

## **Advocacy Report**

**January 2022 - June 2022**

*All names have been changed to preserve confidentiality.*

### **BENEFITS – IHSS**

#### **Thomas Gets 6,048 Hours of Retroactive IHSS.**

Thomas' mother contacted OCRA for help getting protective supervision through the IHSS program. Thomas tried to get protective supervision for over a year without success. The IHSS social worker told Thomas' mother they did not receive documents; however, she sent them multiple times. The county continued to tell Thomas he was not denied, but services were not authorized. In August 2021, Thomas received a notice of action approving Thomas' personal, related, and protective supervision services. OCRA advised Thomas' mother of her right to retroactive protective supervision, because she had been requesting it and providing evidence for so long. The county denied retroactive protective supervision, so OCRA assisted Thomas' mother in appealing that denial. Before the hearing date, the county authorized 6,048 hours of IHSS protective supervision hours for Thomas, dating back to 2019. This comes out to over \$90,000, which his provider will receive in pay.

#### **Rebecca Gets IHSS with Protective Supervision.**

Rebecca is 9 years old and IHSS approved only 64 hours per month of support. Rebecca's mother contacted OCRA for help preparing Rebecca's case for more hours. OCRA helped Rebecca's mother create a Hazard Injury Log to demonstrate that Rebecca needs protective supervision. OCRA also helped her mother get evidence from the doctor by giving her questions to ask. Rebecca's mother used her evidence to appeal for more hours at a fair hearing. She also followed OCRA's advice to contact the IHSS social worker before the hearing with her evidence. IHSS agreed to provide 266 hours of IHSS hours with protective supervision, an increase of 202 hours per month. Rebecca's mother did not have to move forward with the hearing thanks to OCRA's help.

### **The County Will Not Cut Alyssa's Protective Supervision This Year.**

Alyssa is a child with significant disabilities. Her parent called OCRA after the county threatened to terminate Alyssa's IHSS Protective Supervision services for the third year in a row. Alyssa had been receiving protective supervision for many years. However, the county proposed terminating services in each of the previous two years. The first time, Alyssa's parent represented her at the hearing. The Administrative Law Judge ruled for the family and protective supervision was reinstated. The next year, the county terminated it again. OCRA represented Alyssa at the hearing. A different Administrative Law Judge ruled that the county had again improperly terminated Alyssa's protective supervision. This year, the county contacted the family for the annual assessment. Because past communications have been so tough, the family was concerned the county would terminate yet again. OCRA became involved and communicated with the IHSS social worker, supervisor, quality assurance, and the program director. OCRA also participated at the assessment in person at Alyssa's home. The county did not terminate protective supervision.

### **Rachel Gets Additional IHSS Hours.**

Rachel needs a lot of support to live as independently as possible at home with her parents. With her parents' help, she applied for IHSS, but did not get the hours she needed. OCRA represented Rachel in an appeal. OCRA and the county representative agreed to a re-assessment to determine Rachel's need. As a result, the county granted Rachel 81 more IHSS hours per month. Rachel and her parents are now confident she can continue to live at home with her family.

### **Luke's IHSS Protective Supervision Hours are Reinstated.**

21-year-old Luke has autism, various food and animal allergies, and is non-verbal. Luke's father contacted OCRA for help because Luke's protective supervision hours were terminated after his annual IHSS review. The county determined that Luke no longer needed protective supervision hours based on the form that his physician filled out. OCRA agreed to evaluate and assess Luke's case. OCRA reviewed documents about the termination of protective supervision and counseled Luke's father on how to

appeal. OCRA also explained ways to resolve the case informally, without going to a hearing, and reviewed supporting documents before Luke's father submitted them to the county. Luke's father successfully negotiated with the county and all 195 hours of Luke's protective supervision were reinstated.

## **BENEFITS – MEDI-CAL**

### **Medi-Cal Pays for Anna's Non-Emergency Medical Transportation.**

Anna is a 9-year-old girl who lives in rural California. Anna must visit one of her doctors regularly, which takes 5 hours each way and requires Anna and her mother to stay overnight. They knew Medi-Cal covers non-emergency medical transportation for prescribed services. When Medi-Cal did not reimburse them for a trip, Anna's mother called OCRA. OCRA wrote a letter to the Medi-Cal Managed Care Operations Division, Office of the Ombudsman. The Ombudsman contacted the Medi-Cal provider's transportation broker and quickly made sure Medi-Cal reimbursed Anna and Pam for their food, gas, and lodging.

