

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Summer 2009

BENEFITS

J.I. Gets AAP Supplement Retroactive to July, 2007.

J.I. was adopted from foster care. His family receives Adoption Assistance Program (AAP) funding. Due to his developmental disabilities, J.I.'s parents purchase many services and supports for him. His family found out about the AAP Supplement when the State Department of Social Services All-County Letter (ACL) was issued. The family immediately applied for the supplement.

Unfortunately, neither the regional center staff nor the post-adoptions workers in the Department of Children and Family Services (DCFS) had been fully trained in the process for completing the forms and there had been no response to J.I.'s request. J.I.'s father then contacted OCRA.

OCRA reviewed the instructions in the ACL with both the regional center and DCFS. The ACL said that DCFS should contact the regional center service coordinator, obtain information over the phone, complete the form, and then fax the form to the service coordinator to sign, insuring that the information is correct. DCFS then makes a determination regarding the amount of supplement for which the child qualifies (\$250.00, \$500.00, \$750.00, or \$1,000.00 per month) and sends the family a notice of action (NOA).

DCFS and regional center completed the forms after being contacted by OCRA, and DCFS awarded the full supplement of \$1,000.00 per month. J.I. was also eligible for retroactive payments back to August, 2007. Katie Hornberger, CRA, Harbor Regional Center.

Termination of Protective Supervision Reversed at Fair Hearing.

J.S. is 29-years old and has Fragile X syndrome. For the past five years, J.S. had been receiving 24-hour a day Supported Living Services (SLS) and was living in his own home. Prior to that J.S. had been living in an assisted living group home.

In addition to SLS, J.S. was receiving IHSS and protective supervision of 283 hours per month. Following J.S.'s annual review, the County determined that J.S. was no longer entitled to protective supervision, and issued a NOA decreasing his hours from 283 to 105.8. The County contended that J.S. was doing well and that there had been no problems, so he no longer needed protective supervision.

J.S. has a very active life style. He participates in many community activities, social, and recreational programs. The County apparently did not realize that J.S. always had 1:1 supervision, both in and out of the home. In spite of what the County characterized as "great emotional growth," J.S.'s successful life style was only possible with the SLS and the protective supervision he was receiving.

OCRA represented J.S. at hearing. The Administrative Law Judge (ALJ) found that the County's determination was only supported by the observations of the social worker during one short home visit. Her observations were contradicted by the medical professional's opinion regarding the need for protective supervision, and the observations of J.S.'s behavior over time by his SLS staff. The ALJ ruled that J.S. was entitled to keep protective supervision and 283 hours a month of IHSS. Andy Holcombe, CRA, Lorie Atamiam, Assistant CRA, Far Northern Regional Center.

Social Security Termination Successfully Appealed.

C.W. is 38-years-old and has worked part-time as a courtesy clerk for the local Safeway store for almost 20 years. He routinely sent his pay stubs to the Social Security Administration (SSA) at the end of each month. In late 2005, the SSA sent C.W. a notice stating his entitlement to disability insurance ended in 1997, due to his employment. C.W. was assessed an overpayment in excess of

\$53,000.00. C.W.'s supported living worker contacted OCRA for assistance.

OCRA evaluated the circumstances of C.W.'s work and determined that he received supports necessary to keep him working, worked at a significantly slower pace, and performed substantially fewer tasks compared to other courtesy clerks. Unfortunately, the store manager, while agreeing with all the above, refused to testify or even provide a declaration to this effect.

One co-worker did agree to testify based on direct observation over two years as to a reduced range of responsibilities and slower work pace. A job coach provided a declaration. The supported living worker and regional center service coordinator testified at the hearing. OCRA also provided a brief in support of C.W.'s claim.

The hearing was held December 6, 2007, but was abruptly continued by the ALJ upon realizing more witnesses had yet to testify. In spite of requests for explanation of the delay, the hearing was not reconvened until December 7, 2008.

On March 25, 2009, the ALJ issued a "partially favorable" decision consisting of a remand back to the SSA to re-evaluate the question of gainful work but only counting half the total wages as earnings because of the special circumstances involved. The SSA issued a NOA in April, 2008, stating C.W.'s earnings had been reconsidered and it was found that his disability continued and payments would be restored. Doug Harris, CRA, Redwood Coast Regional Center.

State Hearing Filing Generates NOA Giving Consumer 195 Hours Of IHSS Services.

J.H. was receiving 29 hours per month of IHSS non-medical, personal care hours. The County conducted the annual in-home re-certification for J.H. in November, 2008, at which J.H.'s parent requested protective supervision. The county mailed the parent forms to complete in late November. J.H.'s parent made the necessary appointment to complete the medical form and in early January, returned the completed forms along with additional

information documenting J.H.'s unsafe behaviors. Despite repeated phone requests to the County, J.H.'s parent did not receive a NOA responding to her request for protective supervision. OCRA agreed to represent J.H. and filed a state hearing for failure to provide a NOA.

