

I. INTRODUCTION

Disability Rights California provides state-wide clients' rights advocacy services for regional center consumers pursuant to a multi-year contract, HD119002, with the Department of Developmental Services (DDS) through the Office of Clients' Rights Advocacy (OCRA). The contract was renewed effective July 1, 2011, for a 5-year period ending June 30, 2016. This is the first Annual Report required under the new contract, pursuant to Exhibit A, Paragraph 13.O, for Fiscal Year 2011-2012.

OCRA takes great pride in its accomplishments. The statistics and work product for the past year, which are discussed throughout this report, give ample evidence of continuing effective advocacy. During the past year, OCRA resolved over 8,970 issues for consumers. OCRA also participated in 368 trainings last fiscal year, presenting to approximately 19,174 people.

OCRA currently operates 22 offices throughout the State of California, most of which are staffed by one CRA and one Assistant CRA. A list of the current staff and office locations is attached as Exhibit A.

Disability Rights California greatly appreciates the support and efforts of DDS and the regional centers in OCRA's performance of this contract. With support from those agencies serving people with developmental disabilities, OCRA's efforts to help ensure the rights of people with developmental disabilities throughout the State of California is extremely successful.

II. PERFORMANCE OBJECTIVES

Disability Rights California's contract with DDS requires performance objectives as established in Exhibit A, Page 14, Paragraph M, of the contract. Each of the specific required outcomes is discussed in the following Sections A through F. The contract does not set specific

numbers for performance for the outcomes. OCRA is willing to establish specific numbers in consultation with DDS, if it so desires.

A. Services are provided in a manner that maximizes staff and operational resources.

OCRA continues its tradition of serving a large number of people with developmental disabilities. OCRA handled 8,970 issues for regional center consumers during the fiscal year. The breath of issues in these cases is staggering and reflects the need for staff to know the current law that affects people with developmental disabilities in a large number of areas. The statistics, attached as Exhibit B, are discussed below and show the wide variety of issues and the large number of cases handled by OCRA staff, as does a copy of the last advocacy report, which covers January through June, 2012, included as Exhibit C.

1) Advocacy Reports.

Each advocate provides on a quarterly basis a summary of at least one case that has unique situations from which others can learn and that can be used as examples of the advocacy that OCRA accomplishes. The first half of the fiscal year cases were summarized in the Summer and Fall, 2011, Advocacy Reports. The summaries from January, 2012, through June, 2012, are compiled and attached as Exhibit C. OCRA is extremely pleased that such outstanding examples of advocacy are available to show the value of the work that OCRA accomplishes. A few examples of the advocacy:

H.A. Moves Back to Her Community.

H.A. lived in the same Community Care Facility (CCF) for over 20 years. When she experienced some medical issues, H.A.'s treating physician ordered that she be moved to a Skilled Nursing Facility (SNF), almost a hundred miles from the CCF. The staff at H.A.'s day program contacted OCRA when H.A. was moved to the SNF. Since H.A. has no family and is non-verbal, the day program staff wanted to help H.A. return to the community she knew as her home.

OCRA met with H.A. at the SNF, obtained her medical records, and communicated with the regional center. Through collaboration with the regional center and a thorough review of H.A.'s medical history, it was determined that she would be better served at a less restrictive Intermediate Care Facility (ICF) in her original community.

H.A. soon moved to an ICF in the area where she lived before. She continues to attend the day program that she has been going to for years.

IHSS Recipient's Hours Increased to 266 after Due Process.

Parents of 9-year-old V.R., who has significant intellectual and physical disabilities requiring constant care, received a notice that V.R.'s IHSS hours had been reduced from 239 to 91. The county alleged that the non-provider spouse in a two-parent household was an alternative resource. OCRA helped the father to develop a work schedule chart and had him obtain letters from his employer substantiating his 60-hour work week. At the initial hearing, OCRA successfully requested a continuance, the ALJ agreed to continue aid paid pending. OCRA attended the IHSS reassessment. OCRA reviewed the county file which showed assessments of actual need which did not appear in the county's notice, as well as old notices showing that the county had awarded increasing hours during the past 5 years, consistent with the 239 hours that the county now sought to reduce.

OCRA agreed to represent V.R. at a second hearing. On the morning of the hearing, the county representative called to say that the county agreed to reinstate the hours.

