

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Summer 2010

BENEFITS

IN HOME SUPPORT SERVICES

OCRA and Parent Work Together to Get IHSS for M.C.

M.C. is a person who was in need of In-Home Supportive Services (IHSS). M.C.'s mother contacted OCRA who provided the mother Disability Rights California's publication, "IHSS Nuts and Bolts." OCRA explained to M.C.'s mother in detail the documents she needed to obtain and what to expect at the in-home assessment.

OCRA also agreed to attend the in-home assessment by the county. The social worker from IHSS failed to show up on time and then questioned the necessity of the CRA's attendance at the in-home assessment. Prior to the assessment, M.C.'s mother had attended an IHSS training that OCRA conducted with a parent support group at the regional center. M.C.'s mother explained that the training was especially useful given the timing of M.C.'s IHSS application. In April, M.C.'s mother contacted CRA to inform her that M.C. had been approved for IHSS, including protective supervision for 195 hours per month. Katie Meyer, Supervising CRA, Jackie S. Chiang, CRA, Jazmin Romero, Assistant CRA, Lanterman Regional Center.

Adult Remains in His Own Home.

J.H. is a young man with mental retardation and some challenging behaviors. His mother applied for protective supervision through IHSS for J.H. since the mother was not able to work anymore due to J.H.'s need for supervision. J.H.'s mother takes care of J.H. full-time and sometimes pays someone to watch him at night so she can sleep. The IHSS social worker found that J.H. needed personal care services and related service and awarded 70 hours per month. The

social worker denied protective supervision. The social worker told the mother to purchase an electric gate out in the back so that J.H. “can’t get out,” and to make other “environmental modifications.”

The Assistant CRA helped the mother in filing for hearing, understanding the IHSS program and protective supervision, and completing the self-assessment packet. OCRA provided technical assistance to help the mother during her meeting with the appeals specialist from the county and prepare documents for hearing. After negotiating with the appeals specialist, the county awarded protective supervision and the client was able to avoid a hearing. Luisa Delgadillo, Assistant CRA, Westside Regional Center.

IHSS Denial Reconsidered on Appeal.

G.P. is a non-verbal 9-year-old consumer who applied for IHSS, including protective supervision, in July, 2009. G.P.’s family speaks Spanish only. The application was lost by the county, and then the denial was mailed to an incorrect address. The family finally received the denial notice on January 10, 2010, and filed an appeal.

A regional center-funded interpreter contacted OCRA for help. OCRA researched the details of eligibility and advised the parent to appeal. OCRA contacted the county appeals specialist who indicated the denial was based on the fact that the consumer was at school when the original assessment/home visit occurred. The county representative also stated there could be no IHSS eligibility because there had been no benefits application filed for Supplemental Security Income (SSI).

The county agreed to a conditional withdrawal and a new assessment after OCRA contacted it indicating that the application was only for IHSS. OCRA assisted in gathering documents regarding the consumer’s disabilities. The case is currently pending a disability determination from the state agency regarding the IHSS application. Doug Harris, CRA, Redwood Coast Regional Center.

County's Attempt to Stop Authorized Representative Fails.

C.M. is a consumer at one regional center but was recently placed in the catchment area of another. C.M. needs around the clock supervision so a regional center vendor applied for protective supervision from IHSS on C.M.'s behalf.

The county challenged the validity of the executed Authorized Representative Form, saying that if C.M. had the capacity to sign an Authorized Representative Form it meant that C.M. did not need protective supervision. The county also alleged that the vendor had a conflict of interest in representing C.M. at the hearing.

The county asked the ALJ to bifurcate the hearing with the issue of capacity to sign the Authorized Representative Form heard first and apart from the merits of the claim. The vendor contacted OCRA. OCRA explained that there is a legal presumption that C.M. had the capacity to sign the Authorized Representative Form.

OCRA later assisted the vendor in getting the regional center to take a leading role in advocating for C.M. C.M. is expected to get the IHSS protective supervision hours to which he is entitled. Jim Stoepler, CRA, Redwood Coast Regional Center.

T.B.'s IHSS and In-Home Nursing Services Are Restored.

T.B. is a young adult with significant developmental and physical disabilities. T.B. receives 283 hours of IHSS per month in addition to 124 hours of nursing provided by Medi-Cal. OCRA was contacted by T.B.'s mother and care provider when she received a notice that T.B.'s services were being suspended because of an ongoing fraud investigation. At the time she contacted OCRA, T.B.'s mother had not received payment from IHSS or Medi-Cal in over 2 months. T.B.'s mother was worried that she would not be able to keep her son living safely in the home much longer.

Because it was clear that immediate action was necessary, OCRA contacted the IHSS program director to request her intervention. After several discussions with the IHSS program

director, OCRA was able to ensure that T.B.'s services were restored and that T.B.'s care provider was paid for all of the services rendered. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

Q.N.'s IHSS Eligibility is Re-instated.

