

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

January--June, 2012

BENEFITS

IN HOME SUPPORT SERVICES (IHSS)

L.A. Recovers His Full IHSS Benefits.

For years, L.A. has received 283 hours of IHSS because of his severe impairment. Due to a reassessment administrative error, the hours that were supposed to be allocated for protective supervision were allocated for paramedical services. When these hours were reviewed by the county, a decision was made that L.A. did not require that many paramedical hours and reduced his hours to 195. L.A.'s mother appealed the decision in time to qualify for aid-paid-pending (APP); however, it was never awarded. L.A.'s mother tried to explain the error to the County hearing specialist and inquire about APP, but was unable to resolve the issue.

The Associate CRA contacted the hearing specialist and discussed the County's non-compliance regarding APP and the error in awarding a maximum of 195 hours to a severely impaired recipient. The hearing specialist agreed that L.A. is severely impaired but stated he did not have the authority to resolve the issue. That same day, the Associate CRA and L.A.'s mother met with the hearing specialist. After the Associate CRA informed the hearing specialist of L.S.'s right to resolve the issue by means of a conditional withdrawal, the hearing specialist reinstated L.A.'s hours to 283 retroactive to the initial date of reduction to assure payment for APP. Veronica Cervantes, CRA, Beatriz Reyes, Associate CRA, Katie Hornberger, Supervising CRA, Inland Regional Center.

6-Year Old Receives Protective Supervision.

M.H. is 6-years old and is a person with autism. The county social worker determined that, “all six year old (*sic*) children require constant supervision and that this child’s need for supervision was comparable to that of a normal child his age.” Protective supervision was denied. OCRA provided technical assistance. At the hearing, the evidence established that the child was at risk for self-injury and could not recognize potential dangers. The Administrative Law Judge (ALJ) noted, “A minor must not be denied protective supervision based solely on age or solely because the minor has had no injuries at home due to mental impairment, as long as the minor has the potential for injury.” Jim Stoepler, CRA, Gail Gresham, Supervising CRA, Redwood Coast Regional Center, Ukiah.

M.G. Obtains 195 Hours of IHSS.

M.G.’s mother contacted OCRA seeking assistance with obtaining protective supervision through the IHSS program. OCRA agreed to provide direct representation at an administrative hearing to challenge the County’s determination that M.G. was ineligible to receive protective supervision services. Following the hearing, the ALJ ordered that M.G. receive IHSS in the amount of 195 hours per month because M.G. requires protective supervision to remain safely at home. Ibrahim Saab, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, North Los Angeles County Regional Center.

Services Reinstated.

G.F. had been found eligible to receive IHSS for two years, but following an annual review his eligibility was terminated due to incorrectly completed forms submitted by his doctor. G.F.’s mother contacted OCRA for assistance. OCRA advised G.F.’s mother to appeal and resubmit requested forms to both the county worker and appeals specialist. Though G.F.’s mother timely appealed, aid paid pending the hearing was not provided. OCRA provided ongoing technical assistance to G.F.’s mother while G.F.’s mother communicated with the appeals specialist. The appeals specialist offered a conditional withdrawal but G.F.’s mother decided to go forward with the scheduled hearing. The CRA met with G.F.’s mother

to prepare her for hearing. At the hearing, a re-evaluation was ordered to take place within 30 days. Following the hearing, G.F.'s mother received a revised notice of action reinstating eligibility along with retroactive payment. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, Irma Wagster, Supervising CRA, San Gabriel/Pomona Regional Center.

J.G.'s Mother Receives Documents in the Correct Language.

After several unsuccessful attempts to contact IHSS, J.G.'s mother contacted OCRA for assistance with obtaining IHSS documents in Spanish. The County kept sending documents in Vietnamese. J.G.'s mother called the social worker and the IHSS office to resolve this issue several times. OCRA contacted a supervisor at IHSS to assist the parent in obtaining the correct documents so that she could submit her timesheets for 3 months. J.G.'s mother confirmed that she received the correct documents and received payment for service hours. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

Parent Prevails after 3 Year Effort.

H.F.'s mother filed an appeal based on a December, 2009, annual reassessment that authorized 14 hours per month of IHSS services. H.F.'s mother believed there was a need for over 100 hours. OCRA worked with the county appeals specialist who agreed to do a reassessment. The second reassessment in 2010 authorized an increase from 14 to 43.4 hours. H.F.'s mother disagreed and filed another appeal. OCRA again worked with the appeals specialist who agreed to a conditional withdrawal in exchange for another reassessment. At the third reassessment in early 2011, the hours were increased to 66.2 per month. H.F.'s mother continued to disagree and filed yet another appeal. OCRA contacted the appeals specialist, who agreed to another conditional withdrawal in exchange for a fourth reassessment. In April, 2011, a new IHSS social worker and nurse conducted an assessment and authorized an increase from 66.2 to 110 hours per month. H.F.'s mother was also awarded \$12,640 in retroactive pay. Mary Melendrez, CRA, Christine Armand, Associate CRA, Katherine Mottarella, Supervising CRA, South Central Los Angeles Regional Center.

