

Advocacy Report

January 2023 - June 2023

All names have been changed to preserve confidentiality.

BENEFITS – IHSS

County Settles IHSS Protective Supervision Case Before Hearing.

Angel, a child, needs and receives IHSS protective supervision hours to remain safe at home. After Angel and his family moved to a new county, the new county reassessed him, and terminated his protective supervision. Angel's mother appealed. OCRA gathered Angel's regional center, special education, and medical records, and created an evidence packet for Angel's family to use at the hearing. Angel's mother took pictures of modifications the family made at their home to help Angel stay safe. OCRA also helped get a declaration from Angel's respite provider about his dangerous behaviors. OCRA then helped Angel's family submit their evidence and photos to the county before the hearing date. When the county received Angel's evidence, they immediately called his mother to settle the case, since the evidence clearly showed Angel's need for protective supervision. Angel kept his protective supervision hours without having to go to a hearing.

IHSS Awards Sam Maximum Hours of 283 per Month.

Sam is a child whose mother contacted OCRA when he was denied IHSS. OCRA reviewed his records and agreed to represent him at his IHSS hearing. While waiting for his hearing, OCRA contacted the county Appeals Specialist to advocate on his behalf. During negotiations, OCRA agreed to a conditional withdrawal where the county agreed to conduct a new in-home assessment. OCRA prepared Sam's parents for the assessment, including going over his eligibility for paramedical and protective supervision hours. The assessment was on two different days. During both assessments, OCRA advocated for Sam and urged the county social worker and nurse to find him eligible for the maximum allowable hours. A few weeks later, Sam's parents received an IHSS notice telling them Sam will get 283 IHSS hours per month.

Julienne Gets More IHSS Hours.

The county denied IHSS protective supervision services to Julienne. Julienne's father wanted to fight the county's decision, but the task was intimidating to him. OCRA provided many advisory phone calls and resources to educate and empower Julienne's father. With OCRA's help, he prepared to represent Julienne at the IHSS hearing. He submitted his evidence to the Appeals Specialist. After reviewing the evidence, the Appeals Specialist authorized Julienne to receive close to the maximum number of IHSS hours without a hearing. Julienne will now have the hours she needs to remain safe and cared for at home.

BENEFITS – MEDI-CAL

Daniel is an adult who used to get SSI benefits. His parent retired, so he began receiving Social Security Disabled Adult Child (DAC) benefits, also called Childhood Disability Benefits. Because his DAC benefits will be too much for him to also get SSI, his SSI benefits stopped. His Medi-Cal linked to his SSI would have also stopped, except the law says the county must keep his Medi-Cal active while they re-determine his Medi-Cal eligibility. People in this situation should go into DAC Medi-Cal, which is full-scope Medi-Cal with no share of cost. OCRA has seen problems with this process, where instead people lose Medi-Cal or have a share of cost. This happens because the county doesn't know the person gets DAC benefits or doesn't consider the DAC Medi-Cal category. OCRA was proactive for Daniel's redetermination. OCRA called the county with Daniel on the phone and explained Daniel is eligible for DAC Medi-Cal because he lost his SSI only because he started getting DAC benefits. Daniel now has full scope, no share-of-cost Medi-Cal under the DAC Medi-Cal program.

BENEFITS – SSDI

Jordan Gets Monthly SSDI Benefits Reinstated Plus Back Payment.

Jordan's supported living services provider contacted OCRA because Social Security said Jordan's disability ended, and he was no longer eligible for SSDI benefits. Social Security also said that Jordan owed them \$21,634 as an overpayment. Jordan's organizational representative payee did not help prevent this from happening and refused to help with his

appeal. Because of the loss of his monthly benefit, Jordan needed to go to food banks to eat. During this time, OCRA helped Jordan get connected with organizations that gave Jordan gift cards to grocery stores to help with his basic needs. OCRA gathered information about Jordan's work and the help he gets on the job. OCRA appealed the termination. Social Security agreed that Jordan's disability did not end and that he did not have an overpayment. Jordan's monthly SSDI benefits were reinstated, and he received a back payment of \$10,668.

BENEFITS – SSI

OCRA Helps Client Become Eligible for SSI Benefits.