Q.N. is a teen-ager with autism who had been receiving 50.4 hours IHSS services. Q.N.'s mother received a notice of action from the Department of Social Services informing her that Q.N.'s IHSS services would be terminated as of November 1, 2009, due to the termination of Q.N.'s Medi-Cal services. Q.N.'s Medi-Cal had never been correctly terminated but the county failed to correct the mistake after several attempts from Q.N.'s mother to resolve the issue.

Q.N.'s mother contacted OCRA for assistance and OCRA helped Q.N.'s mother file for hearing, and agreed to attempt to settle the matter. After several calls to both the county hearing specialist and the IHSS local office supervisor, Q.N.'s IHSS eligibility was re-instated retroactive back to November 1, 2009. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

L.A. Awarded Protective Supervision Hours.

L.A. is a young adult with cerebral palsy and intellectual disability. L.A. applied for IHSS on July 8, 2009. After conducting an assessment, the county authorized 141.2 hours per month of IHSS. Although L.A.'s mother/conservator requested protective supervision hours, the county denied it based on its conclusion that L.A. is not mobile and that L.A.'s mental functioning in the areas of memory, orientation, and judgment is high. At hearing, the CRA provided evidence to the contrary. The ALJ concluded that L.A. is entitled to protective supervision based on the finding that he is able to crawl, lift himself up, and able to move around in a walker. The ALJ also concluded that L.A. is non-self directing, confused, and his mental functions are severely impaired, finding L. A. would be correctly ranked at the highest level of need in the categories of memory, orientation, and judgment. The county was ordered to rescind its denial of protective supervision and authorize 283 IHSS hours per month and provide retroactive benefits effective July 8, 2009.

Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

IHSS Granted.

G.F.'s mother was denied IHSS for her son over the phone so G.F.'s mother contacted OCRA for assistance. The Assistant CRA explained the IHSS eligibility and application process. Since G.F.'s mother had not received a written notice for the denial, the Assistant CRA suggested that G.F.'s mother contact a supervisor to request a written notice of denial. Once G.F.'s mother spoke to the supervisor, a meeting was arranged for G.F. to have an evaluation. G.F.'s mother contacted OCRA once again to prepare for the evaluation. The CRA met with G.F.'s mother and explained how to complete the self assessment chart and prepared her for the meeting. G.F.'s mother was successful in obtaining the maximum number of hours of IHSS to which G.F. was entitled. Marisol Cruz, Assistant CRA, Aimee Delgado, CRA, San Gabriel/Pomona Regional Center.

SOCIAL SECURITY

Benefit Cessation Overturned.

T.F. had been receiving Supplemental Security Income (SSI) for over ten years but when she turned 18, the Social Security Administration (SSA) determined that T.F. was no longer disabled and issued a disability cessation letter. With the help of her mother, T.F. filed for reconsideration but the cessation determination was upheld by the Hearing Officer who heard the reconsideration request.

T.F. contacted OCRA requesting assistance. OCRA agreed to represent and funded a psychological assessment. The assessment found T.F. to be highly distractible and unable to sustain a pace that allowed her to engage in Substantial Gainful Activity (SGA). This assessment along with the testimony of T.F., her independent living skills instructor, and her mother, was presented at hearing.

At hearing, the CRA requested that T.F. be excused from the hearing room after she testified on her own behalf. T.F.'s mother then testified freely about T.F.'s limitations and prior work experience.

Ultimately, based on the mother's testimony that T.F. was unable to sustain a satisfactory pace in a work situation, the vocational expert determined that T.F. was unable to work, even in an unskilled repetitive job. The ALJ issued a favorable decision and T.F.'s benefits were reinstated. Matt Pope, CRA, Eastern Los Angeles Regional Center.

\$75,000 Social Security Overpayment Waived.

M.M. started working at a home repair store with a supportive employment agency. He was receiving Social Security. M.M. thought the supported employment agency was reporting his wages to the SSA. The agency failed to report the wages. M.M. received a notice stating that he had a \$75,000 overpayment from the SSA.

M.M. contacted OCRA. OCRA investigated the issue and represented M.M. at a hearing. OCRA argued that M.M. was without fault because the supported employment agency should have been reporting the wages. The ALJ agreed that M.M. was without fault and that repayment of the money would be an undue hardship. The \$75,000 overpayment was waived.

OCRA is now working with the regional center to educate service coordinators on the importance of identifying in the IPP which agency will assist the client in reporting wages to SSA. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

OCRA Supports Consumer and Family in SSI Overpayment Case.

A.K. is a minor who had been attending a residential school for several years. At one point, A.K.'s parents received a letter from the SSA stating that A.K. was not a California resident and therefore had an overpayment.

A.K.'s parents contacted the SSA and were given information implying that this issue would be resolved. Several years later, the parents received another letter about the same overpayment. They filed a Request for Reconsideration and Waiver. After not hearing anything from SSA, they assumed again that the issue had been

resolved. Then the parents received another notice regarding the overpayment and asked OCRA to intervene.