Hours Increased from 41 to 195 Hours per Month.

J.G. is a 15-year-old with autism and an intellectual disability. His mother contacted OCRA in December, 2011, about a notice of action regarding J.G.'s IHSS hours. Despite the fact that J.G.'s mother requested a reassessment, the social worker increased J.G.'s IHSS hours slightly for a total of 41 hours per month. OCRA assisted the mother with requesting records from the regional center and discovered in reviewing J.G.'s records that J.G. should qualify for protective supervision.

OCRA agreed to represent J.G. at a hearing and provided the parents with the self-assessment log. The Assistant CRA met with the parents and assisted them with filling out a detailed log.

Prior to the hearing, J.G.'s IHSS social worker contacted J.G.'s mother to offer 195 hours of IHSS, including protective supervision retroactive to the date of application. Jackie Dai, CRA, Lucy Garcia, Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center.

MEDI-CAL

Speech Therapy Reinstated for 7 Youngsters.

Seven young people received Notices of Action from the new Medi-Cal managed care provider in their county. The managed care provider terminated speech therapy services on the basis that the school was the primary speech therapy provider and that speech therapy was not medically necessary. Each client had benefited significantly from speech therapy. Some consumers had begun to speak as a result of intensive speech therapy intervention. Other consumers became less frustrated when they learned how to use assistive communication devices.

The problems with the managed care provider appeared to be systemic. OCRA worked with Disability Rights California regional office staff (DRC) in order to comprehensively address the problems being faced by multiple consumers. OCRA and regional office staff

negotiated with the managed health care plan and convinced the health plan to rescind the defective notices and to recognize that the primary source of speech therapy was the managed health care plan. The speech therapy services for all 7 people were reinstated. Jim Stoepler, CRA, Gail Gresham, Supervising CRA, Redwood Coast Regional Center, Ukiah.

Medi-Cal and IHSS Services Are Reinstated.

S.Z. is a 5-year-old girl with Down syndrome. She has Medi-Cal through the Developmental Disabilities Waiver. S.Z. receives IHSS since she has extensive care needs. S.Z.'s mother is her IHSS provider. Last November, S.Z.'s mother stopped getting paid for performing IHSS for S.Z., despite completing and submitting timesheets. The County then stopped mailing timesheets to her. The mother called the IHSS social worker, who told her S.Z.'s Medi-Cal had been terminated so she was ineligible for IHSS. S.Z.'s mother called the Medi-Cal worker, who said the daughter must reapply for Medi-Cal. S.Z. received no written notice of termination or information about appeal rights. S.Z.'s mother called OCRA for help.

OCRA contacted the County in an effort to get S.Z.'s Medi-Cal and IHSS reinstated without having to file for hearing. OCRA asserted that S.Z. should have been placed into Continuous Eligibility for Children (CEC) Medi-Cal upon losing Medi-Cal eligibility under the Waiver. Moreover, since S.Z. did not receive notice of the termination, her appeal was timely and she would be eligible for aid paid pending the hearing. The County agreed it was in error and reinstated the IHSS retroactively. Since the provider certified that she had provided all the IHSS to S.Z. for the time the provider was not paid, S.Z.'s mother will receive timesheets to complete and will be paid. OCRA is still working on getting two months of Medi-Cal reinstated retroactively. Katie Meyer, CRA, Westside Regional Center, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

N.R. Obtains Durable Medical Equipment.

N.R.'s mother contacted OCRA seeking assistance with obtaining a wheelchair for her daughter. N.R.'s mother indicated that both Medi-

Cal and California Children's Services (CCS) had refused to fund a wheelchair that met her daughter's specific needs. OCRA worked with a new vendor to reassess N.R. and submit a revised Treatment Authorization Request (TAR) to Medi-Cal for the needed equipment. After a comprehensive assessment, a new TAR was submitted along with additional documentation for a specialized wheelchair and bath chair. Based upon the updated information, Medi-Cal agreed to fund the requested equipment. Ibrahim Saab, CRA, Ada Hamer, Associate CRA, Timothy Poe, Supervising CRA, North Los Angeles County Regional Center.

SOCIAL SECURITY

Collaboration Is Successful for SSI Eligibility Reconsideration.

A.V. contacted OCRA shortly after he turned eighteen. A.V. had been referred to OCRA by his service coordinator after his application for SSI as an adult had been denied.

A.V. was eligible for regional center services on the basis of autism. Although he had graduated from high school, A.V. had never worked until he began working in an assisted employment program for consumers with autism. A.V. also had mental health impairments. The SSA denied SSI for A.V. on the basis that his disabilities did not prevent him from working.

The CRA helped A.V. file for reconsideration. Working in conjunction with A.V.'s service coordinator and supportive employment program, OCRA arranged to have a performance and productivity assessment of A.V.'s work at his supported employment program. That report confirmed that A.V. needed prompting 90% of the time to stay on task, and that due to stress and anxiety issues he was only able to handle working two days per week.

