

INTRODUCTION

For six years, the Office of Clients' Rights Advocacy has provided advocacy services for the consumers of California's 21 regional centers. During those years, OCRA has come to be a respected provider of advocacy services by the people and families who it serves and by the community and agencies that support people with developmental disabilities.

During the past year, OCRA has handled approximately 8,258 intakes and cases and provided over 246 trainings attended by over 19,252 people. OCRA operates 23 offices throughout the State of California, most of which are staffed by one CRA and one Assistant CRA. A list of our current staff and office locations is attached as Exhibit A.

Significantly, consumer satisfaction surveys continue to average above 90 percent satisfaction in almost all areas of performance surveyed. OCRA staff makes a strong effort to provide advocacy services to the consumers that it serves. That effort is reflected in the statistics given, the outcomes reported, and the spirit that abides among OCRA staff. This is captured so clearly in the many letters of appreciation that the staff receives. For example:

In the 2 hour+ meeting, your thorough professionalism and command of the issues was clearly demonstrated to the five (regional center) employees attending. You were able to focus this large, diverse group of nine people to attend to the client's present state and his future needs. Because of this, S. kept his hours and services from the Regional Center.

We wanted to let you know that we feel our son was well-served by you in a very difficult and demanding meeting. Without your presence (and presence of mind) this informal meeting with the (regional center) would have gone to the State Hearing level.

I have been meaning to send you a note expressing my appreciation for your assistance in preparation of the hearing and your strong advocacy at the hearing itself. On the drive home my mom told me, "(F)or just meeting you today, they really fought like they've known

you for a long time.” I agreed. So thank you for your great work and know that we appreciate it.

Thank you for your time, patience and understanding when no one else would. You will always be in our hearts, always.

I would like to convey my sincerest thanks to you for assisting us....Your suggestions regarding the areas to focus our attention were invaluable. Knowing the information ahead of time and how the system works was extremely helpful. We were successful with our...hearing.

I would like to take this opportunity to thank you for all your assistance. My daughter was found eligible for continuation of benefits after the age of three. Your insight into our daughter’s situation was instrumental for this to happen. Moreover, through you we have learned about our rights....Last but not least your prompt and insightful replies to all our inquires have been invaluable to us. For all the above reasons, my wife and I want to extend our deepest appreciation to you and the Office of Clients Rights Advocacy for your continued support.

All of these letters, plus the many others that staff receive, show OCRA’s continuing effectiveness and dedication.

PAI greatly appreciates the support and efforts of DDS and the regional centers in OCRA’s performance of this contract. Without support from these agencies, OCRA’s efforts to ensure the rights of Californians with developmental disabilities would not be so successful.

I. CONTENTS OF ANNUAL REPORT

PAI’s contract with DDS, Paragraph 14, Exhibit D, specifies that the following information is to be contained in the Annual Report:

- 1) Number and type of clients’ rights denials;
- 2) Nature, status, and outcome of complaints filed under the Contractor’s grievance procedure;

- 3) Nature, status, and outcome of complaints filed under Title 17, California Code of Regulations, Section 50540 Complaint Procedure;
- 4) Aggregate data on consumers provided with services, including, but not limited to, age, sex, primary disability, ethnicity, type of residence, type of services provided, and examples of the outcomes of those services;
- 5) Achievement of the performance objectives;
- 6) Summary of the content, attendance, frequency; and evaluation of self-advocacy training provided;
- 7) The amount and source of any attorney's fees and costs collected; and
- 8) Recommendations for enhancement of services to be provided under the terms of the contract.

II. PERFORMANCE OBJECTIVES

PAI's contract with DDS requires performance evaluation measures. On January 8, 2002, former Contract Manager, Suzanne Joy-Livingston, met with PAI and gave verbal approval to the performance objectives that OCRA had proposed to DDS.

1. 7,560 issues will be resolved for people with developmental disabilities on an annual basis.

OCRA has continued its tradition of serving a large number of people with developmental disabilities and exceeded this performance objective by nine percent. The performance objectives require OCRA to resolve 7,560 issues for people with developmental disabilities during the time period covered in this report. The statistics, attached as Exhibit B, show that OCRA resolved 8,258 issues for consumers during this time period, an increase of 244 requests from the proceeding year. It is clear that OCRA resolved significantly more issues for people with developmental disabilities than required by the performance objective.

2. 75 percent of requests for assistance will be resolved informally as measured by the quarterly data.