OCRA filed new papers. After many months of procedural issues, OCRA represented at hearing. A.K. prevailed and the overpayment was waived. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

Student Maintains Public Benefits.

A.N. is a high school student who gets paid for his work training classes. The SSA redetermined A.N.'s eligibility and decreased his benefits due to his income. OCRA went with A.K. to the SSA and explained that A.K.'s income did not count because he was a student. The outcome of the meeting was favorable and A.K.'s benefits were increased due to recalculation. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

MEDI-CAL

M.A. Regains Zero-Share of Cost Medi-Cal.

M.A. is a regional center client who recently began receiving Social Security benefits on her deceased father's earnings account as a Disabled Adult Child (DAC) recipient. OCRA was contacted by M.A.'s supported living provider because he was concerned about M.A.'s notice of a \$610 Medi-Cal share of cost (SOC). M.F. needs her entire benefit amount to continue living safely in her own apartment with supported living services.

For several years, OCRA has worked hard to ensure that recipients of "Disabled Adult Child" or DAC benefits get the zero-share of cost Medi-Cal to which they are entitled. Consumers who lose financial eligibility for SSI because of an increase in DAC are treated for Medi-Cal purposes as if they still received SSI.

In this case, OCRA appealed the notice of action assigning a SOC and was able to get the county to review M.A.'s file and correctly assign her a zero SOC without going to hearing. Anna Leach-Proffer,

CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

L.R. Can Now Communicate with Other People.

L.R. is unable to verbally communicate due to his cerebral palsy, but is able to use a pinky finger to operate a speech generating device. L.R. had an older device that was no longer working, and L.R. was not able to communicate with anyone. L.R. obtained an assessment from a speech expert, and requested the device recommended by the expert. L.R. was denied a communication device from Medi-Cal.

L.R. appealed the denial. OCRA assisted L.R. in preparing for hearing, and worked with the speech expert to provide a position statement and expert testimony. The ALJ ordered the county to provide a speech generating device assessment. A few months later, the county conducted a cognitive assessment. The speech therapist wrote a letter to the county demanding an explanation as to why it had conducted a cognitive assessment and had not complied with the ALJ's order to conduct the speech generating device evaluation. The Director of Medi-Cal reviewed the case and approved the speech generating device. L.R. is now able to communicate. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

C.E. Will Keep Her Zero-Share of Cost Medi-Cal.

C.E. is an adult who lives with her mother and sister. C.E. had received Medi-Cal coverage under the HCBS waiver program as a child. When C.E. turned 18, she was taken off the waiver program and received a notice of action from Medi-Cal stating that her medical coverage would have a share-of-cost due to the Medi-Cal Family Budget Unit (MFBU) of 3 and the family going over the income limit for zero share-of-cost. C.E.'s mother appealed immediately to preserve C.E.'s aid paid pending rights. C.E.'s mother then contacted OCRA for assistance. After reviewing the file, the Assistant CRA agreed to attempt to negotiate with the county hearing specialist. The Assistant CRA argued that C.E. is eligible to be her own MFBU of one since C.E.'s mother agreed not to claim C.E. as a dependent on her income taxes. As a MFBU of one, C.E. would then

meet the income limits for zero-share of cost Medi-Cal. Also, Medi-Cal failed to acknowledge in its file that C.E. is a person with a disability (PWD) and, therefore, had her under the wrong service code and never conducted a disability determination. After providing that information to the hearing specialist, the hearing specialist offered a conditional withdrawal remanding the file back to the county for corrections and informed the county that C.E. is eligible for zero share-of-cost Medi-Cal. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

CONSUMER FINANCE

Court Dismisses County Hospital Claims against J/Z.

J.Z. is a young man diagnosed with mild mental retardation. J.Z. was hospitalized for pneumonia in May, 2006. Neither the hospital social worker nor the regional center case manager assisted the family in completing the necessary Medi-Cal application to acquire coverage to pay for J.Z.'s county hospital medical services.

In January, 2010, the county filed a lawsuit to recover unpaid medical expenses in the amount of \$28,586.49. OCRA investigated the case and confirmed that J.Z. was receiving SSI and Medi-Cal. He had no other source of income and no assets.

OCRA filed an answer to the complaint and advocated for the county to dismiss the case and take no further action against J.Z. The claims made by the county hospital were subsequently dismissed. Gail Gresham, Supervising CRA, Sacramento, Leinani Walter, CRA, Filomena Alomar, Assistant CRA.

EARLY INTERVENTION

Toddler Prevails in OAH Administrative Hearing.

R.E. is a two-year-old with Downs Syndrome. She was receiving O.T., P.T., and Speech and Language services as part of her Individual Family Service Plan (IFSP.) Her parents were notified by the regional center that due to changes in the law, private insurance

would have to be used before the regional center could continue to pay for R.E.'s services. The parents contacted their insurance and were told that there would be a large deductible and co-pay.

