

# PROVISIONAL ELIGIBILITY

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# BACKGROUND

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- An eligibility change was enacted by Developmental Services Trailer Bill, ABI 36, which amended Welfare and Institutions (W&I) Code section 4512
  - Effective July 16, 2021, children ages 3 & 4 of age may be provisionally eligible for regional center services
  - The intention of provisional eligibility is to avoid delays and reduce gaps in services
  - This is not an extension of Early Start Services

# FULL LANTERMAN ELIGIBILITY

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- Developmental disability
  - Condition that originates before 18 years of age
  - Be likely to continue indefinitely
  - Constitutes a substantial disability for the individual
- Excludes handicapping conditions that are solely psychiatric disorders; solely learning disabilities; and conditions solely physical by nature

# CONTINUE...

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- Must have an eligible condition
  - Intellectual Disability
  - Cerebral Palsy
  - Epilepsy
  - Autism
  - 5<sup>th</sup> Category- Other handicapping condition closely related to intellectual disability or requiring treatment similar to that required for individuals with intellectual disability

# AREAS OF SUBSTANTIAL DISABILITY

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- Significant functional limitation, as determined by the regional center, in three or more of the following areas of major life activity, as appropriate to the person's age:
  - Receptive and expressive language
  - Learning
  - Self-care
  - Mobility
  - Self-direction
  - **Capacity for independent living**
  - **Economic self-sufficiency**

# PROVISIONAL ELIGIBILITY CRITERIA

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- Child must be three or four years of age
- Must have two or more significant functional limitations in the following areas of major life activity:
  - Receptive & expressive language
  - Learning
  - Self-care
  - Mobility
  - Self-direction
- Must meet criteria for Full Lanterman eligibility by age 5
  - The eligibility team must review the case and determine if the individual meets full eligibility criteria to continue receiving services.

# ELIGIBILITY DETERMINATION

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- The eligibility team must consider full Lanterman eligibility first
  - If not eligible for full Lanterman eligibility the team must consider Provisional Eligibility
- Examples:
  - Child with a diagnosis of ASD and only meets two areas would be provisionally eligible
  - Child does not have an eligible condition and meets two areas would be provisionally eligible

# ....TURNING 5

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Provisionally eligible cases are overseen by the young children's units and assist with the determination process.

- What is needed?
  - School records (i.e., psychoeducational report, speech evaluation, IEP)
  - Medical records
  - Autism Evaluation, if applicable
  - Cognitive Testing, if applicable
  - Once the necessary information has been gathered, the eligibility team will make another eligibility determination.
  - If found eligible, the client will continue receiving services
  - If found not eligible, the family is informed of the decision and a Notice of Proposed Action is sent
    - The case is closed and services end (if, applicable) 30 days from the eligibility determination date



# PROVISIONALLY ELIGIBLE CASES

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Total Cases by Office