When Alejandro turned 18, he applied for SSI benefits. His application was denied, so his family called OCRA for help. OCRA helped Alejandro file a request for reconsideration appeal and helped his family submit forms and records to show Alejandro meets the SSI eligibility criteria. Alejandro's family speaks Spanish, and the needed Social Security forms are only in English. OCRA translated and helped them complete the forms. OCRA reviewed Alejandro's regional center file and created a packet of records they could submit to Social Security showing Alejandro's eligibility for SSI. OCRA faxed the forms and records to Social Security in Alejandro's name to supplement the appeal. Recently, Alejandro's family contacted OCRA with good news – he was found eligible for SSI benefits! Alejandro will receive a retroactive payment of over \$11,000. He plans to use his SSI money to buy new clothes, pay for living expenses, and go on vacation this summer to a theme park to see his favorite character.

Tiffany Gets Her Benefits Again Plus Back Pay and No Overpayment.

Social Security sent Tiffany a notice stopping her SSI benefits because she was over-resourced. Social Security also said she owed them \$3,283 for an overpayment. After reviewing her case, OCRA helped Tiffany file a statement with supporting documents, explaining that she was not over-resourced. Many months later, OCRA and Tiffany had not received a response from Social Security and Tiffany still did not have her benefits. OCRA escalated the matter up the chain at Social Security. By the end of the month, Social Security said Tiffany was due \$1,576 in back pay, would start getting her monthly benefits again, and has no overpayment.

HOUSING

Laura Moves into a Wheelchair-Accessible Unit.

Laura's sister contacted OCRA to help Laura move into a wheelchair-accessible apartment. Laura and her sister lived on the 6th floor of an apartment building. Laura uses a wheelchair to move around. The issue with the 6th floor is that the building's elevator breaks down frequently, leaving Laura stuck in their unit. OCRA drafted a letter to the landlord requesting a unit on the 1st floor so Laura can easily come and go from her home. The landlord agreed, and Laura and her sister moved into a 1st-floor unit in a sister apartment complex.

OCRA Connects Jennifer to Emergency Shelter and Services.

Jennifer's father, a monolingual Hmong-speaker, contacted OCRA after a winter storm caused severe damage to Jennifer's rental unit. The storm forced her to evacuate in the early morning hours with precious few belongings. Jennifer's unit was so severely damaged, it was determined to be uninhabitable. When Jennifer's father called OCRA, Jennifer was sleeping with other family members in a garage that had no utilities. OCRA worked immediately to connect Jennifer and her father by conference call with American Red Cross responders in her area. Jennifer's father and the Red Cross officials worked together to obtain a safe living space until Jennifer gets permanent housing.

OUTREACH AND TRAINING

OCRA Participates in Abilities Expo.

In March 2023, OCRA staffed a table during the Abilities Expo at the Los Angeles Convention Center. Despite heavy rain, the attendees were excited to learn about resources and recreational activities in their community. Peer Advocate Scott Barron spoke with about 50 attendees during the resource fair. The resource table featured a spinning wheel and prizes, along with publications on a variety of subjects and information on how to access services. The Expo included vendors that provide the latest products and services for people with disabilities including adaptive vehicles, wheelchairs, and home equipment. There also was a live

demonstration of different adaptive sports. There was even an accessible rock-climbing wall that included a pulley system so people who use mobility devices could climb too! Scott ended the day with some delicious treats including cotton candy and funnel cake fries.

PERSONAL AUTONOMY

Abigail Gains Her Right to Make Choices.

Abigail lives at home with her grandparent, who is also her conservator. She is very close to her family. Abigail wanted more independence and to make her own decisions. Abigail wanted independent living services so she could be independent of her grandparent. OCRA helped Abigail schedule an IPP meeting so she could get the services she needs. OCRA advocated for Abigail to have personal assistance services, sexuality training, help with behavior, and other services. OCRA also helped Abigail's attorney in her conservatorship case and advocated for Abigail to make her own decisions. After the hearing, the court gave Abigail back her power to 1) decide her social and sexual contacts, and 2) consent to marriage. The court also allowed Abigail to decide where to live. OCRA helped Abigail successfully navigate a complex regional center and court system to regain her right to make her own decisions.

Regina Can Get Her Driver's License.

Regina was trying to get her driver's license. The Department of Motor Vehicles (DMV) told her that she would not be able to get her license. They told Regina her license had been frozen when a driving assessor claimed Regina was not "cognitively able" to drive a car. Regina had taken driving lessons and passed each one. Regina contacted OCRA to ask how she could challenge this decision. OCRA advised Regina to file a complaint with the DMV and to file for an administrative hearing. Regina filed a complaint against the driving assessor and the DMV. Regina contacted OCRA two months later to report the DMV reversed the freeze on her driver's license. After Regina got her driver's license, she worked on getting a new job. Regina now works as an advocate because she was inspired to help others in the same way OCRA helped her.

Elizabeth Exercises Her Right to Decide Where to Live.