J.E.'s Family Is Able to Stay in Their Apartment.

J.E. is a teenage boy with significant disabilities, including seizures which cause him to drop to the floor. J.E.'s family received a 60-day notice to move out of its apartment from the on-site manager. The downstairs apartment residents had complained about banging on the floor and other noise. Even though the family agreed to put in area rugs, and had notified the manager about J.E.'s disabilities, they were given a 60-day notice to vacate the apartment.

OCRA drafted a request for reasonable accommodation letter for the parents. J.E.'s parents signed the letter and sent it directly to the owner of the complex, since the manager had behaved inappropriately to them in the past. The owner contacted the family and apologized. He thanked them for sending the letter and rescinded the 60-day notice. He also made arrangements to put carpet in certain areas of the apartment.

Probate Court Judge Terminates Conservatorship.

H.S. is 25-years old. She has mild delays and a seizure disorder controlled by medication. H.S. was conserved 7 years ago by her parents. H.S. decided that she no longer wanted to be conserved.

H.S. consulted with OCRA to develop a plan of advocacy to strengthen the petition to terminate her conservatorship. H.S. achieved all of her IPP goals by managing her own medical and neurological care needs, voluntarily participating in counseling, succeeding in independent employment, attending a day program, and by learning public transportation throughout the Modesto and surrounding areas. H.S. demonstrated independence in all aspects of her life.

OCRA wrote a letter to the court supporting the petition to terminate the conservatorship and requested letters of support from various medical professionals, counselors, social workers, supported living service workers, former teachers, and employers. OCRA assisted H.S. by helping her file her petition to terminate the conservatorship. OCRA provided technical assistance to the probate court. At the probate court hearing, the judge ordered the termination of the conservatorship. The judge specifically noted that all constitutional rights had been restored.

2) Analysis of Consumers Served.

OCRA handled a total of 8,970 cases from July 1, 2011, through June 30, 2012. Included as Exhibit B is the complete compilation of data for the fiscal year.

The data has been compiled by:

1. Age
2. County
3. Disability
4. Ethnicity
5. Gender
6. Living Arrangement
7. Type of Problem (Problem Codes)
8. Service Level

The largest number of consumers served by age, 2,312 during this time period, has consistently been the 4-to-17 years-old age group. The next largest is the 23-40 age group with 1,351 people served. The ratio of males to females served also remains consistent. For those cases where gender is recorded, OCRA has traditionally served more males than females, with 65 percent of the consumers served being male and 35 percent being female. This roughly corresponds to the percentage of regional center consumers who are male versus female. As of January, 2008, approximately 60 percent of all regional center consumers were male and 39 percent female.

The percentage of consumers residing in the parental or other family home remains by far the largest number of consumers served with 6,486 consumers living in the family home or 72 percent of the cases handled. The next largest group served is those living independently, with OCRA serving 1,129 people or 13 percent with this living arrangement.

OCRA's statistics on the ethnicity of consumers served for the year show OCRA's continuing commitment to serve underserved communities. DDS has changed the format for its reporting of the ethnicities of the consumers served by each regional center. DDS now reports four ethnicities and a category called other. Charts showing a comparison by percentage of the ethnicities served by OCRA and those served by the regional centers are attached as Exhibit B1. The ethnicities reports do not completely correspond but do show that OCRA is generally in parity statewide in its provision of services to the ethnicities identified as served statewide by the regional centers.

3) Outreach/Trainings.

OCRA recognizes that outreach and training are an essential part of providing effective advocacy for regional center consumers and also recognizes that trainings are one of the best ways to maximize staff and operational resources. Therefore, OCRA offers training on a wide variety of issues to a large variety of participants, including consumers, parents, regional center staff, vendors, and other interested people. Topics covered include, but are not limited to, consumers' rights, abuse and neglect issues, special education, voting rights, SSI, rights in the community, and conservatorships, among other topics.

During the last fiscal year, OCRA presented at 368 trainings with a total attendance of approximately 19,174 people at the various trainings. Interestingly, though OCRA presented at fewer trainings this year, the total number of people trained was increased by more than 1,000 people. The current statistics represent a tremendous amount of training.