The County responded and J.H. was authorized an additional 166 hours per month for protective supervision. J.H. will now receive a total of 195 hours per month of IHSS. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

L.A. Is Now Eligible for SSI With \$16,000 In Retroactive Benefits.

L.A., is an infant with multiple disabilities, should have been eligible for Supplemental Social Security (SSI) under the listing for cerebral palsy. However, when his mother applied, she did not have all the necessary documentation. The SSA denied L.A.'s request for SSI.

OCRA agreed to represent L.A. at the hearing. OCRA gathered documents from California Children Services (CCS), the regional center and L.A.'s medical providers.

At the hearing, OCRA presented both oral and documentary evidence proving that L.A. fit the listing for cerebral palsy. The hearing decision was issued indicating that L.A. is eligible for SSI. Since L.A.'s initial application was done in October, 2007, L.A. will receive \$16,000.00 in retroactive benefits. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

County Agrees to Rescind R.F.'s Medi-Cal Denial.

R.F. was denied Medi-Cal benefits after he failed to submit the requested documentation during the Medi-Cal application process. OCRA agreed to represent him after the County informed the ALJ that R.F. had agreed to a continuance when R.F. did not believe that he had. At the hearing, OCRA argued that the County should rescind its decision and re-open R.F.'s Medi-Cal application. The ALJ asked the County if it had complied with its own procedures, which require the County to notify a claimant by phone of the need to submit additional documentation. The County agreed it had not done this.

At the hearing, the County agreed to rescind the termination. The ALJ issued a written decision confirming the County's stipulation to rescind its denial and re-determine R.F.'s eligibility back to the original application date. With the assistance of OCRA, R.F. submitted all of the requested documentation. OCRA received written notice that R.F. is now eligible for the 250% working disabled Medi-Cal program back to his original application date. Kathy Mottarella, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

OCRA Successful with IHSS Appeal.

M.L.'s father contacted OCRA regarding issues he was having with M.L.'s IHSS. The father requested assistance with appealing the County's decision to award M.L. 52.3 hours per month of IHSS. M.L.'s parent also requested assistance obtaining protective supervision for his daughter as well.

OCRA contacted the County on M.L.'s behalf and negotiated a conditional withdrawal wherein the County agreed to reassess M.L. for protective supervision. After the reassessment, a new NOA was issued granting a total of 252.3 hours per month including protective supervision retroactive to October, 2008. M.L.'s parent recently reported that he received a check in the amount of \$12,331.83 in retroactive benefits. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

A.S. Regains No-Share of Cost Medi-Cal.

A.S. is a 63-year old woman with cerebral palsy who receives Social Security benefits on her father's earnings record as a disabled adult child (DAC). OCRA was contacted by A.S.'s service coordinator because of concerns about A.S.'s extremely high Medi-Cal share of cost (SOC). A.S. is currently living in a skilled nursing facility but would like to live more independently. Because A.S. is paying over \$600 a month in SOC, she did not have money to get her own apartment.

For several years, OCRA has worked hard to ensure that recipients of DAC benefits get the zero-SOC Medi-Cal to which they are

entitled. Under these rules, consumers who lose financial eligibility for SSI because of an increase in DAC are treated for Medi-Cal purposes as if they still receive SSI.

In this case, OCRA appealed the NOA assigning a SOC and was able to get the County to review A.S.'s file and correctly assign her Medi-cal with zero SOC without going to hearing. A.S. will now be able to move into a more independent living situation. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

A.Z. Gets Correct Number of IHSS Hours

A.Z. has significant health impairments and is being raised by his 81-year-old grandparents. An IHSS social worker assessed him and granted 100 hours of personal care services even though A.Z. needs total care in all areas. OCRA guided the family through the appeal, conditional withdrawal, and reassessment process. However, A.Z. was only given a small increase in hours.

OCRA gathered documentary medical evidence and family testimony that A.Z. required significantly more help. After two lengthy hearings, A.Z. prevailed and was awarded 223.8 hours per month in the areas of personal care, related, and paramedical services. Katie Meyer, CRA, Westside Regional Center

M.P. Secures Retroactive IHSS Funding.

M.P.'s mother requested an increase in IHSS hours for M.P. because he was convalescing at home after surgery. The request was verbally denied by the County. A written NOA was not issued. M.P.'s mother asked OCRA for assistance. OCRA filed for hearing. On the day of the hearing, the County agreed to do a reassessment. OCRA requested that the reassessment include consideration of retroactive protective supervision and an increase in the hours during the time that M.P. was convalescing at home. The reassessment increased the IHSS hours to 50.4 with no retroactive benefits.

At OCRA's request, the hearing was placed back on calendar. At the hearing, OCRA requested that the ALJ structure the proceedings to

consider dividing the fact-finding into three distinct time periods: the time prior to the convalescent period, the convalescent period and the post-convalescence period. The ALJ agreed and issued three separate decisions providing protective supervision before the convalescent period and afterward at the non-severe rate of 195 hours and provided for an increase in personal care during the convalescent period. Matthew M. Pope, CRA, Eastern Los Angeles Regional Center.