Elizabeth is an adult who lived with her family but told her service coordinator that she did not feel safe at home. There were past allegations of abuse, but this was the first time Elizabeth voiced feeling unsafe. Elizabeth's service coordinator arranged an emergency placement for her. They also reported suspected abuse and neglect. Elizabeth moved into a respite home and got along well with the staff and the other residents. Elizabeth told her regional center and day program that she wanted to continue to live at that home. Elizabeth's family wanted her to live with them. Elizabeth and her service coordinator explained to her family that she liked where she was living and wanted to stay there. Elizabeth's family refused to accept her decision and insisted that she move back in. OCRA talked with Elizabeth about where she wanted to live and told her family they do not get to make this decision for her. Elizabeth now lives in the home permanently and is excited to start this new chapter of her life.

REGIONAL CENTER – COMMUNITY INTEGRATION

Jane Has Opportunity to Learn to Read and Write.

Jane has lived most of her 37 years in facilities because she has aggressive and self-injurious behaviors. During a conversation with Jane about concerns with her new group home in the community, OCRA discovered that she never learned to read or write. OCRA asked if she wanted to learn. She said yes. At her next IPP meeting, OCRA advocated for the regional center to add a reading and writing goal, which they agreed to do. The group home helped Jane get her library card and books. But neither the local public library nor the local community college had an adult reading and writing program. OCRA and the local community college sent the regional center information about a county adult education program, which put Jane on their waitlist for the summer. Meanwhile, her therapist bought her pre-kindergarten level writing books and the regional center agreed to look for a day program. During the next month, Jane's aggressive and self-injurious behavior decreased significantly. By the following month, some behaviors disappeared while others were close to zero. Jane's therapist thinks this is because of Jane's strong desire to learn how to read and write.

Skilled Nursing Facility Tries to Deny Discharge Rights.

Brian was in a skilled nursing facility. The reason for his stay there was resolved, and the regional center found a group home for him. The regional center arranged transportation to the group home and came to the facility to pick him up, but the facility refused to discharge him. They said he needed more physical therapy and did not have the capacity to decide to leave the facility. The regional center tried to reason with the facility, but they still refused to discharge him. Brian called OCRA saying he did not want to stay there, and he was looking forward to moving to a group home. OCRA contacted the skilled nursing facility administrator on behalf of Brian, explaining he has the right to choose where to live. He wished to live in a group home, physical therapy could be done from anywhere, and there was no other reason to keep Brian there. The administrator agreed to discharge Brian the next day. The regional center arranged transportation for Brian, and he moved into his new group home.

Nisa Regains Her Freedom.

An auto accident put Nisa into the hospital for her injuries. She was then placed in a locked mental health facility rather than returning home to live with family members. OCRA represented Nisa at a meeting with her social worker and case manager. OCRA advocated for Nisa to get independent living skills training, a day program, access to transportation support, and job training in an area that interests her. With the appropriate support, Nisa was able to leave the locked facility and return to her family. Nisa was also able to widen and deepen her growth and participation with her family and in her community.

REGIONAL CENTER – ELIGIBILITY

Marshall is Awarded Regional Center Eligibility.

Marshall's mother applied for regional center eligibility twice for Marshall, but his applications were denied. OCRA walked Marshall's mother through the appeals process, helped her request his records, and prepared her for an informal conference. Marshall's mother reported that, after years of trying and failing, the regional center determined Marshall is eligible. Marshall can now access services to help him reach his goals.

After a Year of Delays, Marco Is Made Eligible for Regional Center.

Marco's mother contacted OCRA after he was denied eligibility for regional center services. The family requested a fair hearing. The regional center had gotten 4 postponements by the time OCRA spoke with Marco's mother. Marco's family speaks Spanish, which led to communication problems with the regional center. OCRA agreed to evaluate and assess Marco's eligibility case. OCRA reviewed many independent evaluations, which documented his eligibility and questioned the validity of the regional center's evaluation done entirely by video call. After OCRA spoke to the regional center's fair hearing department, they offered to conduct one more multidisciplinary evaluation, to which the family agreed. Despite issues scheduling and nearly cancelling the evaluation, it was completed, and Marco was made eligible for regional center services that same day.

Connie Keeps Regional Center Services Under Provisional Eligibility.