OCRA assisted A.V. with submitting the additional supporting information to the SSA. The SSA reversed its denial and granted eligibility on the record at the case review stage. Andy Holcombe, CRA, Lorie Atamian, Associate CRA, Jeanne Molineaux, Director, Far Northern Regional Center.

Overpayment and SSI Reinstatement Success.

A.V. is an 11-year-old child with autism who was receiving SSI. A.V.'s mother had been using part of the SSI as intended by the SSA and was saving the other part of the SSI money in a bank account for A.V.'s future needs. As a result, A.V. mother incurred an overpayment of \$5,161 and SSI for A.V. was terminated. A.V.'s mother filed a request for reconsideration in September, 2010. The reconsideration was denied in June, 2011. A.V.'s mother still had \$4,220 in the bank account and was told by the SSA staff that she would have to spend down that money and show receipts in order to reinstate SSI benefits for A.V. A.V.'s mother did as instructed and turned in the receipts to the SSA office twice. A.V.'s mother did not receive a response, nor would the SSA staff return her phone calls.

A.V.'s mother contacted OCRA in August, 2011. OCRA assisted A.V. and met with the SSA on several occasions. The SSA agreed to do an accounting of the case including money collected for the overpayment, money owed to A.V. in retroactive payments, and to reinstate SSI. SSI was reinstated in January, 2012. The overpayment amount was covered by retroactive money and A.V. received \$5,899, which was the remainder of the retroactive SSI. Jackie Dai, CRA, Lucy Garcia, Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center

SSI Reinstated and Overpayment Waived.

M.B. has a PASS Plan for Social Security which allows her to save money for the microenterprise she runs. Over the years, she has repeatedly received overpayment notices from the SSA. Most recently, she received a notice for an overpayment of \$4,000.

OCRA made repeated visits to the SSA and involved the PASS Cadre. Appeal and waiver requests were filed. Relevant documents were submitted and a meeting was held with the SSA supervisors and their technical expert. Finally, the waiver was granted, SSI was reinstated, and a retroactive check was sent to M.B. Katy Lusson, CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

Social Security Sets Aside C.G.'s SSI Overpayment.

In October, 2011, C.G. received a notice of SSI overpayment in the amount of \$4,424. He also received a notice that his SSI monthly payments would stop effective November, 2011. The overpayment resulted from C.G.'s father holding \$2,500 for his older daughter in his checking account, not realizing that the money would count as a resource that was available to him, and be deemed a resource for C.G.

The father had borrowed a portion of the \$2,500, intending to pay it back when he received his income tax refund. In May, 2011, C.G.'s father deposited his income tax refund into his checking account. Tax returns are not considered as resources or income for SSI purposes. As a result of having these funds, C.G. was determined to be ineligible for SSI due to the family being over the resource limit.

C.G.'s father filed a request for reconsideration on the ineligibility determination and request for waiver of the overpayment. The local SSA office claimed never to have received C.G.'s request for reconsideration and waiver despite C.G. having proof of filing. OCRA helped the family by submitting a complaint to the local SSA office representative who investigated the matter and re-opened the reconsideration process. OCRA represented C.G. at his reconsideration meeting and presented evidence showing that the excess resource funds were due to the income tax refund. SSA set aside the overpayment, reinstated C.G.'s SSI eligibility, and issued a \$6,043 retroactive SSI payment. Eva Casas-Sarmiento, CRA, Katie Hornberger, Supervising CRA, Harbor Regional Center.

A.S. Gets \$42,000 Social Security Overpayment Waived.

A.S. receives supported employment services that enable him to work in the community. OCRA received a call from A.S.'s sister indicating that the SSA had sent A.S. a notice stating that he was overpaid \$42,000 in Supplemental Security Disability Insurance benefits. The notice said that A.S. was at fault and needed to pay the money back. Although A.S. had already filed an appeal, he needed representation at his hearing.

OCRA met with A.S. and reviewed his SSA and employment records. Through OCRA's investigation, it became clear that A.S. was not at fault for the overpayment. OCRA represented A.S. at his Social Security appeal and explained why A.S. was not at fault. A few weeks later, A.S. received a favorable decision from the SSA stating that A.S. was not at fault. The entire \$42,000 overpayment was waived. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

A.C.'s SSI Overpayment Reduced by \$11,000.

A.C. is an adult with an intellectual disability who received an SSI overpayment notice that he must repay the SSA over \$11,000 based on the SSA's assumption that A.C.'s current job was not supported employment. With A.C.'s permission, OCRA agreed to provide A.C.'s Independent Living Agency with extensive assistance in preparing for a reconsideration meeting with the SSA. At the reconsideration meeting, it was explained that A.C. worked in supported employment due to his working at a work activity center. The SSA agreed that the overpayment amount was in error and reduced the amount owed by \$11,000. Ramona Landeros, Assistant CRA, Timothy Poe, Supervising CRA, Alta California Regional Center.