Home Visit by Advocate Ends Need for Hearing.

E.C. is a 5-year-old boy with autism. E.C.'s mother attended an OCRA outreach regarding SSI and IHSS and learned that it was possible to obtain Medi-Cal through the Home and Community Based Waiver (HCBW). E.C. applied for the Waiver and was found eligible for full scope Medi-Cal. Mother understood that she could therefore apply for IHSS and did so. The County worker, and supervisor, denied the IHSS, stating that it was the mother's responsibility to care for a young child. The mother contacted OCRA for help with filing an appeal.

OCRA assisted the parent by helping her fill out an IHSS log and organize her information. OCRA was present for the County reassessment at E.C.'s home. During the County re-assessment, OCRA assisted the mother by ensuring that she voiced all her issues at the appropriate times as well as to offer guidance to the social worker when she seemed to be in doubt when appraising whether the issues were related to IHSS. The County issued a NOA providing for 195 IHSS hours which included protective supervision. Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

\$99,146.75 SSI Overpayment Waived.

D.S. is diagnosed with mild developmental delays. He works as a bowling alley assistant with support from a job coach and co-workers. D.S. reported his income to the local SSA office every other week for many years. After 10 years, SSA notified D.S. that he had been overpaid almost \$100,000.

OCRA represented D.S. at the appeal and successfully argued that the overpayment was not the fault of D.S. and that collection of such an overpayment would be against equity and good conscience. Leinani Neves, CRA, Valley Mountain Regional Center.

I.M.'s SSI Re-instated after a Year in the Reconsideration Process.

In March, 2008, I.M. received an SSA NOA terminating SSI eligibility back to January, 2006, based on an assumption that I.M. had excessive income. SSI payments stopped in April, 2008.

OCRA conducted legal research, reviewed relevant records and agreed to provide legal representation in the reconsideration process. The Assistant CRA attended the informal meeting and submitted evidence of income to the SSA. Subsequently, I.M.'s appeal was dismissed by an ALJ due to the SSA's failure to issue a determination on the request for reconsideration. This ended I.M.'s appeal rights. After a year of OCRA's continuous letters to the SSA regarding its violations of I.M.'s appeal rights, her SSI was re-instated. Also, she received retroactive payments back to the termination date. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Termination of Protective Supervision Rescinded.

S.F.'s protective supervision services from IHSS were terminated. The NOA indicated that S.F.'s hours were reduced because S.F. had a parent provider. When the parent obtained the County's Position Statement, the parent learned that the County was terminating S.F.'s protective supervision because the social worker did not observe self-injurious behaviors on her 40-minute home visit. OCRA assisted the parent with writing a position statement that addressed the improper notice, the improper procedure to reduce protective supervision hours, and the social worker and County actions that prevented S.F.'s parent from reviewing S.F.'s file and obtaining the evidence for hearing. After reviewing S.F.'s Position Statement, the County determined that S.F. did not need to proceed to hearing and reinstated S.F.'s protective supervision. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

ALJ grants 283 IHSS hours for A.C.

A.C. is a 10-year-old with cerebral palsy. In addition, he has a vision impairment and intellectual disabilities. A.C. lives with his parents. At school, A.C. requires 1:1 supervision because of his vision impairment and the likelihood of falling. Last year, A.C. fell at school and lost a tooth.

IHSS did not correctly calculate the hours needed by A.C. In addition, IHSS denied protective supervision hours. IHSS limited hours because a parent was present in the home. OCRA drafted a letter discussing the relevant law for the County. The letter explained that IHSS hours may be provided even if a parent is present, when a child is on the DDS waiver. The County did not respond to OCRA's letter. At hearing, the ALJ informed the County that the law supports providing IHSS hours even when a parent is present in the home. The worker agreed to re-calculate the hours and agreed to provide the maximum hours.

The only issue left for the ALJ to determine was whether the retroactive hours should go back a year. OCRA argued that the Medi-Cal rules allow retroactive payment for benefits back one year if: (1) services were rendered and (2) the beneficiary would have been eligible at that point. The ALJ decided that the retroactive hours should go back a year. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

AAP Reinstates I.L.'s Dual Agency Rate.

I.L. lives in a foster family home and his care provider is his legal guardian. The County decreased I.L.'s AAP rate, because it was under the impression that I.L. was in an unlicensed, non-vendored facility. OCRA informed the guardian that the bed must be vendored by San Diego Regional Center to get the dual agency rate and provided I.L.'s guardian the laws and information to share with the County. AAP reviewed the information and agreed to settle the case outside of hearing and re-instate the dual agency rate for I.L. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Provides Technical Assistance in SSA Case.