OCRA continued to exceed this performance objective. OCRA handled 8,258 requests for assistance during this reporting period. Of these, 137 were handled as requests for direct representation at hearing. This means that more than 98 percent of the requests for assistance were resolved informally. Informal is defined as all services resolved below the due process hearing or formal complaint level. Therefore, significantly more than the required 75 percent of the cases were resolved informally. Data showing this is attached as Exhibit B.

3. 80 percent of individuals with developmental disabilities receiving service from OCRA will be satisfied with those services as measured by the consumer satisfaction survey.

OCRA exceeded this performance standard with all areas of satisfaction significantly exceeding 80 percent. From the survey results, it is clear that OCRA consumers are overwhelmingly satisfied with the services provided by OCRA. With a 32 percent return rate, of those who answered the questions, 95 percent of the responders felt they were treated well by the staff, 94 percent understood the information they were provided, 94 percent believed their CRA listened to them, 85 percent believed they were helped by the CRA, and 90 percent would ask for help from the CRA again. See Exhibit C which discusses the results of OCRA's survey.

4. 75 percent of individuals with developmental disabilities receiving services from OCRA will indicate that their issue(s) was resolved in a timely manner as measured by the consumer satisfaction survey.

See Exhibit C which shows that OCRA provided timely services to over 75 percent of the consumers that OCRA served last year. In fact, 84 percent of the responders to the consumer satisfaction survey indicated that they received a call back within two days.

5. A minimum of one self advocacy training for individuals with developmental disabilities and/or their families will be held each year in each regional center catchment area.

At least one self advocacy training for consumers and their families was held in each regional center catchment area during the past year. The chart below reflects the training schedule.

OCRA has developed four separate packets of information for staff to use in the mandated trainings on self-advocacy. The original self-advocacy packet was approved by DDS, as required under the previous contract. The more recent packets have been sent to DDS and though the current contract does not require the approval of DDS, OCRA welcomes comments from DDS. Two new training were developed this year. One is on voting right, which OCRA believes to be timely in this election year. The other training is a game called Clients' Rights Bingo. It is similar to a traditional bingo game, except that icons used depict various rights that people with developed disabilities are ensured.

The evaluations for the self-advocacy trainings are too numerous to submit to DDS but, almost without exception, consumers attending those trainings rated them as satisfactory. OCRA's standard rating sheet was used at the trainings. Consumers have the choice of evaluating a presentation as satisfactory or unsatisfactory in six basic areas. The rating sheet has previously been reviewed and approved by DDS. The individual rating sheets are available for review if DDS desires to do so.

Alta CA Regional Center	September 30, 2003
Central Valley Regional Center	March 15, 2004
East Los Angeles Regional Center	June 26, 2004
Far Northern Regional Center	October 30, 2003
Golden Gate Regional Center	October 4, 2003, March 19, 2004
Harbor Regional Center	June 24, 2004
Inland Regional Center	October 17, 2003 and April 24, 2004
Kern Regional Center	July 15, 2004
Lanterman Regional Center	February 2, 2004
North Bay Regional Center	May 26, 2004
North Los Angeles County R Center	April 27, 2004
People First, National	May 29, 2004
Redwood Coast R Center (Eureka)	January 7, 2004
Redwood Coast R Center (Lake)	April 2, 2004
Regional Center of Orange County	May 15, 2004
Regional Center of the East Bay	July 8, 2003
San Andreas Regional Center	May 12, 2004

San Diego Regional Center	August 6, 2003
San Gabriel/Pomona Regional Center	May 26, 2004
South Central Los Angeles R Center	May 13, 2004
Supported Life (Statewide)	October 10, 2003
Tri-Counties Regional Center	June 29, 2004
Valley Mountain Regional Center	August 1, Sept. 4, January 7, 2004 and Nov.13, 2002
Westside Regional Center	June 24, 2004

6. OCRA will present at a minimum of 160 trainings per year on a variety of topics of interest to consumers, their families, regional center staff or other interested persons.

OCRA presented at 246 trainings during the past year. This was 86 more than required by this performance objective. One reason for the large number is that OCRA recognizes that outreach and training is an essential part of providing effective advocacy for regional center consumers. In fact, one of the essential services that OCRA offers is training on a wide variety of issues, including but not limited to, consumers' rights, various public benefits, special education, and conservatorships.