### **Jessica Gets Retroactive Medi-Cal Coverage.**

Jessica's father contacted OCRA for help reinstating her Medi-Cal coverage. Jessica's coverage suddenly stopped effective April 1. Jessica's father was concerned about how she would keep her life-sustaining durable medical equipment and surgery scheduled for next month. He went to the county Medi-Cal office, and they gave him an outdated notice stating she lost Medi-Cal in October of the previous year. Jessica's father had a conflicting notice with the same October date, saying the county reinstated her Medi-Cal. Meanwhile, because Medi-Cal coverage ended, Jessica's G-tube provider demanded their equipment back. Her father could not do that because her life depended on it. The provider then billed Jessica more than \$3,000. OCRA filed a complaint with the county, citing state guidance that suspends most negative Medi-Cal actions during the pandemic. OCRA also cited the state rule that allows children 19 years of age or younger to keep their Medi-Cal up to a year from when they would otherwise lose it. Less than a week later, Jessica's father received a county letter confirming reinstatement of Jessica's Medi-Cal back to April 1.

## **BENEFITS – SSDI**

### **Social Security Issues Critical SSDI Payment and Client Can Pay Bills.**

Matthew received a notice from Social Security saying his SSDI benefits were stopping retroactively because he was doing substantial gainful activity at work. OCRA helped Matthew appeal and submitted information about the disability-related help he gets at work. Social Security agreed to reinstate Matthew's SSDI benefits but said it would take months for his benefits to start again. Without the SSDI benefits, Matthew did not have enough money to pay his bills. OCRA helped Matthew request a "critical payment" through Social Security. A critical payment is when Social Security manually pays someone while they wait for their benefits to be reinstated, so the person can pay their rent and bills. Social Security agreed to issue the critical payment and Matthew paid his bills.

### **Jasmine's Social Security Benefits are Continued.**

Jasmine received a notice from Social Security saying she is no longer disabled and had to pay back \$15,000 in benefits. Jasmine worked part time and loved working. Social Security said Jasmine was working at a substantial gainful activity level, so she was no longer disabled. OCRA learned Jasmine had a job coach onsite and did different work than a person without a disability. Jasmine was worried she would have to quit her job to continue receiving Social Security benefits. Jasmine and OCRA worked together to appeal the determination to discontinue benefits and the overpayment. OCRA worked with the onsite job coach and Jasmine to complete the Work Activity forms to show existing work accommodations Jasmine had at her part-time job. Jasmine successfully restored her benefits and can continue working at the job she loves.

## **BENEFITS - SSI**

### **Lisa is Eligible for SSI Benefits.**

Lisa had been receiving Supplemental Security Income (SSI) benefits. During a redetermination, Social Security said she was no longer disabled and terminated her SSI benefits. Lisa's mother called OCRA to help reinstate Lisa's benefits. OCRA assisted Lisa to appeal that decision and asked for an informal meeting. Lisa's mother got a letter saying Social

Security reviewed the case, and their decision was valid. OCRA called Social Security with Lisa's mother because they made their decision without the informal meeting. The Social Security representative said she would review the case and call Lisa's mother. Weeks later, she went to the bank and there was a deposit for over \$2,000. She later got a letter that Social Security reinstated Lisa's benefits.

### **Richard Avoids a \$4,000 Overpayment and Wins Back His SSI.**

Richard's mother contacted OCRA because Social Security sent her a letter saying he was no longer eligible for SSI benefits. Although the letter was in Spanish, no one in the household could read well enough to understand it or to file an appeal. OCRA reviewed the letter and explained Social Security made the decision based on Richard's parents' wages. OCRA investigated the case and found two mistakes - Richard's mother's income should not count against Richards's SSI and Social Security overcalculated Richard's father's wages. OCRA timely filed an appeal, citing the federal regulation that says Richard's mother's IHSS wages for providing care for Richard do not count against Richard's SSI. OCRA reviewed Richard's father's paystubs, confirmed they are less than Social Security estimated, and faxed them to the Social Security office. Just over 3 months later, Social Security sent a letter to Richard's mother reversing their decision and restarting his benefits.