OCRA understands the need to provide assistance to individuals from traditionally underserved communities. To further the goal of meeting this need, OCRA has each office target at least three outreaches per year to a specific group of persons who are underrepresented in the office's catchment area. To help with this, OCRA has appointed Beatriz Reyez as the Southern California Outreach Coordinator and Kendra McWright as the Northern California Outreach Coordinator. The coordinators advise staff in implementation of their target outreach plans. Based upon an evaluation of the original outreach plans' results, and using new census data and figures from DDS regarding the ethnicity of consumers served by each regional center, the OCRA offices update their target outreach plans on a bi-annual basis. This fiscal year was the first year of the two-year cycle. A detailed report on target outreach and training is included as Exhibit D.

A. Issues and complaints are resolved expeditiously and at the lowest level of appropriate intervention.

From July 1, 2011, through June 30, 2012, OCRA resolved 8,970 issues for consumers. Of those served, all but 60 were resolved informally. This means that more than 99 percent of all the matters that OCRA handled were resolved informally. Data showing this is attached as Exhibit E.

B. Collaborative and harmonious working relationships are fostered.

OCRA staff makes every attempt to foster collaborative and harmonious working relationships with the consumers and parents who OCRA serve, regional center staff, stakeholders, and members of the general community. This philosophy is not only incorporated into Disability Rights California's contract with DDS, but is also recognition that some of the most effective advocacy takes place because of interpersonal relationships and informal advocacy. The success of this philosophy is demonstrated by the number of calls OCRA receives, by its many successes, and by its recognition as an excellent resource for people with developmental disabilities.

1) Memorandums of Understanding.

OCRA has established Memorandums of Understanding (MOUs) with each regional center that addresses that center's individual needs, concerns, and method of operation. MOUs are updated as needed. Copies of all MOUs have been forwarded to DDS. The status of each revised MOU is discussed in Exhibit F.

In general, the meetings regarding the MOUs have been productive and extremely congenial. It is clear that OCRA's working relationship with the various regional centers has become well established and that concerns between the two agencies can be addressed with minimum difficulty in almost every situation.

2) Meeting with Association of Regional Center Agencies (ARCA).

Catherine Blakemore, Executive Director, Disability Rights California and Eileen Richey, Executive Director of the Association of Regional Center Directors (ARCA), met on -----, to discuss matters of interest between the two organizations. No concerns about OCRA services were identified. Further meetings with ARCA will be convened, should concerns arise.

C. Consumers and families are satisfied with the services provided.

Disability Rights California recognizes that consumer satisfaction is a primary goal for the people whom it serves. OCRA is committed to reaching consumers and parents in a manner and with results that ensure consumer and family satisfaction with the services provided.

a. Consumer Satisfaction Survey.

OCRA measures consumer satisfaction by use of an instrument developed jointly by staff, the OCRA Consumer Advisory Committee, and DDS.

From the results of the most recent survey, it is clear that consumers remain extremely satisfied with the services provided by OCRA.

Two thousand seven hundred and sixty-seven (2,767) surveys were mailed out. Four hundred and fifty-six (456) people returned the survey. This represents a 16 percent return rate of the surveys.

Of those responding to the questions, 96 percent of the responders felt they were treated well by the staff, 93 percent understood the information they were provided, 95 percent believed their CRA listened to them, 93 percent believed they were helped by the CRA, and 93 percent would ask for help from OCRA again. See Exhibit G, which discusses the results of OCRA's survey.

b. Letters of Appreciation.

OCRA staff receives numerous letters of appreciation that confirm not only the value of the services that OCRA performs, but also the manner in which the services are provided. OCRA values these letters. Below is just a sampling of the many letters received.¹

- * From the bottom of my heart, thank you for helping me have a voice and giving me the right questions to ask. I have felt very helpless. I cannot express enough how comforting it is to have someone to call.
- * Words simply cannot express our heartfelt thanks for the considerable amount of time and effort you have put into assisting us....We're sure that your knowledge and assistance in preparing us helped in bringing about the judges favorable ruling.
- * Thank you for participating in this year's Opportunity Fair. We really do feel that this event provides a great opportunity for SDC residents, family, and general public to become acquainted with community resources that are available to them. We do appreciate your time and effort to provide this valuable information.
- * Podria escribir un libro completo, expresando todo mi agradecimiento para la oficina de los derechos al cliente.... (I can write a whole book expressing my gratitude to Office of Clients Rights....)
- * Their effort, professionalism, and understanding about this case lead me to believe right from the start that at least ___ and I had a chance....Thank you so much for everything. We could not have done this on our own. We are grateful. Our blessings go out to you.
- * We would like to thank you sincerely for all the assistance, patience and care you've given us. Without you and your organization, ___ will not receive the benefits she's entitled to.
- * Documents for Notification for Resolution have been signed and faxed. No Fair Hearing! Hurray, it is REALLY over this time. Thank you all for all your support and help. I truly do not think I could have done it without the whole team!!!!