OCRA was contacted and agreed to represent the toddler at an administrative hearing. The ALJ determined that a family could not "use" their private insurance until it had exhausted the deductible, which this family had not yet done. Therefore, the regional center was responsible until that time. The ALJ noted that until the deductible was reached, the issue of co-pays could not be considered. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

HOUSING

Foster Placement Remains Secure.

B.O. had lived in the same foster home since birth. He was an integral member of the family and wanted to remain with it. B.O. had changed school placements several times due to behavioral issues and was presently in a stable non-public school placement. His psychiatrist notified the regional center that B.O. needed an increased level of supervision and needed to be moved. Both his foster family and the regional center were opposed to moving B.O. away from his family and school. B.O. contacted OCRA and asked for assistance.

OCRA scheduled a meeting with the school, regional center, foster family, county mental health agency, and other support services involved with B.O. At the meeting, the psychiatrist stated that she thought B.O. should be put on a 6500 and moved. OCRA and the regional center argued that B.O. did not meet any criteria for a 6500, that the regional center would not initiate a 6500, and that if B.O. needed increased supports, they would be provided.

B.O.'s foster mother stated that B.O. did not have behavioral issues at home and that he was considered a member of the family. In fact, one of the foster mother's children wanted B.O. to live with her family when his foster mother was no longer able to care for B.O. As a result of the meeting, B.O. was given a new psychiatrist and his

placement remains secure. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

Consumer Moves from Developmental Center.

J.D., after living for 15 years at Porterville Developmental Center (PDC), wanted to know what life was like in the community. He did not want his cerebral palsy and medical issues to interfere with living in a real home.

As a direct result of the continued advocacy of OCRA, J.D. is now out of PDC. J.D. is currently living in a “962 Home,” which are homes that provide special medical services in the community. J.D. has continuous nursing services at his new home, including tracheotomy care, g-tube care, specialized bathing equipment, and numerous other supports. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

PERSONAL AUTONOMY

Reasonable Accommodation for Credentialing Exam.

K.I. is 43-years old, and a regional center consumer with cerebral palsy. K.I. took the California Basic Educational Skills Test (C-BEST) several times in an attempt to become credentialed as a teacher. K.I.’s education was being funded through the Social Security PASS program, but he was running out of time to complete his program of study. K.I. was unable to complete the test without an accommodation to allow him extra time to take the test. He also needed assistance to physically perform the test in the time allowed due to his disability. K.I. contacted OCRA after his request to use his adapted computer with “Math Talk” and “Dragon Speak” was denied. The accommodation of a scribe was offered, but did not work out due to the time limitations and the physical demands of taking the test.

OCRA assisted K.I. with submitting a reasonable accommodation request to challenge the denial of voice recognition software. With OCRA’s technical assistance, K.I. was able to successfully advocate for himself and get the reasonable accommodations he needed to

take the C-BEST exam, and proceed with his education plan. Andy Holcombe, CRA, Far Northern Regional Center.

Discharge Plan from a Nursing Facility to Community Placement Is Secured.

S.H. is a non-conserved adult with cerebral palsy who uses a wheelchair and is non-verbal. S.H. has been living in a skilled nursing facility due to the insertion of a J tube. Although he is non-verbal, S.H. uses sign language to communicate “yes” and “no”. He is able to communicate his wants and needs when asked.

S.H.’s mother contacted OCRA on S.H.’s behalf, due to concerns she had regarding him living in a nursing facility. When the CRA met with S.H. he communicated that he wanted to live with people his own age. OCRA contacted the regional center, S.H.’s parents and the nursing facility administration and requested a meeting to draft a discharge plan. OCRA advocated for a discharge plan with objectives that would move S.H. into a less restrictive environment. The ultimate objective of the discharge plan is to transition S.H. into an ICF-DDN and then into a small group home that has intermittent nursing care. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

T.O. Advocates for His Right to Choose Where He Lives.

A regional center service coordinator contacted OCRA because the service coordinator was concerned that T.O. was being coerced to move by his family. T.O. is a male with intellectual disabilities and is deaf. His family knows ASL and has been a good support system to him for many years. But, more recently the family decided to move to Maine and wanted T.O. to go with them.

T.O. began expressing to his care provider that he did not want to move. T.O. asked her to tell his family to stop asking him to move. OCRA met with T.O. with an ASL interpreter to explain to T.O. his personal rights. During the meeting, T.O. expressed he did not want to move to Maine. T.O. asked OCRA to tell his family to stop asking him to move.

OCRA requested a meeting with T.O., the regional center, T.O.'s care provider and his family. During this meeting, the CRA explained to everyone that T.O. cared very much for his family but did not want to move with them to Maine.

A month later, T.O.'s family contacted OCRA to explain that T.O. changed his mind. OCRA met with T.O. again and he explained again that he did not want to move. He explained that he told his family he did, because they cried and made him feel bad. The CRA explained to T.O. his rights again. OCRA then mailed a letter to everyone involved explaining that T.O. has made his decision not to move and that this decision must be respected. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Conservatorship Petition Dismissed.