## **EMPLOYMENT**

### **OCRA Helps Client Get Reasonable Accommodation at Work.**

Nancy asked OCRA for help to get her employer, Amazon, to allow her to have a job coach onsite to help her. Nancy tried to get her employer to allow her job coach onsite herself but was unsuccessful. OCRA spoke with Nancy's job coaching agency and called the "Accommodations & Leaves" Department at Amazon. Amazon's human resources department responded and provided paperwork for Nancy to complete to allow her job coach to support her. Once Nancy completed and submitted the paperwork, Amazon agreed to grant the reasonable accommodation for Nancy's job coach if the regional center also sent a letter. The regional center agreed to send the required letter.

## **OUTREACH AND TRAINING**

### **OCRA Attends Interactive Virtual Resource Fair.**

The COVID-19 pandemic forced organizations to use new ways to educate the public about resources in their communities. Peer Advocate, Scott Barron, was invited to participate in a virtual resource fair during the Early Start Partners Symposium. The Department of Developmental Services and the California Department of Education sponsored the symposium. The attendees included Early Start service providers, service coordinators, and family support professionals interested in learning about effective practice, innovation, and equity in the Early Start system. Early Start serves infants and toddlers under 3 years old. During the 2-day conference, about 40 participants visited OCRA's resource booth. They downloaded publications from Disability Rights California's website about Early Start, regional center services, and special education. Scott shared a video on how to access the newly updated "Rights under the Lanterman Act" manual. Visitors to OCRA's virtual resource booth will pass along the information to the underserved communities they work with.

## **PERSONAL AUTONOMY**

### **Judge Allows Mother to Withdraw Conservatorship Petition.**

Aiden's mother called OCRA because she had filed a petition for conservatorship for her adult son and the probate judge would not let her withdraw it after she changed her mind. She told OCRA she felt pressure to file for a conservatorship by service providers. Aiden wanted to retain his independence. He was interested in alternatives that would allow him to get support from his mother while keeping his right to make decisions in his own life. OCRA educated Aiden on alternatives to conservatorship. OCRA also spoke with the court investigator and urged him to support Aiden's mother in withdrawing her petition so Aiden can pursue these alternatives. OCRA submitted a letter to the judge supporting this goal. During Aiden's conservatorship hearing, the court-assigned attorney told the judge he did not believe alternatives to conservatorship would be suitable for Aiden. The probate judge referenced OCRA's letter of support and read it aloud in court. The judge granted the petition.

## **REGIONAL CENTER – COMMUNITY INTEGRATION**

### **Jonathan Faces Challenges While Stuck in Locked Setting.**

Jonathan had been living with several roommates in an apartment with supported living services. After an incident with his staff, Jonathan was placed on a psychiatric hold at local hospital. Jonathan improved, but had no home to go back to. Jonathan was ready to return to the community, but a shortage of service providers and continuing COVID-19 precautions made it hard for the regional center to find a provider and conduct meetings. There was ongoing friction between the regional center and the hospital which also contributed to delays. When Jonathan was placed in a locked facility instead of back in the community, OCRA stepped in to help him. OCRA explained the legal procedures required before placing someone in an Institute for Mental Disease (IMD) and argued that Jonathan should not be placed in an institutional setting if he can live in the community with support. OCRA also helped introduce the team to Jonathan's parents, who provided crucial insight into Jonathan's struggles at his previous placement and his needs in the community, like his need for therapy. For many more months, Johnathan remained patient and optimistic in a frustrating situation while OCRA continued to help coordinate meetings with the team to plan for Jonathan to leave the IMD. After weeks of meeting with a new provider, Jonathan finally moved into a new home. Johnathan persevered without complaint while dealing with forces largely outside of his control and is doing well in his new home.