Increase in SSI Payment Amount.

P.S. contacted OCRA because she was only receiving \$608 per month in SSI benefits. She felt that the SSA made an error in calculating her SSI payments.

After reviewing P.S.'s documents, the Associate CRA realized the reason P.S.'s benefits were so low had to do with the way she had filled out her original application. The Associate CRA set up an informal conference with the SSA to discuss P.S.'s monthly benefits. As a result of that informal conference, P.S.'s SSI checks were recalculated and she is now receiving an additional \$250 per month in SSI benefits. Andy Holcombe, CRA, Lorie Atamian, Associate CRA, Far Northern Regional Center.

J.B.'s Disabled Adult Child Benefits Are Reinstated!

J.B. is a 44-year-old with an intellectual disability. He had been receiving SSA benefits as a Disabled Adult Child (DAC) since his father passed away. J.B.'s DAC benefits were suddenly terminated when J.B. did not respond to a notice from the SSA asking for information. J.B.'s mother, who sometimes helps him but is not his representative payee, did not realize the SSA needed information. Neither J.B. nor his mother responded to the notice.

J.B. eventually called OCRA after some time had passed. OCRA filed a request for reopening, alleging that J.B. did not understand the notices due to his intellectual disability. OCRA also assisted J.B. in applying for SSI benefits, which were quickly approved.

When the SSA did not act on the request for reopening, OCRA contacted a SSA supervisor. After another year, the reopening request was granted and a favorable decision was made. J.B.'s DAC benefits have been reinstated retroactively to March, 2009. J.B. received \$14,316 in retroactive benefits. He will receive his regular DAC benefits going forward. His Medicare was also reinstated. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

CALIFORNIA CHILDREN'S SERVICES

Consumer Has Specialized Stroller Funded by CCS.

J.P. has an electric wheelchair but it is cumbersome. His family wanted a specialized stroller so that it would be easier to get J.P. in and out of his van and would provide better community access. The stroller cost \$4,500. California Children's Services (CCS) denied the request for the stroller.

OCRA explained that J.S. would have to appeal that decision and that based on the result, might have to go through the same process with Medi-Cal and the regional center. OCRA assisted with the development of documentary evidence. J.P.'s doctor and physical

therapist provided relevant records. OCRA assisted with the preparation of the CCS appeal. CCS rescinded the denial and purchased the stroller. Katy Lusson, CRA, Aruti Patel, Assistant CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

Regional Center Funds Communication Device with Eye Gaze.

C.G. is 2-years old and diagnosed with spinal muscular atrophy. C.G. communicates with his eyes as he has no ability to move his body. The regional center completed an augmentative communication assessment and found that C.G. had the ability to communicate by using a device with an eye gaze pointer which identifies objects, colors, and pictures with the use of his eyes. The eye gaze device would be required for C.G. to utilize the actual communication device. CCS denied the request to fund the device stating that it is CCS policy to deny funding for communication devices for children less than three years of age if the only means of using the device is with an eye gazing technology.

C.G.'s mother contacted OCRA for advocacy. OCRA recommended advocating for a 30-day trial to demonstrate C.G.'s ability to use the device with the eye gaze. To avoid any further delay in services, OCRA requested that the regional center fund the 30-day trial, based on the IFSP communication goal. OCRA also assisted the parent in requesting Medi-Cal funding under the Acute Facility Waiver. The regional center agreed to fund the trial period use of the device. CCS is now considering funding the purchase of the device based on successful results during the trial period. Leinani Walter, CRA, Christine Hager, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

CCS Approves Nursing Care for Two Clients.

J.K. and C.M. were receiving in-home nursing services through the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program as administered through Medi-Cal. These services enabled the two to live at home with their families instead of in larger care facilities with nursing services. In June, 2011, mandatory enrollment into Medi-Cal managed care was established for seniors and persons

with disabilities in many counties. When this occurred, J.K. and C.M. were threatened with losing their vital in-home nursing services. The county operated health plan applied an incorrect standard of medical necessity, sent out no or defective notices of action, and refused to continue funding nursing services for both clients who were eventually notified of their terminated services by the nursing providers. Their parents contacted OCRA for assistance. OCRA assisted J.K. and C.M. with filing for hearing and requesting APP. OCRA reviewed the position statements, reviewed the regulations and law regarding EPSDT nursing services standards for medical necessity, contacted the Department of Health Care Services and worked with the hearings representative to try to settle these matters. Eventually, it was determined that both children were eligible for CCS and qualified for nursing services. Both J.K. and C.M. were approved for continued nursing services and were able to withdraw their hearings against the Medi-Cal County Operated Health Plan. Kendra McWright, CRA, Gina Gheno, Assistant CRA, Katherine Mottarella, Supervising CRA, Tri-Counties Regional Center.