P.J. was an adult living in her family home and was afraid all the time. She had endured many types of abuse. She was denied the right to use the phone, to dress in private, and sometimes even denied food. P.J. finally got the courage to speak out when she found her family was petitioning to have her conserved. P.J. contacted OCRA.

P.J. was able to move from her home to a safe environment. OCRA provided technical assistance to the Public Defender representing P.J. in the conservatorship case. The conservatorship petition was denied. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

REGIONAL CENTER

M.C. Receives Needed Services and Is Re-Admitted to His Day Program.

M.C. was re-admitted to his day program after being indefinitely suspended for inappropriate sexual behavior. The day program staff and OCRA worked together with the regional center to determine what services M.C. would need before he was able to return to the program.

OCRA attended meetings and negotiated with the regional center and the day program administration to ensure M.C. was provided with the services needed to understand his feelings and control his behaviors. After negotiations, the regional center agreed to provide M.C. with sexuality training and 1:1 behavior services to teach M.C. the skills needed to be successful in the community and his program. Katie Hornberger, Supervising CRA, Kendra McWright, CRA, Abigail Perez, Assistant CRA, Harbor Regional Center.

Increased Respite Approved.

S.C. has intellectual disabilities and autism. He resides with his mother. Because of his behavior problems, S.C.'s day program could no longer provide adequate services and keep other consumers safe, so S.C. was removed from his day program. In addition, S.C.'s maternal grandfather is 90 and has health problems and S.C.'s mother had to go to Arizona to care for her father.

In July, 2009, the California legislature reduced in-home respite to 90 hours per quarter, unless someone met an exemption. S.C. mother/conservator was notified that respite would be reduced from 120 hours per quarter to 90 hours per quarter. She repeatedly asked the service coordinator if there was an exception and was told there were no exceptions.

The regional center issued a notice of action reducing respite and stated that there would be no aid paid pending because the mother had agreed to the reduction of respite. S.C. requested help from OCRA.

OCRA filed a Fair Hearing Request and a Motion for Aid Paid Pending with the Office of Administrative Hearings. The regional center opposed the motion claiming that the regional center had no duty to notify S.C. of the exemptions to the new law or the right to a Fair Hearing. The Hearing Officer ruled: "Whether or not claimant's mother may have orally agreed to the reduction of claimant's respite hours during the telephone calls, any such consent cannot be deemed to be informed or valid in the absence of an explanation of section 4686.5's exemption criteria or claimant's due process rights to challenge RC's determination that the exemption criteria did not apply

to claimant. The information that was provided to claimant's mother was inadequate and cannot be relied upon as a basis for denying claimant aid paid pending. 120 hours of respite per quarter is awarded during pendency of proceeding.”

S.C.'s respite was immediately restored to 120 hours and the regional center agreed to continue providing this amount of respite until S.C. agreed to modify his IPP or the regional center issued a notice of action. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

Extraordinary Circumstance Necessitates Increased Respite.

A.A. is 10 years old. She currently lives with her mother and sisters who are 27 and 16. A.A.'s father works out of state and spends minimal time with this family. Both of A.A.'s sisters have been diagnosed with cancer. The oldest sister is in the late stages of cancer with little hope for survival. The middle sister was recently diagnosed. The mother contacted the regional center service coordinator to request additional respite hours as A.A. was having difficulty as her mother has less time to spend with her given the increased needs of her other children. The services coordinator did not respond.

The mother contacted OCRA and requested assistance obtaining more respite. The Assistant CRA contacted the supervisor and arranged an IPP meeting. By the end of the meeting, the regional center agreed to provide 6 hours per day of respite as an exception to the 90 hours per quarter cap. Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

R. G. Keeps His Respite Hours.

R.G. is a minor male who lives with his parents and requires total care due to his disability as a result of an accidental asphyxiation when he was younger. R.G. was receiving 68 hours per month of LVN respite funded by the regional center, and it proposed to reduce his respite to 30 hours a month, as a result of the recent trailer bill changes in the law. The mother appealed and contacted OCRA for assistance. The Assistant CRA agreed to review the case and

represent at an informal hearing. At the informal hearing, the Assistant CRA discussed R.G.'s need for the additional hours. The regional center agreed to settle the matter by reinstating the 68 hours of respite pending the exploration and approval, if possible, of generic resources such as IHSS and Medi-Cal EPSDT services. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

Regional Center Agrees to Provide Supportive Living Assessments.

After fourteen years of living in the same home, C.M. had to move to an Intermediate Care Facility (ICF) on a temporary basis because the group home in which C.M. lived closed. C.M. did not like the ICF and wanted to continue living with her group home roommates. Before she moved out of the group home, OCRA agreed to represent C.M. at an IPP meeting to request a supported living assessment. At the IPP meeting, the regional center agreed to provide C.M. with three assessments from supported living vendors. After agreeing to the assessments, the regional center decided it needed to have a Person Centered Planning meeting to better determine what C.M.'s choices and preferences were in the community. OCRA represented C.M. at the Person Centered Planning meeting in which she expressed that when she moved into her own supported living apartment, C.M. wanted to continue living close to her father so she could visit him. She also stated that she wanted to continue attending the same day program she had been going to for many years. Additionally she stated her desire to plan menus, go grocery shopping and take trips to the local shopping mall. C.M. has now been assessed by two supported living vendors. OCRA and the regional center will be working together with C.M. to determine which vendor can best provide the appropriate services to meet her needs in a supported living setting. Kathy Mottarella, CRA, Gina Gheno Assistant CRA, Tri-Counties Regional Center.