With assistance from her caseworker, C.O.'s mother, who is monolingual-Cantonese speaking, contacted OCRA on C.O.'s behalf. C.O. had received a notice for a reduction of her SSI. OCRA filled out the Request for Reconsideration and provided technical assistance to C.O.'s mother and caseworker.

C.O. then received notice that the Request for Reconsideration had been denied because SSA calculated that C.O. had not met her fair share of all household expenses for one month. OCRA called and explained to the SSA that C.O.'s mother had misunderstood and provided incorrect data that had led to the SSA's calculation. The SSA agreed to rescind the notice and the Request for Reconsideration was withdrawn. C.O.'s full benefit amount was restored. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

S.L. Receives Rapid Response in SSI Case.

S.L. was denied her SSI benefits. OCRA believed S.L. was eligible on the basis of seizure disorder and mental retardation. OCRA also believed that benefits should be retroactive to February, 2007, when consumer applied.

OCRA provided direct representation at the SSI eligibility hearing. Less than a week after the hearing, OCRA was notified of a fully favorable decision. S.L. is eligible and will receive retroactive benefits. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

S.M. Keeps IHSS with Both Parents Living in the Home.

S.M. is a 17-year old who is nonverbal, non-ambulatory, and requires physical assistance in all activities of daily living. S.M. has no conscious control over her muscles or body so she frequently flings her arms and legs and unknowingly pulls cords and tubes which sustain her life. Neither of S.M.'s parents works because it requires at least two people and sometimes three people to care for and protect S.M.

S.M. received a NOA from IHSS terminating her services because neither one of her parents work. An IHSS regulation prohibits payment to a parental caretaker when both are not employed. At the mother's request, OCRA represented S.M. at hearing. The ALJ found that the regulation is inconsistent with the statute for the IHSS program. Because S.M. requires the care of both parents, the regulation was found to be invalid. S.M. kept her IHSS hours. Jackie Coleman, CRA, Jacqueline Gallegos, Assistant CRA, Alta California Regional Center.

ALJ Rules from the Bench in SSI Eligibility Hearing.

W.B. is a 46-year-old man who recently became a regional center consumer. W.B. had been denied SSI prior to establishing his eligibility for regional center services. OCRA examined W.B.'s SSI records. His claim did not include any information about his cognitive deficits. The regional center psychologist agreed to do a thorough battery of assessments and to testify at the hearing.

At hearing, OCRA presented documentation regarding W.B.'s cognitive and functional deficits. The psychologist's testimony was persuasive. Additionally, OCRA showed that although the job record appeared to indicate that W.B. had worked in competitive employment, all of his jobs were either with family members or scaled back with considerable support.

Both the state's psychiatrist and vocational expert agreed that W.B. could not be employed as a result of his disability. Because drug and alcohol use were a presenting factor, the ALJ asked that W.B. agree to a date of onset after successfully completing rehab. W.B. agreed and the ALJ said that he would issue a fully-favorable decision. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

IHSS Reinstates Protective Supervision Hours.

D.S. requires significant personal support services including feeding, bathing, and other personal care needs. In addition, due to D.S.'s significant self-injurious behaviors, he also requires protective

supervision. IHSS terminated the protective supervision, claiming that the record did not justify the need.

OCRA interviewed medical and clinical experts who work with D.S. to verify the need for protective supervision. Given D.S.'s profound developmental delays, he was not able to understand or appreciate dangers in the kitchen, bathroom, or public safety skills

After presenting updated records, medical reports, and other evidence to support D.S.'s need for protective supervision hours, OCRA worked carefully to develop the case and to prepare for an IHSS hearing. IHSS settled the case and agreed to reinstate the protective supervision hours prior to the hearing date. Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

J.T. Assessed for IHSS Services.

J.T. requires in-home assistance. However, his mother was told that J.T. could not receive IHSS due to property income levels being too high and because J.T. was not on the DD waiver. OCRA contacted the regional center and verified that J.T. was on the DD waiver. OCRA then spoke with the director of IHSS who also verified the information and sent J.T. an application for IHSS. After the assessment by the County, J.T. was granted 88 hours of IHSS. Rita Defilippis, CRA, Eleanor LoBue, Assistant ACRA, San Andreas Regional Center.

HOUSING

OCRA Demands Return of Security Deposit.

A.P. had moved and needed assistance because her landlord had not returned her security deposit. OCRA intervened on behalf of A.P. and sent a request to her landlord for the return of the security deposit. A.P.'s landlord subsequently mailed A.P. a check for her security deposit. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

Eviction Notice Withdrawn Following OCRA Intervention.

K.O.'s rights were being denied because she was not allowed reasonable access to the telephone. OCRA investigated the complaint. After OCRA completed the investigation, the care home where K.O. lived issued an eviction notice. OCRA intervened on K.O.'s behalf and alleged that this was retaliatory eviction and unlawful. The care home agreed to withdraw the eviction notice. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA.

