Tailored Day Services (TDS)

November 10, 2022

This letter is intended for guidance to providers around changes to Tailored Day Services (TDS). This information does not supersede Welfare and Institutions Code Welfare and Institutions Code Section 4688.21, any other regulatory requirements, or future guidance issued by The Department of Developmental Services (DDS).

The “Alternative Services for Non-Residential Service Providers” option will be ending December 31, 2022 as defined in FY2022-2023 Trailer Bill Language, TBL Section 27. Please refer to the Department of Developmental Disabilities’ June 2022 Trailer Bill Language Affecting Regional Centers document located on the DDS website, www.dds.ca.gov. Alternative Services Purchases of Services will be discontinued effective January 1, 2023.

Non-residential Service Providers should do the following:

- Communicate your plans to return to traditional service delivery to individuals served, families, other key stakeholders (e.g. licensed home staff, SLS or ILS providers, FHA staff, etc.) and assigned social workers.
- Ensure individuals served who are still receiving Alternative Services want to return to Traditional Services effective January, 2023. If an individual does not want to return to services, please alert the assigned social worker immediately so that the planning team can make sure the individuals needs and wishes are met.
- Work with assigned social workers to identify Purchases of Services (POS) that need to be changed to traditional POS based on the individual request of the person being served.
- **Day and Employment Service Providers Only:** Complete the GGRC Alternative Services Survey https://forms.gle/YjMNPSCdXqzU6gsa7 and notify R&D transportation of your plans as soon as possible.

Day and Employment Service Providers who are interested in learning more about Tailored Day Services should refer to GGRC’s November 2, 2022 Letter regarding Tailored Day Services (attached).

Early Start providers, in accordance with Trailer Bill AB 136, Early Start Services may only be provided remotely **at the request** of the parent or caregiver and must be documented in the IFSP.
**Background:**

Opportunities for adults with Intellectual and Developmental Disability (I/DD) to choose and customize day services to meet their individual needs. This includes the following opportunities:

- To further the development and support of employment and volunteer activities.
- Direct their service to support individualized objectives.
- Pursue postsecondary education objectives.
- Establish and support paid internship program opportunities.
- To increase their ability to lead integrated and inclusive lives.

To further these goals, an individual may choose a tailored day service or voucheder community-based training service, in lieu of, or in conjunction with, any other regional center vendored day program, look-alike day program, supported employment program, or work activity program.

**Requirements:**

A tailored day service shall include an individualized service design that is determined through the individual program plan (IPP). An individualized service plan (ISP) will be developed through a person-centered planning process that reflects and maximizes individual preferences and goals. The ISP must be approved by the regional center.

This service design may include, but may not be limited to, the following:

- Fewer days or hours than in a traditional program’s service design.

- Flexibility in the duration, location, including by remote electronic communications, and intensity of services to meet the needs of each individual.

- Prioritize the development and/or support of competitive, integrated employment, volunteer activities, or pursuit of postsecondary education; establish and support paid internship program opportunities; maximize individual’s direction of the service; and increase the consumer’s ability to lead an integrated and inclusive life.

- The staffing requirements set forth in Section 56756 of Title 17 of the California Code of Regulations and subdivision (r) of Section 4851 of this code shall not apply to TDS.

**Services Type and Amount**

The type and amount of TDS shall be determined through the IPP process, pursuant to Section 4646. The IPP shall contain, but not be limited to, the following:

- A detailed description of each person’s individualized choices, support needs, and how these TDS services will meet the objectives in their ISP.
- The type and amount of services (including staffing needed) to meet the individual’s ISP objectives.

**Determining the Rate**

Effective July 1, 2022, for vendored programs wishing to offer a TDS option, the hourly rate for the TDS shall be calculated using a base rate, defined as twice the amount of the rate model or models for “Community-Based Day, Community only, 1:2.” The calculation of the rate shall be as follows:

- Effective July 1, 2022, the hourly rate shall equal 80 percent of the base rate (please see the table below for example).

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Base Model Hourly Rate</th>
<th>80% of Base Model Hourly Rate</th>
<th>Multiplier</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>55 (1:2 Community only)</td>
<td>$28.35</td>
<td>$22.68</td>
<td>2</td>
<td>$45.36</td>
</tr>
</tbody>
</table>

The rate established shall remain in effect pending DDS review, in coordination with stakeholders, of implementation of [Welfare and Institutions Code Section 4688.21](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?code=4688&section=21), as amended. The review, to be completed by June 30, 2024, shall include development of recommendations that may include, but not be limited to, modifying the scope of the service, or establishing a rate model specific to the service. DDS shall provide an update to the Legislature on the status of the review no later than January 10, 2024.

**Held Harmless**

Existing TDS providers with an hourly rate that exceeds the new rate calculation will be “Held Harmless” until June 30, 2026 pursuant to subdivision [d] of Section 4519.10.

**Limitations**

TDS shall not be delivered on the same day as any other regional center vendored day program unless all of the following apply:

- The individual has a plan identified in their individual program plan for transitioning from a work activity program to competitive integrated employment, paid internship, or postsecondary education.
• The transition plan is developed through a person-centered planning process that reflects and maximizes individual preferences and goals.

• The duration of the delivery of tailored day services on the same day or days as a work activity program or supported employment services is no longer than six months.

**Hours per Month**

• The total monthly hours of tailored day services shall not exceed the number of days in the month tailored day services are authorized, multiplied by four. (e.g., 23-days x 4 = 92 hours)

<table>
<thead>
<tr>
<th>TDS Days Authorized per Month</th>
<th>Multiplier</th>
<th>TDS Hours/month allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>4</td>
<td>92</td>
</tr>
<tr>
<td>22</td>
<td>4</td>
<td>88</td>
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<td>4</td>
<td>80</td>
</tr>
<tr>
<td>19</td>
<td>4</td>
<td>76</td>
</tr>
</tbody>
</table>

**Hours per Day Example**

<table>
<thead>
<tr>
<th>TDS Days per Month</th>
<th>Average Hours per Day</th>
<th>Total Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>24</td>
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<tr>
<td>7</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>8</td>
<td>4</td>
<td>32</td>
</tr>
</tbody>
</table>

**QUESTIONS?**

For questions regarding the end of Nonresidential Alternative Services, Tailored Day Services, or Remote Service Delivery (Tailored Day or Early Start only), please email GGRCservices@ggrc.org.
Sincerely,

Sean Galvin
Manager, Community Services Unit

\[\text{\textsuperscript{i} WIC 4688.21 (3) cites Section Title 17 55756 but that appears to be an error. GGRC believes this section intended to be Title 17 56756 “Staffing Ratio”\}.}

\[\text{\textsuperscript{ii} WIC 4688.21. (3) cites WIC 4851 (r) but that appears to be an error. GGRC believes this section intended to be WIC 4851 (p) “Group services”\}.}