OCRA Advocates for Supported Living Services.

Y.C. had been living in a Level-4 Group Home. She requested supported living services and wanted to move to an apartment where all of the residents receive supported living services. The regional

center notified her that the move was not cost effective and could not be approved.

OCRA assisted Y.C. in filing a hearing request. OCRA and the regional center began negotiations before the informal meeting while the regional center reviewed the cost. Y.C. was notified that the issue had been resolved and that she would be able to move to the apartment she had requested. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

B.M. Becomes Eligible for Regional Center Services Based on Autism.

B.M. is a 15-year-old boy who had been denied regional center eligibility twice before. The previous denials were based on the regional center's psychologist's determination that B.M. only exhibited characteristics consistent with mild Pervasive Developmental Disorder (PDD) rather than autism. The regional center pointed to B.M.'s higher cognitive ability and functioning, his mental health issues including anxiety and depression coupled with B.M.'s apparent normal speech development.

In addition, throughout his development, B.M. had been diagnosed with PDD and/or Aspergers syndrome, all of which are considered to be in the autism spectrum, which the regional center argued were not qualifying conditions for regional center eligibility. OCRA agreed to represent B.M. at hearing. The parent obtained an independent psychological evaluation which concluded that B.M. was autistic.

To further corroborate the psychologist's conclusions, OCRA also obtained an independent speech and language evaluation which found that although B.M. had a functional communication system and was able to create sentences which conformed to adult rules of grammar, B.M. had significant deficits in the area of pragmatic language. Pragmatics refers to B.M.'s ability to use language appropriately especially in the ability to engage in reciprocal social conversations. In ruling in B.M.'s favor, the ALJ concluded that B.M. was substantially disabled by autism and qualified for regional center services. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

Two Brothers Found Eligible for Regional Center Services.

R.C. and M.C., brothers, were denied regional center eligibility twice by regional center psychologists even though the results of their testing placed them within the range of mental retardation. Both boys qualified for special education services as students with intellectual disabilities since the age of 3. Both boys had recently been adopted and their adoptive parent contacted OCRA for assistance with the boys' regional center eligibility.

Based on a review of all documentation related to both boys, OCRA contacted the last psychologist who had assessed the boys in the foster care system. The psychologist agreed to reexamine her assessment and review the assessments from the regional center psychologists. She wrote new assessments which concluded that both boys should be eligible under the category of mental retardation. OCRA submitted the boys' records to the regional center for a new eligibility determination. Although the regional center initially denied eligibility, after OCRA filed an appeal and attended the informal meeting with the adoptive parent, the regional center reversed its decision and made both boys eligible. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

SPECIAL EDUCATION

P.K. Obtains Needed Special Education Supports.

P.K. is a 9-year-old boy with autism. His mother requested assistance from OCRA for an Independent Education Program (IEP) meeting as her son was having behavioral problems. She believed that the district was ignoring P.K.'s sensory needs which lead to his behavioral problems. OCRA represented P.K. at the IEP meeting. The district agreed to document the need for sensory related services and incorporated a special diet into the IEP. They also agreed to provide speech therapy services during the Extended School Year for the purpose of addressing P.K.'s need to continue developing his social skills. The IEP team revised the behavior support plan and edited the student goals to be more measurable. P.K.'s supports are

much more appropriate following the IEP. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OCRA Secures IEP Support Services.

C.G. has autism and has always done well academically in school. His parents contacted OCRA after the school contacted the police and had C.G. arrested because he made sexual gestures and patted a female student on the buttocks. Despite the fact that C.G. had a history of acting in a sexually inappropriate manner, his behavior plan only dealt with him making excessively loud noises in class.

After his arrest and suspension, the school offered to do a Functional Behavioral Analysis (FBA), rather than the more precise and in-depth state standard, of a Functional Analysis Assessment (FAA). The school also recommended changing C.G.'s placement to home schooling. Additionally C.G. was being bullied at school on a daily basis and the school was making no attempt to stop the bullying, despite having knowledge that it was taking place.

OCRA provided direct representation at three IEP meetings over a four month period. Because English was a second language for C.G.'s mom, OCRA requested and the school provided a Spanish interpreter at the IEP meetings. After attending the first IEP meeting on C.G.'s behalf, OCRA also got the school to provide an independent facilitator at all of C.G.'s IEP meetings.