PERSONAL AUTONOMY

R.W. Gets His Wish.

R.W. is an adult who contacted OCRA for assistance in obtaining an appropriate placement. R.W. is currently living in a board and care and explained that he is not receiving the type of assistance he needs from staff. OCRA agreed to contact the regional center and home administrator and represent R.W. at a meeting to discuss placement. During the meeting, R.W. described the type of support he required from staff. The home administrator explained to R.W. that his current placement is a level 2 home and that the type of support R.W. was requesting was a level 3 home. Because of the long standing relationship between the home administrator and R.W., the home administrator offered R.W. a place in his level 3 home. R.W. agreed and requested that the regional center authorize this change in placement. The regional center staff presented the request to the placement committee and it was approved. R.W. will soon move to a placement which will better meet his needs. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

R.H. Buys Home.

R.H. is a single dad subsisting on SSI in a rental apartment. When R.H.'s father died leaving forty thousand dollars to R.H., he turned to OCRA for financial planning. Using summary probate, R.H. had the funds transferred into his name. R.H. is in the process of buying a

mobile home which will save R.H. hundreds of dollars in rent every month and allow him to continue his SSI benefits. Jim Stoepler, CRA, Redwood Coast Regional Center, Eureka and Ukiah.

A.W. Returns to His Home.

51-year-old A.W. had some medical problems and needed to be hospitalized. Unfortunately, the doctors recommended he be placed in a convalescent home instead of returning to his house where he had lived his whole life. Even though A.W. had some difficulty communicating, he was able to indicate excitement about the possibility of going home, which his older sister had been trying to arrange.

A.W. was not a regional center client even though he had cerebral palsy and mental retardation. The social worker at the home made the referral to the regional center and a service coordinator was assigned. The social worker felt A.W. should be able to go home with services in place. The doctor had a different opinion. He felt someone with disabilities as significant as A.W.'s should live in a facility. A.W.'s sister called OCRA for help.

OCRA met with A.W. and the convalescent home staff, and then called for an IPP meeting with the regional center at the home to discuss getting services in place. Since everyone but the doctor agreed on the goal of A.W. returning home, he was able to return home the next business day. The regional center agreed to fund a day program since he likes music and being around people. A.W.'s sister called IHSS to make sure a new IHSS assessment would take place. The physical therapist at the home had ordered A.W.'s new wheelchair, which would be ready soon. They also got him a specialized bed through Medi-Cal. The regional center will be providing case management to help meet the rest of his needs as they arise. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

REGIONAL and DEVELOPMENTAL CENTERS

Service Coordinator Learns How to File a Complaint.

H.Z. needs wheelchair assistance when traveling to school. The school district repeatedly failed to provide a backup aide when H.Z.'s aide was not working, which resulted in H.Z. not attending school. H.Z.'s mother, who speaks a Chinese dialect, complained to the school. The regional center service coordinator requested OCRA's assistance. After OCRA provided a brief training on how to file a special education compliance complaint, the service coordinator filed a complaint. The district was found to be out of compliance and was required to insure that a replacement aide was available for those times when the assigned aide was not at work. The district has now complied. The service coordinator was pleased to be able to advocate for the child and will continue to represent H.Z. at IEP meetings. Matt Pope, CRA, Eastern Los Angeles Regional Center.

R.H. Will Continue To Live With His Family.

R.H. requires total care in all activities of daily living and has significant inappropriate social behaviors. The regional center provided R.H. and his grandparents, whom he lives with, 60 hours of respite services, 39 hours of social recreation, and 152 additional lump sum respite hours per fiscal year. Due to R.H.'s grandmother's health concerns, R.H. was placed in an adult residential facility for 6 months. R.H. was unhappy at his placement and returned home after his grandmother's health improved. The regional center declined to reinstate the services R.H. had prior to placement and his grandmother contacted OCRA for assistance. The Assistant CRA agreed to provide direct representation after review of the case. At the informal meeting, the Assistant CRA negotiated the reinstatement of the 60 hours of respite and 40 hours of social recreation. However, the regional center denied the additional respite. The Assistant CRA represented at hearing and the ALJ ordered the regional center to reinstate the 152 lump sum respite hours. Due to the reinstatement of the previous services and supports, R.H. will continue to live with his family. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

M.B. Is Made Eligible for Regional Center Services.

M.B. is an adult woman who had her children taken away from her due to allegations of neglect. Her dependency court attorney asked the judge to order an evaluation of her functioning level. M.B. had never been evaluated before. She dropped out of school in 8th grade and married and began her family. She had not worked outside the home until after her children were removed.

The evaluation found that M.B. had a diagnosis of mental retardation. She applied for regional center eligibility and was denied by the regional center in whose catchment area she was living at the time.