During the past year, OCRA presented at 246 trainings with a total attendance of approximately 19,252 people at the various trainings. The number of people attending OCRA trainings more than doubled from last year. This can be attributed to several factors. First, since OCRA has presented at more trainings there was an increase in the number of people trained, but staff has also been asked to present at larger trainings that more people attend. Additionally, OCRA is becoming well known for its willingness to present at various functions in addition to OCRA's strong emphasis on outreach and training..

OCRA presented at significantly more than the 160 trainings required under its performance objective. It is obvious that OCRA presented information to a tremendous number of people.

7. In addition to the self-advocacy trainings, OCRA offices will present at a minimum of three outreach trainings to underrepresented communities each year.

OCRA has a priority of providing assistance to individuals from traditionally underserved communities. Eva Casas-Sarmiento serves as the Statewide Outreach Coordinator and Lisa Navarro serves as the Northern California Outreach Coordinator. OCRA is in the process of hiring a Southern California Outreach Coordinator. The outreach coordinators assist the OCRA offices in development and implementation of their outreach plans and provide the formal evaluation of each office's outreach plan.

The target outreach plans were initially written for a year's time period and identified underrepresented groups in each catchment area for the offices to target for extra contact. A detailed report on targeted outreach and training is included here as Exhibit D.

The targeted outreach plans that were developed for fiscal year 2003-2004 were in effect for one year. Review of the statistics on OCRA's services to underrepresented groups show steadily increasing services to people of color and underrepresented groups. The conclusion must be reached that OCRA's outreach to underrepresented groups has been instrumental in causing the increases.

8. To lead to greater cooperation with regional centers, OCRA will:

A. Develop or revise Memorandums of Understanding (MOUs) with each regional center that address that center's individual needs, concerns, and method of operation by July 1, 2002.

The OCRA Director met with all of the regional centers during the first year of the current contract. MOUs have been revised as needed and copies of all revised MOUs have been forwarded to DDS when the MOUs are finalized.

In general, meetings regarding the MOUs are productive and extremely congenial. It is clear that OCRA's working relationships with the various regional centers have become well established and that concerns between the

two agencies can be addressed with minimum difficulty in almost every situation.

B. PAI's Executive Director and OCRA's Director will offer to meet with ARCA on an annual basis to discuss any issues of concern.

Catherine Blakemore contacted Bob Baldo, the Executive Director of the Association of Regional Center Directors, on March 11, 2004. At that time, it was agreed that there were no significant outstanding issues between OCRA and the regional center directors. Meetings will be convened, should concerns arise.

III. OCRA ADVISORY COMMITTEE

PAI's contract with DDS requires that, "(t)he provision of clients' rights advocacy services (will be) 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 meets this outcome by working with the OCRA Advisory Committee, as discussed below.

OCRA works through the OCRA Advisory Committee to ensure that this performance outcome is achieved. Attached as Exhibit E is a list of the current members of the committee.

The vacancies on the committee are listed on PAI's website and in its quarterly newsletter. In the selection process, consideration is given to 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 current committee has three consumer members and four family members who represent diverse geographical and ethnic backgrounds. Additionally, most of the members belong to several stakeholder organizations.

The 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. The Committee meets three times a year. Minutes for the meetings held this fiscal year are attached as Exhibit E.

DDS staff is invited and encouraged to participate in any of the meetings. The remaining committee meeting for this calendar year is in Los Angeles on December 4, 2004.

IV. EXAMPLES OF OUTCOMES OF SERVICES PROVIDED

OCRA has requested that each advocate provide on a quarterly basis a summary of an administrative hearing or other case that has unique situations from which other advocates can learn and that can be used as examples of the advocacy that OCRA is accomplishing. These summaries for the last two quarters are compiled and attached as Exhibit F. 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:

SSI Waives an Overpayment Allegedly Caused by an Award from a Class Action Lawsuit.

The mother of J.L. called the OCRA office stating that she had received notice of an overpayment from Social Security. The notification indicated that J.L. was being charged for an overpayment resulting from an award of In-Home Supportive Services (IHSS) back wages. J.L. had received an award of \$2,000 plus interest from an IHSS class action case in 2001. Three years later, when determining SSI benefits, the Social Security office was counting the interest from the award as income.

OCRA gathered and reviewed all available records, researched the applicable law, and consulted with the attorney in the class action case. OCRA subsequently filed for a waiver and request for reconsideration and attended the reconsideration meeting. At the meeting, OCRA argued detrimental reliance, hardship, and fairness principles, and the overpayment was waived.