OCRA negotiated a settlement agreement whereby the school agreed to fund the parents' choice of an independent psychologist to act as the Behavior Intervention Case Manager who would oversee an FAA and develop a Positive Behavior Intervention Support Plan for C.G. OCRA's advocacy also resulted in the school providing counseling services, a full-time 1:1 aide so that C.G. could continue to be educated in a mainstream classroom, and an extensive school-wide plan to address the bullying issues. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

District Agreed to Permit County Student to Participate in High School Graduation Ceremony.

B.R. was a special education student on a certificate of completion track in the County Educational program. B.R. was a senior. His twin brother was also in special education as a student on a certificate of completion track in the district special education program. Both students attend school on the same high school campus. B.R.'s twin received a cap and gown to participate in the graduation ceremony. However, B.R. was excluded from the graduation ceremony due to the Office of County Education's policy. OCRA contacted the principal of the high school, who agreed to allow B.R. to participate in the high school graduation ceremony with his brother. Rita Defilippis, CRA, San Andreas Regional Center.

K.D. Gets Appropriate IEP.

K.D.'s mother knew something was not right with her son's educational services. K.D., who is 9-years-old and has an autism spectrum disorder and intellectual disabilities, was not meeting his IEP goals and did not seem to have any support from the school.

OCRA reviewed all of K.D.'s records and sent a request to the district to obtain assessments in many educational areas of suspected need. After one IEP meeting, but before the assessments were completed, OCRA was able to get the district to agree to offer K.D. extended school year, which the district had denied in the past. The district completed the assessments and held another IEP.

K.D. was able to get 60 minutes per week of speech therapy and a more appropriate placement in general education with resource support for next year. K.D.'s mother and OCRA participated in writing more appropriate goals for his education next year, and K.D. was able to select the teacher for next year who would work best to meet K.D.s needs. Katie Meyer, CRA, Westside Regional Center.

School District Withdraws Complaint against G.R.

G.R.'s mother was informed by the translator at the triennial IEP that she was not able to translate everything that was being said. G.R.'s

mother signed G.R.'s IEP without understanding what was on the document. When G.R.'s mother realized that G.R.'s 1:1 aide had been taken out of the classroom, the mother requested a meeting to revoke her consent to the IEP. When G.R.'s mother told the school district G.R. required the 1:1 aide, the school district filed a Due Process Hearing against G.R. G.R.'s mother contacted OCRA and requested assistance. OCRA agreed to represent G.R. at mediation after OCRA reviewed the IEP and noticed that assessments had not been conducted for the triennial IEP or before the District removed the 1:1 aide. The ALJ failed to appear for the mediation. At an informal meeting, OCRA was able to convince the school district to withdraw its complaint as well as provide the needed assessments that had not been done. G.R. will now be given the opportunity to be fully assessed, continue his 1:1 aide, and to participate with his class once again. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

Student Gets Appropriate Behavior Assessment.

J.P.'s mother contacted OCRA for assistance as J.P. often has difficulty demonstrating appropriate behavior during school. OCRA represented J.P. at four IEPs during May-June 2010. Due to the District's failure to appropriately address J.P.'s continuous, serious behavior, a non-public agency (NPA) FAA was requested. The District offered a FAA provided by school staff. OCRA made a written request for Informal Dispute Resolution (IDR) on behalf of the student to resolve the provision of the FAA by school staff or a NPA. The District considered the information and rationale offered by OCRA in the IDR request and subsequently agreed to provide J.P.'s parent an assessment plan, fund a non-public agency (NPA) FAA in September, 2010, and hold an implementation IEP meeting by December 17, 2010. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

School District Hires Outside Agency to Train Staff.

M.C.'s parents had concerns regarding his treatment at school after he was found unattended. The parents were concerned about the teacher and aide's lack of training and ability to work with a child with

autism. After many efforts to work with the school, M.C.'s parents contacted OCRA.

OCRA provided direct representation at IEP meetings. OCRA negotiated a settlement agreement whereby the district agreed to fund the parents' choice of an outside applied behavior analysis (ABA) agency for 20 hours to train M.C.'s teacher and classroom aide. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

OCRA Prevents Expulsion and Assists with Appropriate Placement.

R.P. was being expelled from school. OCRA represented at the manifestation determination meeting, which is the IEP meeting held to determine if a student is being expelled due to behavior associated with a disability. As a result of advocacy efforts, the school district agreed that R.P.'s behavior was a product of his disability.

OCRA was contacted to represent at a second IEP to discuss placement. R.P.'s parents wanted his placement changed since he was at a school for emotionally disturbed children. The district agreed to transfer R.P. to a special day class on a general education campus and to continue all of R.P.'s services on the new campus. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

IEP Support Services Obtained to Stop Bullying.

C.M. is a 13-year-old boy with autism and learning disabilities who attends junior high school. C.M. was bullied with verbal and physical assaults by peers during school for several months. As a result, C.M. had severe anxiety and was fearful of returning to school. C.M. received psychiatric treatment and even wanted to quit school and be home-schooled.