She contacted OCRA two years later regarding services to help her comply with the requests of the court to avoid termination of parental rights. OCRA prepared a packet of materials to apply at regional center where she now lived. OCRA also sent a letter on her behalf to the Judge in her dependency matter asking that any hearing regarding termination of parental rights be stopped pending the eligibility determination by the regional center. The new regional center then assessed M.B. and found her eligible. M.B. is now getting the services and supports that she needs to comply with her court orders. Katie Hornberger, CRA, Abigail Perez, Assistant CRA, Harbor Regional.

Expert Witness Provides Free Assessment and Testimony.

E.P. received services from the Early Start Program but was found ineligible for regional center services after the age of three. He appealed the denial. At the informal meeting, E.P.'s mother and a psychologist, who was a fellow from a major hospital, were unsuccessful in persuading the regional center to reverse its decision. The psychologist had completed a comprehensive assessment that included multiple hours and multiple meetings with E.P. E.P. was referred to OCRA for assistance. The psychologist agreed to provide expert testimony at hearing with no charge to the family. From the expert's testimony, the ALJ determined that E.P. was eligible for regional center services. OCRA agreed it will provide outreach to families connected with the hospital where the psychologist works.

Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

S.V.'s Regional Center Eligibility.

S.V. is a 12-year-old with mental retardation who had been denied regional center eligibility twice on the basis that he had mixed expressive/receptive disorder. S.V. qualified for special education services as a student with mental retardation from age 3. S.V.'s mother was confused by the regional center denials and the repeated statements by the school district that S.A. should be receiving regional center services.

Mother contacted OCRA. Based on a review of all S.V.'s documents, OCRA recommended a psychological assessment with a private psychologist for a determination of mental retardation. The psychologist assessed and diagnosed S.V. with mental retardation. OCRA submitted S.A.'s records to the regional center for a new eligibility determination. S.A. was made eligible for services. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

OCRA Assists M.R. to Maintain Transportation Services.

The regional center decided to stop providing transportation services for M.R. to a neurologist in Ventura, who has been treating M.R. for epilepsy over the last 21 years. The regional center decided that there was no need to have M.R. travel to Ventura when she could be treated by a local neurologist. M.R. had been seen by two local neurologists in the past but the medical treatment they provided had a detrimental affect on her condition because they lacked an understanding of her medical fragility. OCRA assisted M.R. with requesting a continuation of these transportation services through the appeal process. OCRA sent a letter to M.R.'s doctor requesting a written explanation of the need for MR to travel to Ventura. M.R.'s neurologist in Ventura expressed concerns regarding the continuity of care for M.R.'s condition, especially since she had recently been started on a new drug and the neurologist felt responsible for monitoring how M.R. responds to the new medication. Moreover, M.R.'s neurologist also stated that a transfer of care to another

neurologist at the present time would be complicated. After this information was provided to the regional center, transportation services for M.R. were continued. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

OCRA Assisted A.A. with Placement in a New Group Home.

A.A. is a 17-year-old client with autism who was given a 30-day notice of termination from his group home. The home claimed it could no longer meet A.A.'s needs. A.A.'s mother believed this action was retaliation on the part of the group home because she filed a complaint with the Department of Social Services citing concerns about A.A.'s health, including but not limited to, extreme weight loss and bruises on his body for extended periods of time. The investigation cleared the group home owner and staff of any wrong doing.

OCRA contacted the regional center to inquire about potential solutions to A.A.'s eviction. A.A.'s service coordinator began an immediate search for another group home that could meet all of A.A.'s needs. In the meantime, A.A.'s parents made a written request to the owner of his group home asking that he be allowed to stay until his 18th birthday in order to allow his service coordinator to find another group home. The group home owner agreed to extend A.A.'s placement until his 18th birthday under certain conditions. Simultaneously, A.A.'s service coordinator found another group home with which the parents were impressed. A.A.'s parents informed the regional center they wanted A.A. to be placed at the new group home because it was an adult facility and would help him reach new levels of growth. The regional center agreed to place A.A. in the new group home and approved a 1:1 aid for the first 30 days to assist A.A. with the transition. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

G.R. Finally Moves from County Jail to Community Placement.

The public defender requested assistance from OCRA for a regional center client who had been in the county jail awaiting disposition of his case. The public defender previously requested that the regional center complete a psychological evaluation to determine competency.

The regional center informed the public defender that since the client's case had been closed it would not be doing the evaluation. As a result, the public defender obtained an independent psychological evaluation. With the client's consent, OCRA determined that G.R.'s regional center case had not been closed. OCRA requested an IPP meeting to plan for G.R.'s regional center services. At the IPP meeting, G.R. requested that the regional center assist him in obtaining regional center placement and services upon his release from jail. Shortly thereafter, G.R. was found incompetent to stand trial. As a result the regional center was ordered by the court to secure competency training. The regional center located a group home placement in the community for G.R. along with competency training from a community psychologist. G.R. was finally released from custody after spending 14 months in county jail. Kathy Mottarella, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

SPECIAL EDUCATION

C.M. Obtains Needed Speech Therapy.