CONSUMER DEBT

Consumer Debt Forgiven.

R.C. is a young woman with an intellectual disability and a mental health diagnosis. Due to an exacerbation of her psychiatric condition, she was forced to move out of her apartment and in with family members. This resulted in a breach of the lease agreement that R.C. signed for her apartment. The rent for the term of R.C.'s lease was charged and the debt was sent to a collection agency.

OCRA assisted R.C. with the debt collection issue. A letter was written on R.C.'s behalf. After telephone conversations with the collection agency, the debt was forgiven. Katy Lusson, CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

K.S.' Contract to Purchase a Vacuum Is Voided.

K.S., an adult with an intellectual disability, called the OCRA office distressed that she was receiving demanding phone calls and letters

from a vacuum company claiming that K.S. owed them over \$2,000 for the purchase of a new vacuum. OCRA agreed to call and write both the vacuum company and the debt collection agency to stop the calling to K.S. OCRA informed both companies that the vacuum contract was voidable due to K.S.'s intellectual disability and that her only source of income was Social Security. After numerous phone calls between OCRA and the attorney for the vacuum company, the company agreed to void the contract and stop seeking reimbursement. K.S. agreed to exchange the new vacuum for an older vacuum in good working order. Ramona Landeros, Assistant CRA, Timothy Poe, Supervising CRA, Alta California Regional Center.

HOUSING

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. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

OCRA Works with Regional Center to Maintain Community Placement.

M.Z. is an individual with autism. He lives in a specialized group home where he has a high level of support and services. M.Z.'s Individual Program Plan (IPP) includes dietary restrictions, supplements, exercise, and several other supports that his group home felt were time-consuming and unnecessary. They were about to ask M.Z. to move.

OCRA attended a meeting with the family, the regional center, and the provider. Both the regional center and OCRA explained that this home was receiving specialized funding to provide these services. They were in M.Z.'s IPP and needed to be implemented. The family and the group home made certain compromises about communication and delivery of services. The inappropriateness of evicting M.Z. was also discussed. At the end of the meeting, the home agreed to comply with the IPP and deliver the services. Katy Lusson, CRA, Aruti Patel, Assistant CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

PERSONAL AUTONOMY

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. Leinani Walter, CRA, Christine Hager, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

C.C.'s Transportation Is Reinstated.

Two days prior to the end of the month, C.C. received a letter informing her that her para-transit transportation would be suspended for the following month because she had not appealed a notice of action sent to her five months previously. C.C. was concerned that she would not be able to get to her multiple doctor appointments and receive the treatments she needed. C.C. informed OCRA that she had appealed, and had a copy of the appeal that she mailed. OCRA and C.C.'s service coordinator contacted the transportation company to resolve the issue. The following day, the transportation company apologized for losing C.C.'s appeal paperwork, and resolved the issue by reinstating C.C.'s services. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

Privacy Rights Protected at Care Home.

Staff from the regional center contacted OCRA regarding the use of the intercom system by the providers at a care home. The concern identified was that the privacy rights of consumers might be impacted or violated. OCRA agreed to do a site visit to investigate. During the site visit, OCRA met with 3 clients and staff. The clients stated that they enjoyed the intercom system because it was easy to make requests to staff through the intercom. OCRA explained to the clients that everything they said could be heard by any of the staff in the main house. Staff expressed that they used the intercom system in

order to “protect” the clients in case something happened to them while they were in the cottage behind the main house.

OCRA met with the administrator at the home and inquired about alternative settings for the intercom system. The administrator stated that the intercom system could be switched to another setting which would allow staff to hear the clients only when they pushed the button and spoke into the intercom. OCRA and the administrator showed the clients how to use the intercom on the new setting. This was reviewed in the Behavior Management Review Committee meeting at the regional center and the new intercom setting was approved. Christine Hager, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

OCRA, Regional Center, Group Home, and Day Program Work Together to Assure Consumer Choice.

D.W. is a regional center consumer who is in declining health. He has lived in the same group home and gone to the same day program for many years. He receives insulin injections several times per day. The dose recently increased which meant that D.W. would need to receive insulin while at the day program.

D.W. agreed to allow the staff at the group home to give him the injection. The day program staff was trained by the regional center nurse as well as the group home nurse. D.W. told the staff at the day program that he wanted the injection but when they tried to administer the insulin, he would move his arm and resist. Staff was not certain if D.W. wanted the medication or if he was trying to refuse it.

OCRA was asked to participate in a combined effort to assure that D.W.’s wishes were being respected. OCRA met with D.W. He said that he did want the day program to give him the insulin injection. He understood that if he did not receive it, he could jeopardize his health. OCRA explained that the day program did not want to give him the injection if he resisted.

A meeting was held with OCRA, the group home, day program, and regional center physician. At D.W.’s request, OCRA represented

D.W. Many suggestions were made at the meeting as to how to reduce D.W.'s anxiety about the injection at the day program. The doctor was also going to check on the possibility of an insulin pump to replace the injections. It was eventually determined that D.W. was receiving his insulin at the day program in a consensual manner. Katy Lusson, CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

REGIONAL CENTER

L.U. to Maintain Nursing Services.