### **Elijah Moves into the Community from Restrictive Setting.**

Elijah was admitted to an IMD in July 2019 because of his behaviors, but also an issue with state licensing restrictions. OCRA met with Elijah and got to know him by talking about sharks and scary movies. Elijah asked OCRA to help him move back into the community. OCRA attended Elijah's meetings and helped him advocate to be placed in the community. OCRA also sent a request letter to the state licensing division to ask for Elijah's restrictions to be removed so he could be considered for adult residential facilities. Licensing approved this request, which meant Elijah had more placement options. After over a year of nothing being available to meet Elijah's needs, a new Enhanced Behavioral Supports Home opened. Elijah moved into that home, finally back in the community.

## **REGIONAL CENTER – ELIGIBILITY**

### **Fernando is Eligible for Regional Center Services with OCRA's Help.**

Fernando is a 4-year-old whose mother call OCRA after his case for regional center eligibility had been “closed.” Fernando’s mother applied for regional center services in mid-2021 and completed all the paperwork. She had to reschedule the psychological exam the regional center scheduled by Zoom to assess Fernando for eligibility. The regional center told her they would call her back to reschedule her interview, but she never heard from them. She called several times but only got voicemail. She left many messages, but nobody called her back. Ultimately, Fernando’s eligibility application was denied because his mother missed the appointment. Fernando’s mother did not file an appeal within the 30-day deadline because she didn’t think she could win. Her friend suggested she contact OCRA for help because Fernando needed regional center services. Fernando is non-verbal and his behaviors were hard to manage. OCRA worked with Fernando’s mother and reviewed the regional center’s file. The file concluded that Fernando appeared to be eligible for regional center because he had intellectual disability and autism. OCRA contacted the regional center to request they begin Fernando’s application process again. The regional center found Fernando eligible for services.

### **Javier Is Eligible for Regional Center Services.**

Javier applied for regional center services when he was younger, but the regional center denied eligibility. Years later, as a young adult, Javier wanted to apply again. OCRA helped Javier by funding a psychologist to assess Javier and write a report of their findings. The psychologist’s report was favorable for regional center eligibility. OCRA helped Javier re-apply for regional center eligibility and submitted the assessment with the application. The regional center found Javier eligible for services. OCRA also helped Javier prepare for his first IPP meeting.

## **REGIONAL CENTER – SERVICES**

### **Ashley Wins Fair Hearing Against the Regional Center.**

Ashley's mother contacted OCRA for help with regional center services and an upcoming fair hearing before an Administrative Law Judge. Ashley



needed the regional center to pay for co-payments for therapies she needed because of her developmental disability. OCRA provided technical assistance and prepared Ashley's mother for the hearing, giving her advice on her case and what to expect. OCRA also reviewed records and highlighted critical points in Ashley's IPP and in emails from the service coordinator, which she could use to bolster her argument at the hearing. Although the regional center was represented by a lawyer, Ashley's mother successfully advocated and won the case against the regional center. Ashley now receives co-payment assistance for therapies that will continue to help her development.

### **Lorenzo Overcomes Several Barriers in the Fair Hearing Process.**

When the regional center terminated Lorenzo's personal assistant hours without proper notice, Lorenzo and his parent asked for OCRA's help. OCRA helped Lorenzo and his mother start the regional center appeal process by filing a fair hearing request. Lorenzo's fair hearing request included a request for aid paid pending. Unfortunately, the regional center did not honor the request and did not reinstate the personal assistant hours pending the hearing. So, before the hearing, OCRA filed a Motion for Aid Paid Pending. OCRA argued that Lorenzo should receive retroactive personal assistant hours dating back to July 1, 2021, when the regional center abruptly terminated services. The Administrative Law Judge agreed and ordered the regional center to provide personal assistant hours retroactive to July 1, 2021, while the issue was being decided. The regional center's attorneys also filed a motion to dismiss Chad's case, saying the hearing office had decided this issue in a prior hearing. OCRA reviewed many regional center case file notes, correspondence between the regional center and Chad's father, and records from the previous hearing in which OCRA was not involved. OCRA opposed the motion and argued that the issue was new, and the hearing office had not previously reviewed or decided this issue. The Administrative Law Judge agreed with OCRA and decided that the hearing will happen.

