needed to serve and support Early Start consumers located within NBRC's catchment area and to meet future therapy needs by Early Start consumers.

Children who are monolingual Spanish speaking are the most affected, as the available pool of licensed bilingual therapists is short. The average wait for a child to receive speech services is several months. This waiver will significantly reduce that wait time.

When a child has been determined eligible for early start services, the regional center is required to begin the service within 45 days of the Individual Family Service Plan (IFSP) being signed. North Bay Regional Center has had difficulty meeting this timeline due to lack of therapists who are ready to serve this population. This has had a very negative impact and has forced North Bay Regional Center to generate waitlists for children, which is not allowed in early start.

The waiving of these requirements under the AB 637 proposal will:

1. Increase availability of qualified and culturally appropriate providers to determine eligibility for Early Start and to provide ongoing specialized therapeutic services.
2. Decrease disparity by increasing the variety and diversity of providers.
3. Increase compliance with state and federal timelines for determining eligibility and for starting of required services
4. Be implemented within our current budget allocation

Regional Center Budgetary Impact

The services have already been factored into the budget of North Bay Regional Center

PUBLIC COMMENTS

This information will be made available via our social media sites and posted on the North Bay Regional Center website by April 16th, 2019. A Public Meeting for the comments on this proposal will be held during the North Bay Regional Center Board of Directors meeting on:

**May 1, 2019 at 6:00 P.M.
North Bay Regional Center
2351 Mendocino Ave, Santa Rosa, CA 95403**

**Written comments can be sent or mailed to courtneys@nbrc.net through 05/1/19
Please use PUBLIC COMMENT as subject line**

Mail
Attn. Courtney Singleton
PO Box 3360
Napa, CA 94558



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NBRC 637 Stakeholder Input Presentations and Public Comment
Use of group services for Specialized Therapeutic Services in Early Start

Date	Presentation Group or Stakeholder Input
04/09/19	<p>NBRC Vendor Advisory Committee (VAC), presentation completed by Courtney Singleton, Director of Community Services for NBRC. VAC did not have input/changes to the 637 Waiver Request as it was presented. VAC supported NBRC's 637 Waiver Request.</p>
04/24/19	<p>NBRC Consumer Advisory Committee (CAC), presentation completed by Courtney Singleton, Director of Community Services for NBRC (see attached power point). The CAC had a few questions regarding services provided in the home for different populations.</p> <p>Questions:</p> <ul style="list-style-type: none"> -I have a nephew with autism, how do I get services in his home, so that I can help him? -I would like to provide this service and go into family homes <p>NBRC Response: NBRC informed the participants how to receive ABA services in the family home and took the recommendation about volunteering in the family home, but clarified that would not be possible for the services we were discussing that day.</p> <p>The CAC supported NBRC's 637 Waiver Request. Tobias Weare from the State Council on Developmental Disabilities was also in attendance at this meeting.</p>
4/26/19	<p>Communication with Council on Developmental Disabilities Manager Lisa Hooks to gather Council's input on NBRC's 637 Waiver. There were no comments from the Council on Developmental Disabilities.</p>
05/01/19	<p>Public Meeting, Presentation by Courtney Singleton Director of Community Services for NBRC (see attached power point) There were no comments from the public on the proposal</p>
05/01/19	<p>NBRC Board of Directors</p> <p>Question: The NBRC Board of Directors asked how many assistants each therapist can supervise.</p> <p>NBRC Response: There is no set number of assistants that can be under one therapist, but the therapist must be able to complete all of the supervision time required by regulation for each assistant they supervise. NBRC will ensure vendors comply with required supervision.</p>



NBRC Early Start-637 Waiver

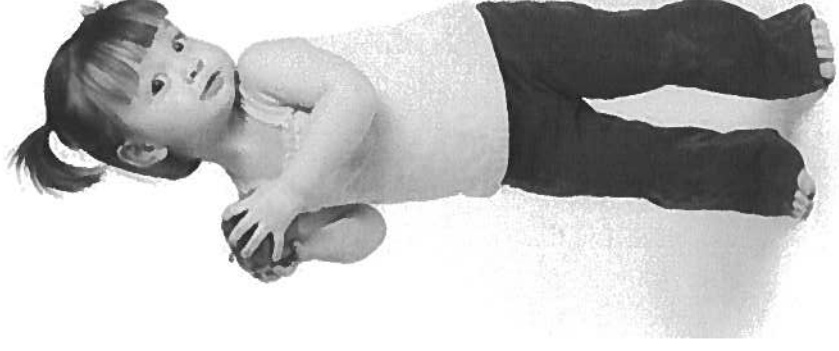
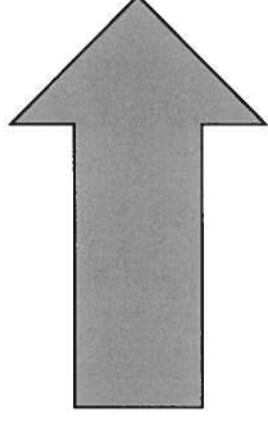
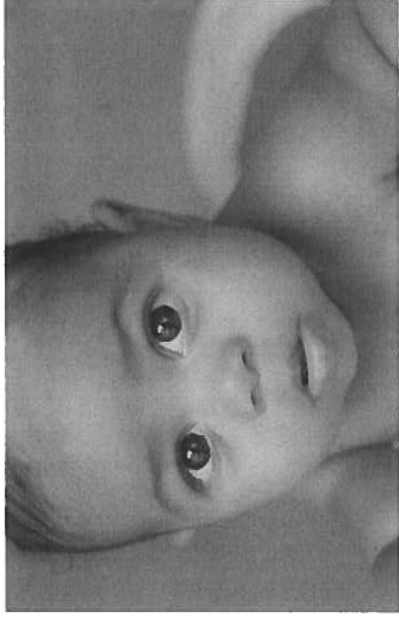


What is a 637 Waiver?