Nursing services were funded by the regional center to enable L.U. to live safely in his home with his family. L.U.'s nursing hours were not being completely used since his family cared for him at various times. This led the regional center to question whether L.U. continued to need nursing services.

L.U. received a notice of action terminating nursing services until L.U.'s family could provide more documentation supporting the need. L.U.'s family did not receive the notice in a timely manner and appealed after the filing deadline. The regional center refused to forward the request for a hearing to OAH since it was past the deadline date.

OCRA assisted the family in filing the request for hearing directly with OAH, asserting that good cause existed for late filing. OAH calendared the hearing. L.U. and his family gathered additional documentation to support L.U.'s continued need for nursing services.

The regional center agreed prior to the hearing that L.U. continued to need nursing services. OCRA later represented L.U. at his IPP. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

J.K. Achieves Positive Outcome at Informal Meeting.

J.K. is an adult consumer who participated in vocational training as part of his transition plan in school. In addition, J.K. assisted his family in their dry cleaning business. Speech therapy greatly assisted

J.K. in his endeavors. Then the therapy was terminated. OCRA represented at the informal meeting.

The regional center determined at the informal meeting that J.K. had clearly benefited from speech therapy services in the past and that communication skills were a critical component of his employment success. The service coordinator explained at the meeting that adequate speech therapy services were not available to J.K. through generic or other alternative funding sources.

The regional center agreed that J.K. would likely participate in some form of employment in the future and decided to fund speech therapy, and also found that communication skills are critical to an individual's ability to function in social situations and to achieve maximum independence. Jim Stoepler, CRA, Gail Gresham, Supervising CRA, Redwood Coast Regional Center.

C.S. Receives Early Start Intervention Services.

C.S.'s parent contacted OCRA for assistance after C.S. was denied eligibility for Early Start Intervention Services by the regional center. OCRA reviewed C.S.'s medical and regional center records and found medical information that supported the finding of a delay in the area of emotional/behavioral development. OCRA wrote a letter to the parent explaining that, with this additional information, C.S. appeared to be eligible by having developmental delays in at least two areas; emotional/behavioral development and the undisputed area of communication. Following OCRA's advice, the parent met with the regional center and provided it with a copy of the OCRA letter and medical information. At the meeting, the regional center found that C.S. was eligible to receive Early Start Intervention Services. Timothy Poe, CRA, Katherine Mottarella, Supervising CRA, Frank D. Lanterman Regional Center.

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SPECIAL EDUCATION

OCRA Gets a Non-Public School Placement for a High School Student in Response to Incidents of Bullying.

C.A. was being verbally and physically bullied and assaulted by general education students for months in spite of his mother's numerous requests for help from teachers and school administrators. Finally, after a particularly traumatic bullying incident, C.A. refused to return to school. This time, his mother took pictures of the scratches and bruises the bullies had inflicted on C.A., and brought them to OCRA.

OCRA advocated for a change of placement for C.A. at an IEP meeting, after which the district arranged for C.A., his mother, and the Associate CRA to observe a placement alleged to be the best in the district. After two observations of the district's placement offer, C.A. said he felt nervous and uncomfortable during the observations, and would be afraid to attend the school.

OCRA arranged for an observation at a nearby non-public school (NPS), where the teacher introduced himself to C.A. and facilitated some conversation between C.A. and several other students. C.A. felt good about this experience, and said he would not be afraid to go to school there. After two IEP meetings, C.A. was successfully placed in the NPS. Celeste Palmer, Associate CRA, Andy Holcombe, Supervising CRA, Regional Center of the East Bay.

J.C. Receives Appropriate Related Services.

J.C. is in middle school and has cerebral palsy and an intellectual disability. J.C.'s mother contacted OCRA for assistance with obtaining appropriate related services at school for J.C. J.C. fell frequently at school. After OCRA became involved, the school district offered to fund a visual impairment assessment, an orientation and mobility assessment, an adaptive physical education assessment, and a psycho-educational assessment to determine appropriate related services for J.C. in school. OCRA attended a series of IEP meetings to negotiate for appropriate related services. J.C. will receive a 1:1 aide at school, behavioral consultation, adaptive

physical education, and a visual impairment consultation. Jackie Dai, CRA, Lucy Garcia Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center.

District Agrees to Change of Educational Placement.

J.H. is a 9-year-old student who was attending a special education classroom at a local elementary school. J.H. was doing poorly in this classroom and was not meeting his IEP goals and objectives as the school placement was not appropriate. J.H. had previously requested a change of placement to attend a different elementary school but his request was denied. J.H.'s mother found a different placement for her son in a school closer to J.H.'s home with a more appropriate placement. OCRA represented J.H. at an IEP meeting at which the district approved the requested placement. Mario Espinoza, CRA, Katherine Mottarella, Supervising CRA, Kern Regional Center.