### **Jonny Finally Receives His Money from the Regional Center.**

The regional center became Jonny's representative payee for his Social Security benefits. For the next three years, the regional center never gave Jonny his "personal and incidental" (P&I) money, which is a portion of the

benefit that a regional center consumer can use for anything. Jonny's mother provided P&I money to Jonny directly out of her own pocket. OCRA contacted the regional center on Jonny's behalf. After two months, the regional center finally paid P&I money to Jonny. OCRA also negotiated retroactive benefits to reimburse Jonny's mother for the P&I money she gave to Jonny.

### **Mark Gets Additional Support to Participate in Community Activities.**

Mark and his parents felt he needed additional support at home to be able to engage in community activities safely. Mark already receives supported living services in his home. Mark asked OCRA to attend a meeting with the regional center and his parents to help him and his family ask for additional support staff. OCRA represented Mark at a meeting with the regional center and requested an additional support staff. At the meeting, the regional center agreed to provide Personal Assistant support, so Mark could safely resume engaging in community outings. Mark's service coordinator and his family are trying to identify someone to provide the 12 hours per day, 7 days per week of personal assistance services the regional center agreed to provide to him.

### **Lily Finally Receives Her Feeding Chair.**

Lily requires a feeding chair and she had outgrown her old one. Lily's mother asked the regional center to fund a new feeding chair several times over 5 months, but the regional center did nothing. OCRA attended an IPP meeting with Lily's mother. At the meeting, the regional center agreed to fund the chair. OCRA periodically checked in with the service coordinator for a month following the IPP meeting. Finally, Lily received her feeding chair.

## **SPECIAL EDUCATION**

### **Kristopher Returns Safely to School with Array of Services.**

Kristopher is an 18-year-old who requires intensive support at school to keep himself and his peers safe. Kristopher received a notice from his Non-Public School that it could no longer support his needs. The school district offered to place Kristopher back in the regular high school, an inappropriate placement. OCRA helped Kristopher in the Informal Dispute

Resolution process with the school district. After negotiations, the school district agreed to fund a variety of services and a new placement for Kristopher. The district will fund roundtrip transportation from Kristopher's group home to school, a 1:1 transportation aide, placement at an appropriate school site, 2:1 support at school, 25 hours of compensatory speech and language services, and 42 hours of compensatory tutoring services. Kristopher avoided a lengthy due process hearing and can now continue his education.

### **Camilo Gets a New School Placement.**

Camilo was a 9-year-old boy who was not toilet-trained. He used pull-ups and needed adult support to stay clean and dry at school. His school refused to provide toileting support. Within a few weeks of Camilo's enrollment, the school called Camilo's mother and said he had an accident and needed to leave. They told Camilo's mother he could not come back to school. OCRA represented Camilo at an IEP meeting. OCRA advocated for a new placement for Camilo and compensatory instructional minutes for the time the school told Camilo he could not attend. Camilo received appropriate toileting support at his new school.

### **Fernando Obtains a Temporary 1:1 Aide and Assessments.**

Fernando's mother contacted OCRA for help with Fernando's special education and related services. OCRA reviewed Fernando's recent IEPs and noted his mother's concern with behaviors at school. OCRA agreed to provide direct representation at Fernando's IEP meeting. OCRA's records review revealed that the school had not assessed Fernando for more than 5 years, although the law requires every 3 years. With OCRA's advocacy, the district immediately agreed to perform Fernando's overdue triennial assessments and took back their proposal to reduce his occupational therapy services. The district also agreed to conduct a Functional Behavior Assessment to understand Fernando's behavioral challenges and an Educationally Related Mental Health Services assessment. Last, OCRA advocated for a temporary 1:1 aide and for Fernando's mother to observe the classroom. Fernando's assessments are now underway and will provide updated information on Fernando's unique needs.

### **Blue Gets 15 Hours Per Month of Compensatory Education Services.**

Blue's doctor recommended she receive Home & Hospital instruction for the 2021-2022 school year. Blue's father called OCRA because the school district failed to provide all the instruction hours in the IEP each month. Blue's father estimated that the school district owed 15 hours per month to them. OCRA advised Blue's father about her education rights and agreed to draft and file a compliance complaint to the California Department of Education (CDE). OCRA gathered evidence, drafted the compliance complaint, and requested the district provide 15 compensatory hours of instruction per month. The CDE reviewed the complaint and issued a decision finding the school district out of compliance. Due to this decision, Blue got all the compensatory services she needed.

