



Parents Coordinating Council & Friends

Lanterman Developmental Center: 3530 W. Pomona Blvd, Pomona, CA 91769-0100

*P.O. Box 4408, Diamond Bar, CA 91765

Bus: (909) 444-7572 Fax: (909) 444-2047

E-Mail: LDCPCC@GMAIL.COM www.lantermanpcc.org

February 15, 2012

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Ms. Terri Delgadillo, Director
Departmental of Developmental Services
1600 9th Street
P. O. Box 944202
Sacramento, CA 94244-2020

Dear Ms. Delgadillo:

Subject: Lanterman Developmental Center Closure Concerns

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The purpose of this letter is to express the growing concerns of the Parents Coordinating Council (PCC) and the families of Lanterman Developmental Center (LDC) as the process of closing LDC and moving its residents to community-based care facilities enters its third year. PCC hereby requests a written response from the Department of Developmental Services (DDS) regarding certain policies that are being implemented by DDS as part of the Lanterman closure.

The Department's Closure Plan for LDC was presented to Lanterman families and the State legislature with the understanding that the LDC closure would mirror and build upon the successes of the Agnews closure. To date, we understand that there are **significant** deviations from that process that might negatively impact Lanterman movers. Specifically, we have concerns with three overlapping issues:

1. Lack of "Health and Safety Waivers" for Lanterman Movers -- The closure of Agnews was facilitated by the formation of the "Unified Plan", which ensured that all Regional Centers involved participated in a coordinated approach. The LDC closure seems to have **no** equivalent, over-arching structure.

When a 3% rate reduction (which has now risen to 4.25%) was imposed upon Regional Center service providers, the Unified Plan at Agnews requested, and was granted, a blanket waiver for all homes and agencies serving the former Agnews residents, and that waiver is still in effect today.

It is PCC's understanding that Lanterman residents will be moved **without** the protection of this waiver, and that any request for a waiver can only be made after the placement, on an individual-by-individual basis, and with no assurance that the waiver will be granted. As you may be aware, we received information from Kathy Kinser on February 8, 2012 regarding the 4.25% reduction and waivers. However, we need additional clarification on this process.

PCC requests that DDS clearly explain the Waiver policy as it applies to Lanterman movers, and how that policy differs from what was afforded to Agnews' movers.

2. Utilization of State Staff in Community Homes -- Agnews' families have shared with us their belief that the single most important element of the Agnews closure was the ability for Agnews' direct-care workers to continue their state employment while working in community-based homes. PCC and the LDC families believe that the 4.25% rate reduction and lack of waivers (referenced above) will **severely** limit the ability of service providers to hire state staff from LDC.

This situation is causing worry, anxiety and distress because more than 100 individuals have already been moved from LDC, and another 50 individuals are scheduled for placement within the next five months. Yet we are not aware of any LDC employee who has been hired as part of the state staffing program thus far. Additionally, several of our family members have been informed by their Regional Centers that the "negotiated rates" currently available to service providers are too low to accommodate the hiring of state employees.

DDS please explain what policies or provisions are in place to ensure that the state staffing program will mirror that of Agnews, along with a projected timeline for the implementation of the program.

3. Start-Up Funding for Residential Service Providers -- In order for a community-based home to become operational, it must be fully staffed before the first resident can move in. We understand that the start-up monies that were allocated to the service providers involved with the Agnews closure included full reimbursement for staffing, which continued without interruption until the home was fully occupied.

The reimbursement for Lanterman service providers will only be paid in full for the first 30 days of operation. This means that if, after 30 days, the home is only half full, then the service provider will only receive 50% reimbursement, despite having to pay for a full complement of staff. In addition to this being a disincentive for the hiring of state staff by the service provider, it has the potential to result in LDC movers being placed into the home at an artificially accelerated rate, dictated more by the potential loss of funding than by the person-centered need for a safe and therapeutic transition process.

PCC request that DDS clearly explain any restrictions on start-up funding for service providers that may be different from what occurred at Agnews.

The above issues (as we currently understand them) represent a substantial deviation from the policies that were implemented for the Agnews closure. If DDS supported those policies for Agnews, then we would expect them to be equally supported by DDS at Lanterman.

Please provide PCC with your written responses by mid-March or no later than 15 days prior to the first Legislative Budget Subcommittee Hearings on Health and Human Services. To our knowledge, these committee hearings are traditionally scheduled to occur in late March or early April.

By copy of this letter, we are sharing these concerns with the various Regional Centers (RCs) involved with the LDC closure, as well as the members of both the Assembly and Senate Budget Subcommittees on Health and Human Services. PCC encourages and appreciates receiving input on these issues by the RCs and the Legislative Subcommittee members.

Very truly yours,

Theresa DeBell *Dorothy Juarez Fulco*
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