C.M. is a 4 year-old-boy diagnosed with autism. For a year, C.M.'s mother thought her son was receiving speech therapy at school. During a classroom visit, C.M.'s mother realized that when other students in the classroom were pulled out for speech, C.M. was not. C.M.'s mother contacted OCRA for assistance in the implementation of speech therapy. The Assistant CRA agreed to review the IEP and a speech evaluation to confirm if a compliance complaint was warranted. C.M.'s mother is monolingual Spanish-speaking and misinterpreted her son's IEP that was written in English. Although speech therapy was not part of the IEP, C.M. clearly needed speech therapy according to the speech report. The Assistant CRA agreed to represent C.M. at an annual IEP meeting and advocate for speech therapy. At the IEP meeting, the school agreed to begin speech therapy immediately. Because the speech evaluation was not a current one, the school also agreed to conduct an evaluation during the extended school year so that C.M. could begin the new school

year with appropriate services. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

S.A. Receives Appropriate Individual Transition Plan Services.

S.A.'s parents contacted OCRA for special education assistance as they wanted S.A. to continue his education and be given opportunities for life skills training and community-based instruction with at least two academic or elective subjects provided in an integrated classroom setting.

In May, 2009, OCRA represented S.A. at his annual IEP meeting and subsequent Individual Transition Plan (ITP) meeting. As a result of OCRA representation, S.A. will participate during the next school year in an integrated classroom setting for a minimum of two periods per day which includes mathematics/pre-algebra concepts, and computer applications and keyboarding. He will participate in community based instruction for the remaining four periods per day, in the areas of money management, personal information and identification, functional reading and social skills training. The district also agreed to resume behavior services pursuant to S.A.'s existing behavior plan and to provide compensatory hours for the time period when service was not provided. S.A. will receive behavior modification training during the Extended School Year 2009 and school year 2009-10. Behavior services will be provided by a non-public agency (NPA) staff person(s) with established education and expertise in behavior intervention and modification training. Behavior training hours also include supervisory consultation hours and parent training. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

W.K. Obtains Two Hours Per Week of Individual Speech Therapy.

W.K. is a regional center consumer with autism. Despite the fact that the district identified that W.K. had multiple areas of need in speech including poor understanding of language and poor use of verbal and nonverbal language, the district continued to offer only one individual speech therapy session of thirty (30) minutes per week.

After reviewing W.K.'s school records, including the most recent speech and language assessment, OCRA advised W.K.'s parents to request an independent educational evaluation in speech and language. The district's speech and language assessment contained limited standardized testing and inconsistencies within the assessment.

OCRA then represented W.K. at an IEP meeting to discuss the parents' concerns with the district's speech and language assessment and the inadequate offer of speech and language services. After hearing OCRA's presentation, the district offered two (2) hours per week of individual speech therapy through a non-public agency (NPA). Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center.

Consumer Benefits from Assistive Technology.

B.R. is non-verbal and in high school. His mother purchased a communication device for B.R.'s use at home and had requested that the assistive technology be added to her son's IEP. The school district refused to include his communication device as a related service in his IEP on the basis that the school would be found liable should anything happen to it.

OCRA wrote a letter to the district on the client's behalf, requesting that the communication device be written into the IEP but that staff and B.R. receive training on its proper use. The district drafted an addendum IEP including the assistive technology as a related service and agreed to provide training to both B.R. and school staff. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Appropriate Transition Program Is Provided.

C.A. was attending a transition program. During 2008, an IEP meeting was held to discuss an appropriate transition program for C.A. At this meeting, C.A. signed his educational rights over to his father to help C.A. make decisions regarding his education.

A month later, after an altercation with C.A., the transition program teacher and the school psychologist held an IEP meeting with C.A. but without the other IEP team members. This meeting violated educational laws and a follow-up meeting was scheduled.

At the follow-up meeting, C.A. told the IEP team that he wants to be in school but not at his current program. C.A. was offered a program in another district where he is in the community 4 hours a day instead of 2 and was also offered vocational training at an auto shop. C.A. and his father agreed to the transfer in order for C.A. to receive the appropriate program. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

CDE Orders Compensatory Education for V.D.

In 2008, V.D. transferred from out of state. When V.D. later transferred back to California, V.D. was placed in a special day class (SDC) without the district discussing program options with his mother. V.D. was receiving direct math and direct reading instruction daily and occupational therapy (OT) when he was out of state, but the district did not provide these services.

OCRA filed a compliance complaint on behalf of V.D. The complaint alleged that V.D. was not provided a comparable program when he transferred to California from out of state. CDE agreed and ordered compensatory education for (1) direct reading instruction; (2) direct math instruction; and (3) OT.

Subsequently, OCRA and the regional center were unable to locate an appropriate location to provide the compensatory services. The district agreed to provide \$2,500.00 to the mother to use for V.D.'s compensatory education, to which the mother agreed. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Prevails in Special Education Due Process Hearing.

