



## **AB 3632 Conference Call: Mental Health Rehabilitation Services**

**August 28, 2009**

**9:00 am – 12:00 pm**

Call-In Number: 1-800-230-1074

Reference materials are available at:

[http://www.dmh.ca.gov/Services and Programs/Children and Youth/AB3632.asp](http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth/AB3632.asp)

### **Background:**

The Special Education Pupils Program (Chapter 1747, Statutes of 1984, Assemblyman Brown), implements the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) that entitles pupils with a disability to a free and appropriate public education. The State legislation (AB 3632) was passed in 1985; however, the final regulations were not adopted until 1999. The program is codified in Government Code Title 1, Division 7, Chapter 26.5 (commencing with Section 7570) and in the California Code of Regulations (CCR), Title 2, Division 9, Joint Regulations for Pupils with Disabilities (commencing with Section 60000).

As part of the mandate determination process, the Commission on State Mandates (CSM) is responsible for adopting Parameters and Guidelines, based on governing statute, that dictate reimbursable activities under the AB 3632 program. The CSM adopted Parameters and Guidelines for the AB 3632 program on October 26, 2006 that do not include rehabilitation services as a type of mental health service eligible for reimbursement. The decision to exclude rehabilitation services from reimbursement was based on the exclusion of reference to “rehabilitation” in the definition of “mental health services” in CCR Title 2, Section 60020(i) <sup>1</sup>.

### **Purpose of the Call:**

Concern has been raised about excluding rehabilitation services from the array of mental health services available to children served by AB 3632. As a result, changes to Title 2 regulations governing AB 3632 are being considered to address this issue. The August 28, 2009 conference call has been arranged because DMH is interested in soliciting comments and suggestions on amending the definition of “mental health services” (2 CCR §60020(i)) to include “rehabilitation services”. During the call, callers

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<sup>1</sup>2 CCR §60020(i): “Mental health services” means mental health assessments and the following services when delineated on an [Individualized Education Program] IEP in accordance with Section 7572(d) of the Government Code; psychotherapy as defined in Section 2903 of the Business and Professions Code provided to the pupil individually or in a group, collateral services, medication monitoring, intensive day treatment, day rehabilitation, and case management. These services shall be provided directly or by contract as the discretion of the community mental health service of the county of origin.”

can comment on the following options for defining “rehabilitation services” within the scope of the AB 3632 program:

**OPTION 1:**

County mental health departments may provide rehabilitation services through the Medi-Cal program to children in AB 3632, if those children are Medi-Cal eligible and medical necessity criteria are met. One option for defining rehabilitation services for the AB 3632 program is to mirror the existing definition of “rehabilitation” in Title 9 Medi-Cal regulations. Section 1810.243 of Chapter 11 of Title 9 of the CCR defines “rehabilitation” as follows:

“Rehabilitation” means a service activity which includes, but is not limited to assistance in improving, maintaining, or restoring a beneficiary’s or group of beneficiaries’ functional skills, daily living skills, social and leisure skills, grooming and personal hygiene skills, meal preparation skills, and support resources; and/or medication education.”

**OPTION 2:**

The following definition is largely based on the definition of “rehabilitation counseling” in federal IDEA regulations (34 CFR §300.34(c)(12))<sup>2</sup>. This definition differs from the Medi-Cal definition of “rehabilitation” (above) by removing reference to certain service activities, such as improving grooming and personal hygiene skills and meal preparation skills.

“Rehabilitation Counseling” is a supplemental mental health service, provided by a qualified mental health professional to disabled students individually or in a group, that focuses specifically on career development preparation, achieving independence, and integration into the workplace and community. Services include, but are not limited to, activities designed to improve, maintain, or restore a student’s functional skills, specifically to enable the student to benefit from Special Education. Services are complimentary, not duplicative, of rehabilitation services provided by the local education agency personnel or Department of Rehabilitation programs funded under the Rehabilitation Act of 1973.”

**OPTION 3:**

The following definition defines “rehabilitation services” as mental health services that are rehabilitative in nature and specific to the restoration of functioning related to a pupil’s ability to benefit from Special Education. This definition also differs from the Medi-Cal definition of “rehabilitation” (Option 1) by removing reference to certain service

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<sup>2</sup> 34 CFR §300.34(c)(12): “Rehabilitation counseling services” means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration into the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.*”

activities, such as improving grooming and personal hygiene skills and meal preparation skills.

“Rehabilitation Services” means mental health services appropriate for maximum reduction of mental health impairment impacting the pupil’s ability to benefit from Special Education. Rehabilitation services may facilitate restoration of functioning consistent with requirements for learning and development, specifically related to the pupil’s ability to benefit from Special Education. Rehabilitation services are complimentary, not duplicative, of Rehabilitation Counseling services, as defined in Section 300.34 (c)(12) of the Code of Federal Regulations, provided by the local education agency personnel or Department of Rehabilitation programs funded under the Rehabilitation Act of 1973.”

#### **OPTION 4:**

The following definition is similar to the definition of “rehabilitation services” in Option 3 (above), but is more detailed in describing the scope and provision of services. This definition also differs from the Medi-Cal definition of “rehabilitation” (Option 1) by removing reference to certain service activities, such as improving grooming and personal hygiene skills and meal preparation skills.

“Rehabilitation Services” are supplemental mental health services provided to disabled students individually or in a group by a mental health professional, as defined by the community mental health agency. Services focus on personal independence and functioning, consistent with requirements for learning and development. Rehabilitation services include, but are not limited to, activities designed to improve, maintain, or restore a student’s functional skills, and utilization of educational support resources to enable the student to benefit from Special Education. Rehabilitation services are complimentary, not duplicative, of rehabilitation services provided by the local education agency personnel or Department of Rehabilitation programs funded under the Rehabilitation Act of 1973.”