

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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February 28, 2023

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: REQUIREMENTS WAIVED: BEHAVIORAL THERAPY SERVICES AND CLINICAL ASSESSMENT ACTIVITIES FOR LANTERMAN ACT ELIGIBILITY

Welfare and Institutions Code (W&I Code) section 4639.6 authorizes the Director of the Department of Developmental Services (Department) to issue directives to regional centers as the Director deems necessary to protect consumer rights, health, safety, or welfare, or in accordance with W&I Code section 4434. Regional centers must comply with any directive issued by the Director pursuant to this section.

The intent of this Directive is to provide regional centers and service providers flexibility to support consumers and their families.

#### Behavioral Therapy Services

To ensure timely access to behavioral therapy services, any requirements of the Lanterman Act or Title 17 requiring in-person services are hereby waived. A service provider may provide behavioral therapies by remote electronic communications when it is the preferred option of the consumer or authorized representative, clinically appropriate, and agreed to by the Individual Program Plan (IPP) team.

The agreement to provide services through remote electronic communication shall not change the frequency or duration of behavioral therapy services absent the agreement of the consumer's IPP team.

This waiver is necessary to provide individuals with access to services and supports. Providing services and supports through remote electronic communications enables services and supports necessary for the health, welfare and safety to be delivered.

#### Clinical Assessment Activities for Lanterman Act Eligibility

Any requirements of the Lanterman Act or Title 17 requiring in-person clinical assessment activities for determining regional center eligibility are hereby waived. A regional center employee, vendor or contractor may conduct clinical assessments by remote electronic communications provided that the regional

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center determines the integrity of the intake process will not be compromised. All other intake, evaluation and assessments requirements remain unchanged.

This waiver is necessary to support the timely determination of regional center eligibility, and subsequently, the delivery of needed services.

This directive remains in effect until December 31, 2023, unless extended by the Director of the Department. Consumers, family members or service providers should contact their local regional center with any questions regarding this Directive. Questions from regional centers should be directed to Brian Winfield at (916) 654-1569 or [brian.winfield@dds.ca.gov](mailto:brian.winfield@dds.ca.gov).

Sincerely,



NANCY BARGMANN  
Director

cc: Regional Center Administrators  
Regional Center Community Services Directors  
Regional Center Directors of Consumer Services  
Association of Regional Center Agencies  
Brian Winfield, Department of Developmental Services  
Ernie Cruz, Department of Developmental Services