Connie's family contacted OCRA after the regional center stopped services when Connie turned 3 and exited the Early Start program. OCRA learned the regional center denied Connie eligibility at age 3 under the Lanterman Act eligibility standard. For a while, OCRA suspected that this regional center had not been assessing potentially eligible clients for provisional eligibility. Under provisional eligibility, clients like Connie could get regional center services until a reassessment at around 5 years old. OCRA helped Connie file a request for a fair hearing and reviewed her medical and school records. The evidence confirmed that Connie qualified for provisional eligibility. OCRA requested a meeting with the regional center to discuss the denial. After a thorough discussion of Connie's medical records, the regional center agreed to review their decision. Connie became eligible and will get 2 years of regional center services.

REGIONAL CENTER – SERVICES

Jacob Keeps His Day Care Hours.

Jacob's mother contacted OCRA for help with continued day care services for Jacob. The regional center issued Jacob a notice terminating day care services because they were missing documentation from his mother's employer. Jacob's mother works for a large health care system. They

don't typically fill out external agency forms like the ones the regional center required. Jacob's mother tried to provide the regional center with documentation that her employer doesn't sign those forms, but the regional center continued to push for the completion of the forms. OCRA contacted Jacob's case manager and explained the barriers to getting the documents signed. OCRA advocated for the use of Jacob's father's employer information as well as the documents they were able to get from the health system. These documents show a continued need for day care services since there has been no change in circumstances. The regional center agreed to process the continuation of day care services with the information provided. They also expedited the authorization to avoid any gaps in service. With day care services, Jacob will continue to live in the least restrictive environment, which is his family home.

OCRA Requests AAC Assessment to Help Client Express Choices.

Kendrick recently moved from his family's home into a group home because he needed more behavioral and medical support. OCRA met with Kendrick and his team, since they were having a hard time determining his wishes. Kendrick does not communicate verbally and was understandably frustrated that people could not understand him well. OCRA suggested an Augmentative and Alternative Communication (AAC) assessment, to see if a communication device could help Kendrick express his choices. OCRA asked the regional center to fund an AAC assessment, since it is critical to know Kendrick's choices to develop his person-centered IPP goals. The regional center agreed to fund the AAC assessment. Kendrick's team is hopeful the AAC assessment will help them better understand Kendrick's choices and possibly help decrease his frustration level.

Ana Gets Occupational Therapy from the Regional Center.

Ana's mother contacted OCRA because the regional center verbally denied occupational therapy services for Ana. OCRA advised Ana's mother that the regional center must provide a notice of action stating the reasons for its denial and telling Ana about her right to appeal the decision. OCRA advised Ana's mother to send a written request for the service to the regional center and ask for a notice of action if they deny the service. The regional center approved the services after Ana's mother followed the advice.

The Regional Center Agrees to Cover Malik's Co-pays.

Malik receives behavior services, occupational therapy, and speech therapy through his medical insurance. The regional center paid the co-payments for the behavior therapy but did not cover the co-pays for the occupational and speech therapy. The therapy co-payments were a financial hardship for the family. Malik's parents asked the regional center to pay the co-pays, but the regional center said no. OCRA advised Malik's parents to send an email to the regional center following up on their request and to ask for a Notice of Action. The regional center changed its position and asked the parents to submit documentation, ultimately agreeing to cover the co-pay for both services.

Collin Will Get Services to Access the Community Safely.

Collin lives at home with his elderly parents. Before the COVID-19 pandemic, he had a variety of support and people in his life who helped him access the community safely and independently. Because of pandemic delays, he lost his long-time workers as they moved on and found other employment. Collin's parents have been providing all his support for more than 2 years. Both Collin and his parents were ready to have others come back into his life and support him. Collin needed services to help him access the community safely and independently. He lacks safety awareness and must have supervision and support. OCRA helped Collin request an assessment for independent living services to meet his community-based needs. OCRA helped Collin at the assessment by sharing his unique needs and developing appropriate goals. As a result, Collin was approved for independent living services. Collin and his parents are excited for the new service to start soon.

William Advocates to Get Social Recreational Services.

William's mother attended OCRA's Social and Recreational Services training and learned that some of William's activities could be funded by the regional center. William's parents were paying out of pocket for his gym membership and other expensive social activities William enjoyed. William's mother requested that the regional center fund the gym membership. The regional center said that William should use his respite hours to pay for the membership. William's mother needs to be with

William while he is at the gym because of his disability. They could not use respite hours to cover the gym membership because his mother was not getting respite if she had to attend with him. OCRA met with William's mother and reviewed the seven criteria that William must meet for the regional center to fund the gym membership as a social and recreational service. OCRA also advocated for William by contacting the regional center to explain how the gym membership qualified as a social and recreational service, and that using respite hours to pay for the membership was not a viable option in William's case. Equipped with this advice and information, William's mother had the tools to help advocate for William's gym membership to be funded by the regional center.