- A proposal to the Department of Developmental Services intended to develop "innovative means of providing needed services."
- The term "innovative" refers to strategies that are prohibited or impeded by existing law and/or regulations.
- The proposal must be developed through consultation and collaboration with the regional center's stakeholder community, including area boards, vendors, and consumers.

Early Start Services

- Children birth to 3 years old

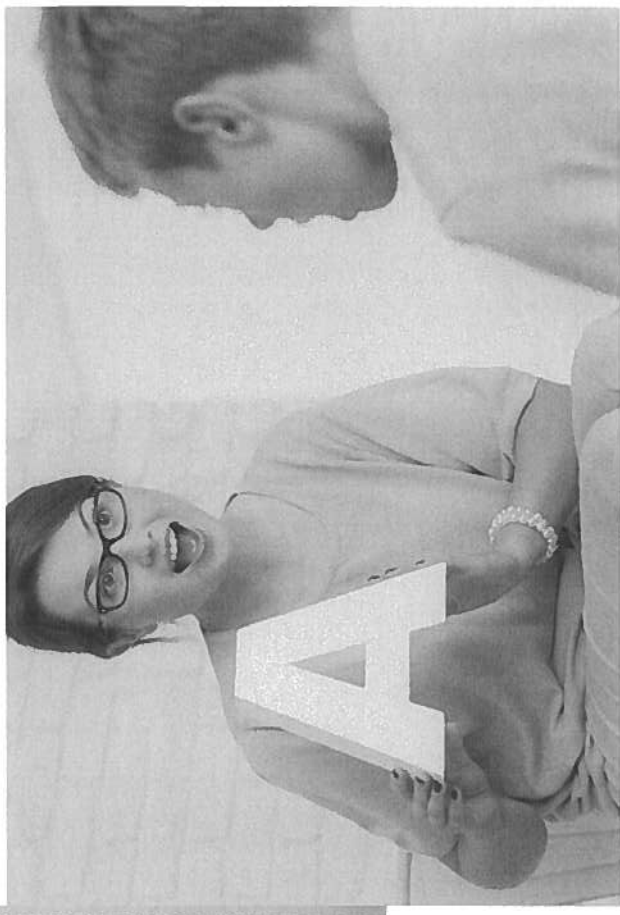


Therapy to Families and Children



Therapies

- Speech
- Occupational
- Physical



Problem

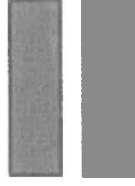
There is a current and ongoing need for North Bay Regional Center service providers to be able to provide **speech, occupational and physical therapy** services through the use of **therapy assistants.**

Background and Problem

- Under service code 116 speech, occupational and physical therapy services can only be provided by a licensed therapist.
- However California Code of Regulations Title 16 and California Code, Business and Professions Codes allow for the use of:
 - Speech Therapy Assistants,
 - Occupational Therapy Assistants and
 - Physical Therapy Assistants

As long as they are supervised by a licensed therapist.

SOLUTION



Title 17 CCR

Title 16 CCR

NBRC is asking DDS to allow service code 116 to operate as a group service

- Group services are allowed under **Title 17 Section 54319** for multiple service codes.
- A group service is one in which one professional holds the license and others work underneath that license.

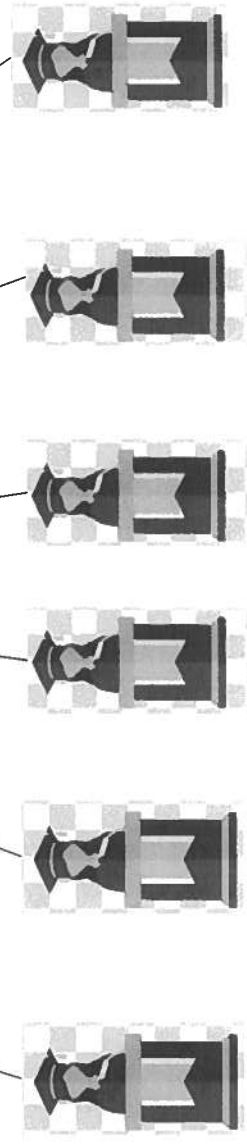
Solution



Speech and
Language
Therapist

Occupational
Therapist

Physical
Therapists

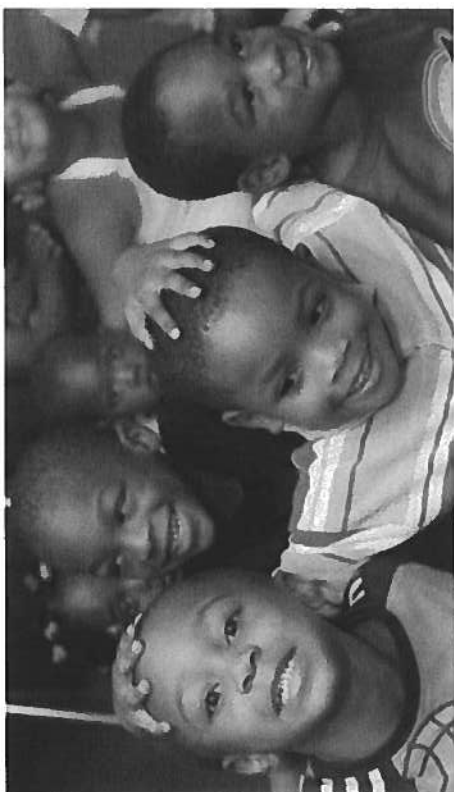


Therapy
Assistants

Funding-No additional cost



NBRC will use the existing median rate structure to fund this service.



END

Questions/Input