OCRA was contacted because the school district wanted to force K.U. to change schools her senior year of high school. This meant K.U. would have to leave her mainstream classes and attend a SDC at a different school. She would not graduate with her friends.

OCRA provided direct representation at a four-day due process hearing and prevailed. K.U. will remain at her current school with her friends and will graduate with them as she always wanted. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

Health Aide Retained.

M.D. is 10-years old and is attending a county school program. After agreeing to conduct an occupational therapy assessment, the district failed to do the assessment or develop an assessment plan. M.D.'s mother requested a follow-up IEP meeting to discuss this as well as her daughter's health needs. The district had suggested ending her daughter's 1:1 health aide support on the basis that M.D. has had no accidents or injuries that would compromise the effectiveness of her pacemaker.

The district failed to hold an IEP meeting within 30 days from the time of the mother's request and failed to notify the mother of the date and time of the meeting when it was finally schedule. OCRA wrote a compliance complaint on the parent's behalf to the California Department of Education (CDE). CDE found the district to be out of compliance requiring corrective action. OCRA also represented M.D. during an IEP meeting and obtained the continued services of a 1:1 health aide. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

J.W. Receives 640 Minutes of Compensatory Speech and Language Therapy.

J.W.'s IEP called for speech therapy with use of a smart board. J.W.'s parents contacted OCRA because J.W. was not receiving the service. OCRA provided direct representation at IEPs where J.W.'s

speech therapist admitted she did not have the proper equipment nor did she have the proper training for the smart board.

OCRA requested compensatory hours for the speech therapy sessions conducted by the therapist who was not providing services with the proper equipment. The school district agreed to provide J.W. with 640 minutes of compensatory speech and language services. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

School Placement Developed after OCRA Intervention.

E.C. is a young boy with significant physical and cognitive impairments. OCRA was contacted by his social worker because E.C. was not enrolled in any school program. The school district said that it did not have an appropriate class and that the county class was not available.

OCRA spoke with the district representative several times. OCRA then received a call from E.C.'s social worker. EC's parents had been informed by the school district that there was now a new county class and that E.C. would be immediately enrolled. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

School District Agrees to Assessment by School for the Blind.

B.S. is a teenager with a visual impairment. Her parents initially contacted OCRA with regard to problems B.S. was having at school regarding her aides. After reviewing the IEP, OCRA had additional concerns, and the parents requested representation at an IEP meeting. OCRA attended the IEP meeting and discussed the need for a comprehensive assessment from the State School for the Blind. The district agreed to the evaluation. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Student Receives Home/Hospital Instruction.

S.P.'s mother was extremely concerned because S.P. would not leave her bedroom due to her fragile emotional state. S.P.'s mother

felt it would be too traumatizing to force S.P. to go to school but did want some type of educational service for her. S.P.'s mother contacted OCRA for assistance. The CRA agreed to attend an IEP meeting with S.P.'s mother. As a result, S.P. is now receiving weekly Home/Hospital Instruction. Marisol Cruz, Assistant CRA, Aimee Delgado, CRA, San Gabriel/Pomona Regional Center.

Failure to Follow IEP Resolved.

N.W.'s mother contacted OCRA, concerned because the local school district had ignored some things in N.W.'s IEP. The mother had seen regression in N.W.'s speech and desire to attend school. His last IEP meeting had consisted of a 15-minute meeting without an administrator or the special education director present.

OCRA evaluated the IEP and assisted N.W.'s mother in constructing a list of concerns. This list was incorporated into an IEP request. At the IEP, OCRA presented N.W. and focused discussion on specifics required to address the concerns. The IEP that resulted was thorough with respect to the related services, including occupational therapy, behavior intervention, inclusion in the general education program, and the provision of speech therapy. N.W.'s mother reported a month later that the attitude of the school staff, N.W.'s performance, and his willingness to go to school have all vastly improved. Doug Harris, CRA, Redwood Coast Regional Center.

OUTREACH/TRAINING

Safety Training and Emergency Preparedness at Vine Village.

Vine Village is a day program for consumers in the Napa Valley. Each day, consumers work on art projects and personal goals that foster creativity and independence. OCRA has been providing self-advocacy and rights training to consumers at Vine Village for many years.

On June 26, 2009, OCRA and the Peer Self-Advocacy Unit at Disability Rights California provided a newly developed training on "Personal Safety in an Emergency." OCRA staff provided resource

information, material for emergency kits, a DVD titled “Feeling Safe/Being Safe” which was developed by the DDS Consumer Advisory Committee, and put on a skit related to safety awareness.

Consumers and staff also had a great time playing the new “Safety Bingo Game.” Prizes included small flashlights, toothpaste and toothbrush, comb and brush, socks, small food items, and band-aids for the emergency kits. The favorable response to the new training demonstrates that being safe really can be fun. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center, Daniel Meadows, DDPSAU, Gail Gresham, Supervising CRA, Sacramento.