Mark Maintains his Personal Assistance Service Provider.

Mark's mother contacted OCRA for help getting the regional center to pay Mark's personal assistance provider. His provider had not been paid for many months. Mark's mother contacted the regional center many times. The regional center said it would investigate, but time passed with no resolution. Mark's provider informed Mark's mother that he could not continue working without any pay. OCRA agreed to contact the regional center to advocate for timely payment. After several calls, OCRA received the news that Mark's provider had been paid. The provider agreed to continue providing Mark with his personal assistance hours, maintaining Mark's ability to continue living safely at home.

Gabriela's Mother Obtained Gap-Funding from the Regional Center.

Gabriela needs a specific liquid thickener for meals due to her disability and digestive issues. Gabriela's mother could not afford to pay out of pocket for the liquid thickener every month. Medi-Cal, California Children's Services, and the regional center all denied funding. The regional center told Gabriela's mother she needed a recent Medi-Cal denial for them to fund the thickener. OCRA contacted the regional center to advocate for them to gap-fund the thicker while Gabriela's mother went through the Medi-Cal appeal process. Gabriela can now get the liquid thickener she needs without her mother worrying about how she would pay for it.

SPECIAL EDUCATION

Jack Receives 200 Hours of Compensatory Education.

Jack was not attending school because the school could not provide the paraprofessional support listed in his IEP. OCRA attended an IEP meeting and asked for compensatory education for the specialized instruction he missed. The school district denied minute-for-minute compensatory education for Jack's missed instructional time. OCRA helped Jack's mom file a compliance complaint with the California Department of Education (CDE). The CDE agreed and awarded minute-for-minute compensatory education for Jack.

Jenny Gets New IEP Goals.

Jenny's mother contacted OCRA for help advocating for more special education services. Jenny needed help retaining information she learned throughout the school year. Jenny's mother wanted help to create new IEP goals for Jenny. OCRA helped her learn about special education rights and responsibilities so that she could become Jenny's best advocate. OCRA helped Jenny's mother request an IEP meeting and attended it with them. During the IEP meeting, OCRA explained that Jenny wanted to be more independent. OCRA advocated for the school district to support Jenny with IEP goals to help with her memory, personal care, and speech. OCRA successfully advocated for Jenny to participate in extended school year with transportation and personal assistance, so she has more services and supports to help her meet her goals.

Restraint Vest Not Needed After 1:1 Bus Aide Comes Aboard.

Yellow's parents called OCRA because his school suspended him for kicking another student on the bus. They also said the school was not following the behavior intervention plan requiring a 1:1 aide because of staffing issues. Instead, the school wanted to prohibit Yellow from riding the school bus unless his parents agreed he would use a restraint vest. OCRA told his parents the requirements the school must follow before using physical restraints. OCRA found that the school did not use a less restrictive alternative because they did not implement the behavior intervention plan, plus the restraint was not time-limited or solely used to

control dangerous behavior. Prepared, Yellow's parents advocated for his rights at his IEP meeting. They later called OCRA and shared that although the meeting with the school was intense, the school agreed to provide Yellow with a 1:1 aide for the bus, remove the restraint vest, and implement the behavior plan.

After Delay, Ronan Gets Early Start Transition Services.

Ronan had been receiving Early Start early intervention services from the regional center. Ronan's mother contacted OCRA for help with getting the school district to conduct his initial assessments for special education. The school district failed to assess and develop an IEP by his third birthday, in violation of Early Start transition timelines. During this delay, Ronan's mother funded his continuing early intervention services out of pocket. OCRA helped Ronan's mother by connecting her to the district's Director of Special Education to request reimbursement for early intervention services while the district evaluated him and assigned him to a school. OCRA also assisted Ronan's mother with filing an Early Start complaint. Ronan is now on track to receive his services.

Delilah Returns to Her School with Behavioral Supports.

After a serious behavioral incident at school, Delilah's IEP team agreed that home instruction would be best for her temporarily. Once Delilah had benefitted from anger management therapy and behavior services, Delilah's mom felt she was ready to return to her school. Delilah's school district disagreed. The district offered a placement at a Non-Public School two hours away from Delilah's home. OCRA attended 3 IEP team meetings for Delilah. OCRA argued that the district needed to consider giving supplementary aids and services in the general education classroom before considering placing Delilah in a more restrictive setting. OCRA reminded the team that Delilah was not making any progress with her social goals while she was on home instruction. The IEP team agreed to have Delilah back at her resident school with more behavioral support. The school also agreed to do a Functional Behavioral Assessment to develop her Behavioral Intervention Plan.