¹ OCRA is providing the letters of appreciation with the wording from the originals unless otherwise indicated.

- * This has been a long haul. We appreciate everything you have done past and present. Words can't explain how we feel of what you have accomplished for not only ___ but our family as a whole.
- * Palabras de agradecimiento para las personas que estuvieron ahi, cuando pense que no habria nada mas que hacer, personas como ellos y ellas, no hay muchas que alluden a los que no se saben expresar pedir ayuda.... (Words of appreciation for the people that were there when I thought there was nothing more that could be done. There are not very many people like them that will help the ones that cannot express that they need help....)

3) Cases will be handled in a timely manner.

It is important that advocacy services be provided in a timely manner. Consumers and families are frequently in emergency situations, in danger of losing their placement in the least restrictive environment, losing their source of income, unable to get their medical needs met and a myriad of other dangerous or difficult situations. For this reason, OCRA has, since its establishment, had a policy that all calls will be returned as soon as possible, but not later than closing of the next business day. OCRA measures its performance in this area by use of its consumer satisfaction survey, see Exhibit G, discussed more fully above. OCRA statistics shows that 88 percent of all callers to OCRA received a call back within two days during the last fiscal year. This level of performance is two percent higher than last year, and continues to provide verification that cases are resolved in a timely manner. OCRA will continue to train on this requirement to ensure that it provides exceptional services for all callers.

D. The provision of clients' rights advocacy services is coordinated in consultation with the DDS contract manager, stakeholder organizations, and persons with developmental disabilities and their families representing California's multi-cultural diversity.

OCRA works through the OCRA Advisory Committee to ensure that this performance outcome is achieved. Attached as Exhibit H is a list

of the members of the Disability Rights California Board of Director's OCRA Advisory Board Committee effective June 30, 2012.

Public members of the Advisory Committee are appointed by the Board of Directors. In the selection process, the Board considers geographical diversity, both rural and urban and north and south, type of developmental disability represented, and ethnic background, in addition to the qualifications of the individual applicants.

The Board OCRA Advisory Committee is a knowledgeable, constructive, and helpful group of volunteers who continue to provide valuable guidance to the OCRA staff. The meetings are lively and informative and provide a forum for exchange of ideas and information. Minutes for the meeting held on September 23, 2011, were provided with the Semi Annual Report. The minutes for the March 2, 2012, meeting are included as Exhibit H.

DDS staff is invited and encouraged to participate in the next meeting, which is set for September 20, 2012, in Sacramento.

E. Self-advocacy training is provided for consumers and families at least twice in each fiscal year.

Welfare and Institutions Code, Section 4433 (d)(5), requires that the contractor providing advocacy services for consumers of regional center services provide at least two self-advocacy trainings for consumers and family members. Disability Rights California's contract with DDS mirrors this language. OCRA has been proactive in this matter and requires each of its offices to provide at least one self-advocacy training for consumers a year, so OCRA far exceeds the two mandated trainings. Many offices provide more than one training and an advocate may use information from any of OCRA's self-advocacy packets in presenting his or her self-advocacy trainings to consumers.

To date, OCRA has developed four separate packets of information for OCRA staff to use in the mandated trainings:

Clients' Rights Information (Several versions of basic materials are used.)

Voting Rights

Clients' Rights Bingo Hands off My \$\$\$

Additionally, OCRA worked with DDS on a self-advocacy training developed by DDS for consumers on consumer safety which may be used for the self-advocacy trainings.

OCRA is currently in the process of developing a new training on least restrictive housing and services, which OCRA hopes to complete the first half of the new fiscal year.

Samples of the OCRA self-advocacy packets (most are in both English and Spanish), were provided separately in a binder marked OCRA Training Materials with the 2007-2008 Annual Report. In discussions with DDS's Contract Manager, it was decided that OCRA should not submit duplicate training packets in this year's annual report. As always, OCRA welcomes comments from DDS on any training packets.