District Creates Program To Address Parents' Concerns.

OCRA received three requests for assistance from Spanish-speaking families living in the same small rural community. All of the callers were opposed to their child's placement in the same classroom for the upcoming school year. They were unhappy with the teacher and the quality of the educational program that was being offered. The other students in the program had a wide range of disabilities and ages. The caller's children were 5-6 years old and diagnosed with autism. The parents and OCRA met with representatives from the school district including the administrator of special education for the county. The parents expressed their concerns about the proposed program. The school district asked for some time to respond. Three weeks later the school district conducted individual IEP meetings to offer placement options. OCRA represented the parents and students at each meeting. The school district stated that it had heard the concerns and based on those concerns had reorganized and made staffing changes. A new teacher and three aides were assigned to a classroom for ten children with autism in grades 1-3. All three parents agreed to the placement. Margaret Oppel, CRA,

Kay Spencer, Assistant CRA, Maricruz Magdaleno, Assistant CRA, Katherine Mottarella, Supervising CRA, Central Valley Regional Center.

OCRA Acquires Additional Speech Services, Assistive Technology and ABA Training for Classroom Staff.

S.H. is a student with autism. S.H. is nonverbal and his parents were concerned that S.H. was not making adequate progress on his communication goals. OCRA represented S.H. at two IEP meetings and secured an Applied Behavioral Analysis (ABA) assessment and an independent speech assessment. As a result of the assessments, the district agreed to purchase assistive technology for home and school, two additional hours of speech services per month, and ABA training for school staff to increase the consistency of methodology throughout the school day. Rita Defilippis, CRA, Katie Hornberger, Supervising CRA, San Andreas Regional Center.

District Agrees to Independent Assessments for Deaf and Hard of Hearing Needs and Appropriate Preschool Placement.

B.V.'s parent called OCRA for assistance in obtaining an appropriate preschool placement for their 3-year-old child who was diagnosed with Charge syndrome. Charge syndrome is a medical condition that includes severe hearing loss, vision impairment and intellectual disability. B.V. also requires feeding through a g-tube and has a heart condition. OCRA reviewed the school district's evaluation in the areas of language and speech, psycho-educational and occupational therapy. The evaluation were found to be incomplete in that it was not performed by evaluators familiar with Charge syndrome nor did the evaluators take into account B.V.'s communication limitations. OCRA represented B.V. at an IEP meeting and advocated for independent education evaluations in these areas and explained why the placement offered by the school district was not appropriate. At the IEP meeting, the school district agreed to fund the independent education evaluations and place B.V. in a modified school day program at a preschool in which a nurse was available and where the curriculum would be individualized for B.V.'s alternative communication needs. Timothy Poe, CRA, Jazmin Romero,

Assistant CRA, Katherine Mottarella, Supervising CRA, Frank D. Lanterman Regional Center.

OCRA Secures Assessments for Student.

T.N. is an elementary school student with autism. T.N.'s parent requested assistance regarding T.N.'s elopement behavior at school and his lack of progress on communication goals. OCRA represented T.N. at two IEP meetings and secured a functional analysis assessment (FAA) to assess why T.N. engaged in unsafe escape behavior and an assessment of augmentative communication (AAC) to determine if augmentative communication devices would assist T.N. to make more progress on his IEP communication goals. The FAA documented that T.N.'s escape behavior was directly related to inappropriately long periods of time that T.N. had to wait for a preferred activity for a child his age. The recommendation was for the teacher to change the design and layout of the classroom and to break students into smaller groups for instruction, thereby reducing the time T.N. had to wait for a preferred activity. The AAC resulted in the district purchasing two communication devices for T.N. to use at school and home. A third device was purchased for the teacher to use with T.N. and other students at school. Rita Defilippis, CRA, Katie Hornberger, Supervising CRA, San Andreas Regional Center.

P.A. Secures Occupational Therapy at School.

P.A. is an 8-year-old child with autism. P.A.'s mother contacted OCRA seeking assistance in preventing the district from terminating occupational therapy (OT) for P.A. P.A.'s mother said that P.A. cannot drink from a cup with a closed mouth, cannot walk down the stairs alternating her feet, and stuffs her mouth. During an IEP meeting, the district informed the mother that the district would be terminating OT services within a week.

OCRA informed P.A.'s mother that the school cannot terminate services without her approval, and that P.A.'s mother should file a compliance complaint with the State Department of Education. OCRA also suggested to P.A.'s mother that she prepare for the upcoming IEP by gathering supportive information from P.A.'s regional center service coordinator, P.A.'s doctors, and other persons that work or assist P.A. and are aware of her need for OT services.

P.A.'s mother called after the follow-up IEP took place and informed OCRA that P.S. had secured 30 minutes every other week of OT services that will remain in effect until P.A. meets her OT goals. Jackie Dai, CRA, Lucy Garcia, Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center.