Consumer Receives Visitation with Her Child.

T.M. is a 24-year old consumer with mild mental retardation. The CRA was approached by T.M.'s social worker to represent T.M. in a domestic violence restraining order against her mother. According to T.M., her mother has physically, verbally, and financially exploited her for many years. T.M. reported being coerced by her mother to give up T.M.'s parental rights over her daughter through a guardianship. T.M. has not seen her daughter in over a year.

T.M. was married in January, 2003, and had a child with her husband. Problems with her mother escalated at that point. It took a lot of courage for T.M. and her husband to stand up to T.M.'s mother, but they did so with support from many relatives, friends, and professionals from the regional center.

OCRA agreed to represent at a hearing on the TRO that was filed by T.M. to prevent abuse by her mother. The courtroom was full of family members on both sides; nineteen people. After some contentious moments, the mother agreed to the restraining order. Also, court ordered mediation was ordered for T.M. and her parents to schedule visitation with her daughter.

Regional Center Rate for Placement Accepted.

L.M. is a 9-year old girl living with foster parents. She has lived with them since she was 6. She was removed from her biological mother's when she was 9 months old because of neglect. L.M. has been diagnosed with mental retardation, ADHD, reactive attachment disorder, bipolar disorder, and learning disabilities. She is categorized as a "dual agency" child as she receives services from both the regional center and the Department of Social Services (DSS).

Foster parents of "dual agency" children are entitled to the regional center rate for placement rather than the standard foster care rate. L.M. was assessed by the regional center to require a 4a level of care. L.M.'s parents sent the notice of the assessed rate to DSS. It refused to implement the regional center rate. L.M.'s parents filed for a hearing.

OCRA represented the family and negotiated with the county appeals worker. After explaining the legal grounds for the position and providing

All-County letters and legal citations, the county settled the case. L.M.'s family was granted the regional center rate retroactive to the date of placement. The retroactive award totaled \$59,420. The increase in monthly payments is \$1,823 per month. This money will enable the family to secure all of the services and supports that L.M. needs to flourish.

R.V. Has a New School.

R.V. lives at home with his monolingual Spanish-speaking mother and siblings. R.V.'s mother contacted OCRA, concerned that R.V.'s teacher was jeopardizing R.V.'s safety by failing to pay attention to R.V.'s whereabouts while at school.

OCRA agreed to investigate R.V.'s mother's concerns. Upon review of school documents, OCRA discovered that R.V. was being denied access to his education. For example, R.V. has a documented short attention span. R.V.'s teacher's solution was to send R.V. outside unsupervised, at the start of his first class. In this way, R.V. could not disrupt the class, nor was he able to run outside, since he was already there.

OCRA met with R.V.'s mother to discuss R.V.'s service needs and prepare for an IEP meeting. At a previous IEP meeting, the district agreed with R.V.'s mother's request for a new school, but had failed to name a school in the IEP, and suggested to R.V.'s mother that she wait to transfer R.V. until next year.

OCRA, R.V.'s mother and R.V. attended the IEP placement meeting. At the conclusion of the meeting, R.V. had secured placement in a special education classroom at a new school starting two days from the date of the meeting.

V. DENIAL OF CLIENTS' RIGHTS

CCR, Title 17, Sec. 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 CRA must approve the procedure and submit a quarterly report to DDS by the last day of each January, April, July, and October. As in the past, OCRA is including the reports concurrently with its semi-annual

and annual report. If this is not acceptable to DDS, OCRA will submit duplicate reports as requested. Attached as Exhibit G is the current log of Denials of Rights from the OCRA Offices.

VI. TITLE 17, SECTION 50540 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, punitatively withheld or improperly or unreasonably denied, may file a complaint with the Clients' Rights Advocate. The Complaint process is similar to that established by the Welfare & Institution Code, Section 4731. However, the later law offers more consumer protections. There were no Title 17 complaints filed during the last fiscal year.

VII. COLLECTION OF 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 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. 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 the school district. Costs include any expenses to the Petitioner or OCRA for bringing the suit, such as filing fees or costs of expert evaluations. Neither PAI 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 Petitioner lives, and the years of experience of the attorney who handled the case. Attached as Exhibit H is a chart showing the amount and source of any attorney's fees and costs collected by OCRA during the past fiscal year.

VIII. CONSUMER GRIEVANCES

Exhibit C, Paragraph 11, of the contract between DDS and PAI 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 provided when staff learns that a consumer or family is dissatisfied with the services that OCRA has provided.