OCRA is required to report in its Annual Report an evaluation of the self-advocacy trainings. OCRA has randomly selected consumer training satisfaction evaluations for inclusion in this Annual Report. Almost without exception, consumers are pleased with OCRA trainings.

Self-Advocacy Trainings held last year are listed in Exhibit I.

III. TITLE 17 COMPLAINTS

CCR, Title 17, Section 50540, sets forth a complaint procedure whereby a regional center consumer, or his or her authorized representative, who believes a right has been abused, punitively withheld or improperly or unreasonably denied, may file a complaint with the Clients' Rights Advocate. The Complaint process is similar to that established by Welfare & Institution Code, Section 4731. However, the later law offers more consumer protections. There was one Title 17 Complaint filed during the last fiscal year. Please see Exhibit J for a chart showing the Title 17 Complaints.

IV. DENIAL OF CLIENTS' RIGHTS

CCR, Title 17, Section 50530, sets forth a procedure whereby a care provider may deny one of the basic rights of a consumer if there is a danger to self or others or a danger of property destruction caused by the actions of a consumer. The Clients' Rights Advocate must approve the procedure and submit a quarterly report to DDS by the last day of each January, April, July, and October. OCRA is including the reports concurrently with the contractual date to provide OCRA's reports. If this is not acceptable to DDS, OCRA will submit duplicate reports as requested. Attached as Exhibit K is the current log of Denials of Rights from the OCRA Offices.

V. CONSUMER GRIEVANCES

Exhibit A, Paragraph 12, of the contract between DDS and Disability Rights California requires OCRA to establish a grievance procedure and to inform all clients about the procedure. DDS has approved the grievance procedure developed by OCRA. The procedure is posted prominently in both English and Spanish at each office. Additionally, the grievance procedure is included in all letters to consumers or others who contact OCRA, when an office declines to provide the requested service to that person.

There were five grievances filed by consumers or their families during the past fiscal year. Three grievances continued to the second level to be heard by the Disability Rights California Board of Directors. Information concerning each grievance has previously been submitted to DDS. Attached as Exhibit L is a chart detailing the grievances filed against OCRA during this period.

VI. COLLECTION OF ATTORNEYS FEES

OCRA does not charge consumers, their families or advocates fees for services nor does OCRA seek to recover costs from these individuals. Clients' Rights Advocates who are licensed to practice law in California, or Assistant, Associate, or unlicensed Clients' Rights Advocates, all of whom work under the supervision of an attorney, can collect attorney's fees and costs similar to those

collected by private attorneys or advocates for special education cases or other cases where there are statutory attorney's fees. OCRA collects fees only in special education cases or Writs of Mandamus. Fees and costs may be negotiated at mediation or can be received in those cases where an Administrative Law Judge has made a determination that the petitioner is the prevailing party. Fees are collected from the opposing party, which is normally a school district. Costs include any expenses to the Petitioner or OCRA for suing, such as filing fees or costs of expert evaluations. Neither Disability Rights California nor OCRA ever collect attorney's fees from consumers.

The amount collected for any individual case depends upon several factors such as the geographical location where the consumer lives, and the years of experience of the attorney who handled the case. Attached as Exhibit M is a chart showing the amount and source of any attorney's fees collected by OCRA during the past fiscal year.

VII. RECOMMENDATIONS FOR ENHANCEMENT OF SERVICES

The contract between DDS and Disability Rights California requires that on an annual basis Disability Rights California make recommendations to DDS as to potential methods of enhancing the services that OCRA provides for regional center consumers.

As reflected in the case load statistics, the number of consumers and their families requesting assistance has remained high during the first year of the current contract. OCRA is proud of the fact that its staff attempts to provide some level of assistance for every request. Although we believe the large number of requests for assistance at some regional centers justifies the need for additional staff, Disability Rights California understands this is not feasible given the state's fiscal climate. We are extremely appreciative of DDS' support of the OCRA program during these difficult economic times.

VIII. CONCLUSION

OCRA's statistics show its staff's continuing commitment to the protection of the rights of people with developmental disabilities. OCRA handled over 8,970 cases the last year, provided 368 trainings to over 19,174 people, and met each of its performance objectives. OCRA remains dedicated to ensuring that the rights of all of California's citizens with developmental disabilities are enforced.