

Shift In Funding Obligation For Some Occupational And Physical Therapy Services Required By Student's Individualized Education Programs

This summer Governor Brown approved Assembly Bill (AB) 1467 which, among other things, clarified that the burden of providing educationally necessary occupational therapy and physical therapy services for students whose individualized education programs (IEP) required these services rests with the responsible local educational agencies, not with California Children's Services (CCS).

CCS is a state and county program administered by the California Department of Health Care Services. CCS is responsible for providing medically necessary services to persons under the age of 21 who have physically disabling conditions and meet CCS's medical, financial and residential eligibility requirements. Government Code section 7575 previously provided that CCS was responsible for providing medically necessary physical and occupational therapy to special education students by reason of medical diagnosis, when those services were contained in the students' individualized education program (IEP). AB 1467 amended Government Code section 7575 and deleted the requirement that medically necessary occupational and/or physical therapy services be contained in a student's IEP.

The determination of whether medically necessary occupational and/or physical therapy services are required is still based on a written report from a licensed physician and surgeon who has examined the student. However, if the student has an IEP, the student must submit a copy of the IEP at the time the student applies to CCS for medically necessary occupational or physical therapy services. Finally, AB 1467 reiterates that all occupational and physical therapy services assessed and determined to be educationally necessary by the student's IEP team and included in the IEP must be provided in accordance with the Individuals with Disabilities Education Act.

While AB 1467 does not create new legal obligations, it does impose an additional financial obligation on local educational agencies that may not have been financially responsible for providing some occupational and physical therapy services to students whose IEPs required them. It will be important for local educational agencies to distinguish between a student's educational, versus medical, needs concerning occupational or physical therapy, as only educationally necessary physical or occupational therapy should be included in a student's IEP.

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If you have any questions or concerns regarding how these revisions to Government Code section 7575 affect your school district's responsibility to provide occupational and physical therapy services to special education students, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

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