Mental Health Services Obtained.

N.V. is a student with autism and a severe anxiety disorder. For years, N.V. has been on a minimum school day due to the serious anxiety disorder. OCRA represented N.V. at an IEP meeting to develop a plan to increase N.V.'s special education services to a full school day. It was learned that N.V. had never been referred for mental health services. Intensive behavioral services alone had not resulted in N.V.'s successful transition to a full day. OCRA advised the district and county office of education of their responsibility to provide mental health services to students whose mental health disabilities are preventing them from accessing and benefitting from special education services. The IEP team agreed to fund an independent psychiatric evaluation and an independent neuropsychological evaluation. The team also agreed to consult with the independent evaluators before adjusting the school day. Rita Defilippis, CRA, Katie Hornberger, Supervising CRA, San Andreas Regional Center.

OUTREACH/ TRAINING

OCRA Encourages Participation in Election Process.

OCRA recently held two well-attended self-advocacy outreach events. Consumers attending day programs in Eureka participated. Together, these two events brought information about clients' rights to over 70 people with developmental disabilities.

Each program began with a spirited bingo game. Participants marked their bingo cards by recognizing pictures illustrating rights such as the right to make and receive telephone calls, the right to medical care, the right to make food choices, and the right to have a

family. Those playing the game enjoyed learning about their rights while winning fun prizes.

After the game ended, the OCRA advocates circulated among the attendees to answer questions and take requests for additional information, with an emphasis on voting rights. The next day, 14 information packets were sent to those who requested material. Most requested voting information and were sent a voter registration form, the DRC pamphlet, "Your Vote Is Important," and a cover letter asking them to telephone their CRA if concerned that a judge may have restricted their right to vote in a conservatorship proceeding. Providing this information was extremely important. These clients had never voted despite having reached voting age years or decades earlier. As we approach a major national election, they now know that they have the right to participate in the political process as a citizen of their community and nation. Lynne Page, CRA, Gail Gresham, Supervising CRA, Redwood Coast Regional Center, Eureka.

OCRA Provides Bilingual Presentation about Early Start.

OCRA is increasing its effort to reach all communities in the Mendocino and Lake county areas. Recently, the CRA and the Assistant CRA, who is bilingual, provided a presentation about Early Start, "Todo Que Ver Con Early Start/Everything to Do with Early Start."

OCRA contacted various local community groups to help spread the message about the presentation. OCRA had materials that were written in Spanish and English. Some of the service providers who attended took extra materials to share with the Spanish-speaking families they serve. OCRA is motivated to continue doing more bilingual presentations. Jim Stoepler, CRA, Trina Saldana, Assistant CRA, Gail Gresham, Supervising CRA, Redwood Coast Regional Center, Ukiah.

Self-Advocates Get Ready to Vote.

On April 19, 2012, OCRA conducted interactive self-advocacy training to consumers of North Bay Regional Center (NBRC) at AIM

Higher Day Program in Fairfield. Interactive trainings are a great way to help people learn about their rights. Consumers were very eager to hear about voting rights.

Yulahlia Hernandez and Annie Breuer led a presentation about the right to vote, discussing issues such as who has the right to vote and how to get the support you need to vote. After the presentation on voting, OCRA assisted the consumers in participating in a mock voting activity. OCRA borrowed voting booths and other materials from the Solano County Registrar of Voters office.

Participants from AIM Higher received mock ballots, used voting booths, and made choices on the mock ballots. After voting, self-advocates were given an “I Voted” sticker, just as if they had voted in a real election. OCRA also passed out voter registration cards and assisted some consumers in registering to vote. Participants at the training thoroughly enjoyed learning about their rights and getting more comfortable about voting. One consumer noted that the outreach event “helped me learn new information.” Another participant stated, “I learned that if you need help you can get it.” The participants at AIM Higher Day Program are ready to exercise their right to vote. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

Consumers and Families Learn about Conservatorship and Less Restrictive Alternatives.

OCRA collaborated with San Diego Regional Center (SDRC) to provide a training about conservatorship and less restrictive alternatives to conservatorship for the families of regional center consumers, especially teens and young adults. OCRA developed a training that discusses alternatives to conservatorship for various areas of decision-making including school, healthcare, and financial matters. SDRC provided meeting space and refreshments and publicized the event and took registrations. Approximately 74 individuals attended the training, including many parents of 17-year olds who gain new decision-making authority on their eighteenth birthdays. The people in attendance asked many insightful questions, and a productive, thought-provoking discussion helped families consider alternatives to conservatorship that they may not

have been aware of or did not fully understand. Because of the success of the event, SDRC has invited OCRA to provide a similar training to its case managers. OCRA will also present the same training in Spanish in the future. Special thanks to Judy Borchert, Associate Director, and Sandra Bishop, Public Information, Training, & Volunteer Coordinator, San Diego Regional Center. Megan Chambers, CRA, Irma Wagster, Supervising CRA, San Diego Regional Center.