Three grievances were filed by consumers or their families against OCRA last year. The grievances were all resolved at the first level and information concerning the grievances has previously been submitted to DDS. Attached as Exhibit I is a chart detailing the grievances filed against OCRA.

IX. ANALYSIS OF CONSUMERS SERVED

OCRA handled a total of 8,258 cases from July 1, 2003, through June 30, 2004. This represents a significant amount of advocacy assistance and is comparable to work performed in previous years. The complete compilation of data for the fiscal year is included as Exhibit B.

The data has been compiled by:

1. Age
2. County
3. Disability
4. Ethnicity
5. Gender
6. Living Arrangement
7. Problem Areas
8. Service Level

The majority of the OCRA statistics remain consistent with OCRA's previous statistics. For example, the largest number of consumers served by age, 2,281, has consistently been the 3-to-17 years-old age group. The next largest is the 22-40 age group with 1,413 people served. The consistency

remains in the ratio of males to females served, also. OCRA has traditionally served more males than females, with approximately 61 percent of the consumers served being male and 39 percent being female. This is consistent with the percentage of regional center consumers who are male versus female. As of July, 2004, 60 percent of all regional center consumers were male and 40 percent were female.

Consumers residing in their parental or other family home remain by far the largest number of consumers served, with 5,129 consumers or 62 percent of those OCRA served living in their family home. The next largest group served is those living independently, with OCRA serving 1088 people or 13 percent with this living arrangement. DDS statistics show that 68.4 percent of regional center consumers live in their parent’s home and 9.7 percent live independently.

OCRA’s statistics on the ethnicity of consumers served from July 1, 2003, through June 30, 2004, show OCRA’s continuing commitment to serve underserved communities. The percentage of consumers from various ethnicities served by OCRA was:

Ethnicity	% Regional Center Clients (current)	% OCRA Clients 03/04	% OCRA Clients 02/03	% OCRA Clients 01/02	% OCRA Clients 00/01	% OCRA Clients 99/00
African-American	10.71	10	10	9	9	8
Latino	30.26	28	27	24	24	24
American Indian or Alaskan Indian	.41	1	1	1	1	1
Asian	5.37	5	4	3	5	4
Pacific Islander	2.23	1	1	1	1	1
White	44.46	47	49	47	48	56

Multicultural (self-identified)	Not listed	3	4	4	4	3
Unknown/Other	6.57	5	4	11	8	8

OCRA's statistics show improved service to Latino and Asian populations.

The types of problems which OCRA handles remain fairly consistent. For the time period covered by this report, OCRA handled 1,816 special education cases, 2,184 regional center matters, and over 200 cases each in the following categories: alleged abuse; conservatorships; consumer finance; family law matters; health issues; housing matters; income maintenance which includes Social Security, California Children’s Services, and In-Home Support Services, among others.

Lastly, the statistics once again point out the discrepancy between the number of cases that arise in any one regional center. OCRA believes that the number is affected by many factors, including but not limited to, the number of consumers served by the regional center, the level of experience of the advocate and the assistant advocate, continuity of staff, the willingness of a regional center to work cooperatively with OCRA in making referrals, the availability of other advocacy resources in the catchment area, and the effectiveness of OCRA’s outreach in a catchment area.

X. RECOMMENDATIONS FOR ENHANCEMENT OF SERVICES

The contract between DDS and PAI requires that on an annual basis PAI make recommendations to DDS as to methods of enhancement of the services that OCRA provides for regional center consumers. In the past, OCRA has expressed concerns about the number of consumers who request a greater level of service than OCRA is able to provide due to lack of sufficient staff. OCRA has been especially concerned that one advocate is mandated to serve the consumers of each regional center even though the number of consumers that a regional center serves may vary by thousands of people.

OCRA recognizes and is extremely appreciative of the fact that DDS has consistently supported this organization in its efforts to provide effective statewide advocacy to all consumers. When the state budget is more stable, OCRA will renew its efforts to increase its staff in order to more adequately protect the state's most vulnerable residents. In the interim, PAI remains appreciative of the state's on-going confidence placed in OCRA's ability to provide advocacy services to people with developmental disabilities.

XI. CONCLUSION

OCRA's statistics show its staff's continuing commitment to the protection of the rights of people with developmental disabilities. OCRA handled over 8,258 cases last year, provided 246 trainings to over 19,252 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.