### **Knowledge is Power: Delilah Receives More Intensive Support at School.**

Delilah's mother contacted OCRA for help with Delilah's special education and related services. Delilah reads at a first-grade level, despite being in fourth grade. The school district denied Delilah speech and language services based on its assessment. OCRA reviewed Delilah's records and advised her mother of her right to ask for an independent educational evaluation (IEE). OCRA also advised Delilah's mother she can ask for more intensive services, like tutoring, to improve Delilah's reading levels. With this knowledge, Delilah's mother successfully advocated for Delilah at the IEP meeting. The school district agreed to fund 60 hours of intensive reading services and an IEE for speech. Now Delilah can access urgently needed services to succeed at school.

### **Eric Gets Additional Behavioral Supports in School.**

Eric is a 6-year-old who often leaves his classroom and engages in disruptive and aggressive behavior. His family called OCRA for help. The family had just gone to an unsuccessful IEP meeting where the school refused to provide additional behavioral supports to help Eric succeed in the classroom. OCRA helped Eric's family identify specific requests to make at the next IEP meeting. OCRA attended the meeting and advocated for Eric and his family. OCRA got Eric behavioral and academic supports, including 600 minutes of 1:1 paraprofessional support per week.

### **Robert Has a Full-Time Aide at School.**

Robert is a kindergarten student placed in a general education classroom in a rural area. He has a 1:1 aide written into his IEP. In the spring, Robert's parents contacted OCRA, referred by the regional center. All academic year long, the school had denied Robert his aide, despite advocacy attempts by his parents and the regional center. Robert uses a wheelchair and needs an aide for transfers, toileting, assistance with eating, fine and gross motor support, and academic prompting. OCRA agreed to provide direct representation. OCRA contacted the school; the school district hired an attorney. OCRA advocated at two IEP team meetings. The IEP team agreed that Robert is entitled to a full-time aide all day long at school, including recess and lunch. The school immediately provided an interim aide, while advertising for a permanent aide.

### **Ann Receives Nursing Assistance at School.**

10-year-old Ann moved with her family to California from another state in 2020. At Ann's previous school, she received nursing services to help with her G-tube during feedings and toileting. Ann's mother told OCRA that Ann's school was sending Ann home early every day because the staff could not feed her. OCRA agreed to represent Ann at an IEP meeting. The district admitted that the IEP was unclear and agreed to write a new IEP. The district agreed to add feeding assistance from the school nurse and to fund an assessment for a 1:1 aide and a functional behavioral assessment. After the meeting, Ann's mother told OCRA that Ann eats at school safely, staying all day.

### **Jorge Gets Services and a Translated IEP.**

Jorge's mom needed help securing services in her son's IEP. She felt unheard during IEP meetings. OCRA advocated for Jorge at several IEP meetings. After several months of negotiation, the school district agreed to provide speech and language services and food accommodations, and update the IEP to reflect the correct frequency and duration of services. Additionally, OCRA advocated for the district to translate the IEP document into Spanish. Jorge's mother could then review the IEP and knowingly sign her consent.

**School District Agrees to Provide Bilingual Communication Device and AAC Training to High School Student.**

Maria is non-verbal and often becomes frustrated because she cannot communicate with others. Maria has behavioral issues at home and at school. Maria's family speaks Spanish. Maria's mother had asked the school district for a communication device for years, but the district did not provide it. OCRA attended several IEP meetings for Maria and requested an Augmentative and Alternative Communication (AAC) assessment on her behalf. OCRA consulted with an AAC specialist about Maria's case. OCRA asked the school district to provide a bilingual AAC app. OCRA also asked for AAC specialist services to train Maria, her school team, and her family to use the AAC system. The school district agreed to provide and fund both the bilingual AAC app on an iPad and the AAC specialist services. Maria, her school team, and her family are all learning how to use the new communication system. Maria's mother is happy that after years of requesting communication help, Maria will get to communicate using AAC.