OCRA represented C.M. at an IEP meeting. OCRA advised the school of its responsibility to keep C.M. safe while in school and to ensure that C.M. was getting a free and appropriate public education. C.M.'s IEP goals and general education schedule were revised to

provide him support services throughout the day to ensure that C.M. was receiving an appropriate program. C.M.'s parents were provided with the school principal's home phone number so all alleged bullying incidents could be immediately and directly reported to him so that he could take prompt and appropriate action.

Both counseling and behavior services and supports were included in the IEP to increase C.M.'s social skills and improve his self-esteem. In addition, the school staff agreed to identify peers to "buddy-up" with C.M. to provide natural supports during the school day and to add sensitivity training to the classroom curriculum. It was agreed that the resource program in the fall would include a counselor and psychologist for C.M. to access regularly. C.M. was given a choice of social/peer groups so he could remain included in campus activities and expand his social network. Leinani A. Walter, CRA, Valley Mountain Regional Center.

Further Suspensions Prevented.

OCRA was contacted because L.J. was constantly being suspended from school. OCRA provided direct representation at three IEP team meetings. The school district agreed that L.J.'s behavior was related to his disability. The school district agreed to assess L.J. and to develop a behavior plan. The district also agreed to provide L.J. with a shadow aide. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

OCRA Advocates for Special Education Services in Rural Area.

The school district in a rural area of California was not addressing or meeting the needs of J.R. J.R.'s mother believed that his health and safety were at risk because of the school district's failure to provide adequate care and supervision. OCRA represented J.R. at multiple IEP meetings along with his Spanish-speaking mother.

J.R. has a complex neurological condition that can interfere with brain and spinal cord function. He also has a feeding tube that was surgically implanted. Both conditions require intensive monitoring and intervention by trained staff.

As a result of OCRA advocacy efforts, the school district agreed to provide J.R. with a CPR certified 1:1 aide and a nurse who could properly manage the J-tube. The district also agreed to conduct a functional behavior analysis to address J.R.'s behaviors in the classroom and to fund a program to improve J.R.'s reading and comprehension skills. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Ana Pelayo, Administrative Assistant.

Student Gets 1:1 Aide, New Classroom, and Counseling Services to Stop Effects of Harassment.

M.C. was a student in a transition program at her local high school. She began complaining that one of the aides in her class was harassing her. She began having problems sleeping, complained of physical symptoms, and refused to go to school. Her mother attempted on several occasions to meet with school personnel in order to discuss this issue. Nothing was resolved in the meetings.

OCRA was asked to attend an emergency meeting to discuss placement. At the meeting, the district offered to place M.C. in another classroom, to instruct the offending aide not to communicate with M.C., to provide a 1:1 aide during the transitional period, and to provide counseling services for M.C. The district further agreed to look for a 1:1 so that this transfer could take place during the extended school year. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

OUTREACH/ TRAINING

OCRA Self-Advocacy Training Is Ongoing.

OCRA presented a training at an Arc day program in San Joaquin. The program provides assistance in helping consumers achieve life goals and objectives. It focuses on consumer empowerment in making daily decisions, community integration, and learning basic self-advocacy skills.

The goals of the consumers and the program were served well by the OCRA Self-Advocacy Bingo game. Thirteen people plus staff

participated in the game using personal communication systems in a room full of good times and laughter. Each person won several prizes following several Bingos and a final prize for covering the entire card. Filomena Alomar, Assistant CRA, Valley Mountain Regional Center, Gail Gresham, Supervising CRA, Sacramento.

OCRA Conducts Outreach throughout the Central Valley.

OCRA has been conducting outreach throughout the Central Valley. To implement its goal of targeting the Latino population, OCRA has conducted introductory outreach activities on various topics including special education and regional center services to the Firebaugh Parent Advocacy Project, the Fresno City College Disability Awareness Day and EPU.

OCRA has also conducted substantive outreach trainings to “Speak Up Speak Out”, the Central Valley Regional Center and The Tule River Indian Tribe of the Tule River Reservation in the areas of the state budget cuts and special education.

OCRA also conducted self-advocacy outreach activities including an emergency preparedness training. Last year, OCRA conducted over 11 different trainings for consumers living in the Central Valley. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

Self-Advocacy Training in Stockton.

Consumers in Stockton at the Casa Del Sol facility enjoyed a training with a DVD and discussion about community living options. This was the first training under a settlement agreement that the Department of Developmental Disabilities and Disability Rights California entered into to settle a class action law suit whose goal was to release people from institutions. DDS provided My Own Choice Sticker Books for each participant. The Sticker Book is a tool used to help individuals express their personal decisions about preferred living options.

Consumers were encouraged to discuss their dreams and goals. One client said that one day she wanted a place of her own. Another person said she was really happy that we were helping her make her

own choices. Staff from Disability Rights California completed intakes. Two people specifically requested assistance. They were both release from the facility shortly after the visit. Leinani Walter, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center, Gail Gresham, Supervising CRA, Sacramento, Daniel Meadows, DD PSAU, Disability Rights California.