

I. INTRODUCTION

Disability Rights California¹ provides state-wide clients' rights advocacy services for regional center consumers pursuant to a multi-year contract, HD069010, with the Department of Developmental Services (DDS) through the Office of Clients' Rights Advocacy (OCRA). The contract was renewed effective July 1, 2006, for a 5-year period ending June 30, 2011. This is the Annual Report required under the contract, pursuant to Exhibit E, Paragraph 14, for Fiscal Year 2009-2010.

OCRA takes great pride in its accomplishments. The statistics and work product for the past year, which are discussed throughout this report, give ample evidence of continuing effective advocacy. During the past year, OCRA resolved over 9,671 issues for consumers. This is a 9 per cent increase in cases from last fiscal year. OCRA also participated in 566 trainings last fiscal year, presented to approximately 25,555 people. This is an increase of 26 percent in the number of trainings and 27 per cent in the number of attendees from last fiscal year.² The increase in the number of matters handled and the increase in trainings is substantial and was the result of the extensive changes to the Lanterman Act in August, 2009, and the many questions consumers and their families had about those changes.

Disability Rights California is pleased that this year it was able to enter into a collaborative agreement between OCRA and People First of California to provide joint trainings to consumers in large facilities on their right to make choices in their own lives.

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

¹ Formerly known as Protection and Advocacy, Inc.

² Fiscal Year 2009-2010, OCRA resolved over 8,883 issues for consumers and presented at 18,749 trainings attended by 18,749 people.

Fiscal Year 2008-2009, OCRA resolved over 8,499 issues for consumers and presented at 332 trainings attended by approximately 18,634 people.

Disability Rights California greatly appreciates the support and efforts of DDS and the regional centers in OCRA's performance of this contract. Without support from those agencies serving people with developmental disabilities, OCRA's efforts to ensure the rights of people with developmental disabilities throughout the State of California would not be so successful.

II. PERFORMANCE OBJECTIVES

Disability Rights California's contract with DDS requires performance outcomes, as established in Exhibit E, Page 6, Paragraph 3, of the contract. Each of the specific required outcomes is discussed in the following Sections A through F. The contract does not set specific numbers for performance for the outcomes. OCRA is willing to establish specific numbers in consultation with DDS, if it so desires.

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

OCRA continues its tradition of serving a large number of people with developmental disabilities. OCRA handled 9,671 issues for regional center consumers during the fiscal year. As briefly discussed above, this is a 9 per cent increase in cases from last fiscal year and is a direct result of the changes made to the Lanterman Act during the fall, 2009. The breath of issues in these cases is staggering and reflects the need for staff to know the current law that affects people with developmental disabilities in a large number of areas. The statistics, attached as Exhibit B, are discussed below and show the wide variety of issues and the large number of cases handled by OCRA staff.

It is important to note that the substantial increase of 9 per cent in the amount of work performed cannot be sustained over long periods of time with existing resources. OCRA staff met the increased need for advocacy and training resulting from the Lanterman Act changes because of staff's dedication to the work that we performed and the consumers we serve. Staff cannot continue its increased productivity without more resources.

1) Advocacy Reports.

Each advocate provides on a quarterly basis a summary of at least one case that has unique situations from which others can learn and that can be used as examples of the advocacy that OCRA accomplishes. The summaries for Spring, 2010, and Summer, 2010, are compiled and attached as Exhibit C. OCRA is extremely pleased that such outstanding examples of advocacy are available to show the value of the work that OCRA accomplishes. A few examples of the advocacy:

L.A. Awarded Protective Supervision Hours.

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

\$75,000 Social Security Overpayment Waived.

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

M.M. contacted OCRA. OCRA investigated the issue and represented M.M. at a hearing. OCRA argued that M.M. was without

fault because the supported employment agency should have been reporting the wages. The ALJ agreed that M.M. was without fault and that repayment of the money would be an undue hardship. The \$75,000 overpayment was waived.

OCRA is now working with the regional center to educate service coordinators on the importance of identifying in the IPP which agency will assist the client in reporting wages to SSA.

L.R. Can Now Communicate with Other People.

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

L.R. appealed the denial. OCRA assisted L.R. in preparing for hearing, and worked with the speech expert to provide a position statement and expert testimony. The ALJ ordered the county to provide a speech generating device assessment. A few months later, the county conducted a cognitive assessment. The speech therapist wrote a letter to the county asking why it had conducted a cognitive assessment and had not complied with the ALJ's order to conduct the speech generating device evaluation. The Director of Medi-Cal reviewed the case and approved the speech generating device. L.R. has his new device and is able to communicate.

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

S.H. is a non-conserved adult with cerebral palsy who uses a wheelchair and uses sign language to communicate "yes" and "no". He is able to communicate his wants and needs when asked.

S.H.'s mother contacted OCRA on S.H.'s behalf, due to concerns she had regarding him living in a nursing facility. When the CRA met with S.H. he communicated that he wanted to live with people his own age. OCRA contacted the regional center, S.H.'s parents and the nursing facility administration and requested a meeting to draft a

discharge plan. OCRA advocated for a discharge plan with objectives that would move S.H. into a less restrictive environment. The ultimate objective of the discharge plan is to transition S.H. into an ICF-DDN and then into a small group home that has intermittent nursing care.

Purchase of Diapers Results in Overdraft.

M.C. is a young woman with developmental disabilities. She has a young child. As a result of budget cuts, she was no longer receiving diapers for her baby. M.C. went to the bank and took out money that was not sufficiently covered. She thought it was a "loan" and that she could pay it back when she had the money. She did this several times over a few months. She then began receiving notices from the bank, with fines added. Her account was frozen. M.C.'s regional center social worker had been working with the bank but had not been able to resolve the issue.

OCRA went to the bank with M.C. and the social worker and spoke with the bank manager, documenting that M.C. was a regional center consumer. M.C. agreed to allow her Independent Living skills worker to go over her finances and bank statements with her. The bank agreed to forgive the debt and not to take any legal action against M.C.

Section 8 Benefits Restored and New Informal Dispute Resolution Process Established.

B.S. was living in privately owned subsidized housing through the federal Section 8 Voucher program. The owner of the apartment complex where B.S. lived gave a cause to evict notice due to relatives of B.S. who were living there without permission, and due to alleged improper or illegal conduct of other family members living with B.S.

B.S. was referred to OCRA after the Housing Authority had already held an administrative hearing to determine if the participating landlord had cause to evict, and to determine if the Section 8 Voucher assistance should also be terminated. The Housing Authority had concluded there was cause to evict, but had not yet ruled on discontinuing the Section 8 Voucher assistance.

OCRA intervened and convinced the Housing Authority to hold a comprehensive informal meeting with B.S., the CRA, the regional center service coordinator, an ILS program representative, B.S.' ILS worker, and supportive family members. It was established that the problematic family members who had moved in did so against B.S.'s will, and were taking advantage of him. Accordingly, B.S. should not be held responsible for them or their misconduct. In order to resolve the problems posed by the unwanted family members, B. S. agreed to move, and was given additional time to do so. His Section 8 Voucher assistance was to continue.

Additional collateral benefit was that the Housing Authority decided to implement or offer an informal but comprehensive problem solving meeting in tenancies with tenants with disabilities, if they asked for it. Further, with tenant agreement, copies of any notices would routinely be sent to the representative of their choice (e.g. service coordinator), so that corrective action could be taken, and additional services provided, to help prevent minor issues from escalating into potential cause to evict or termination of benefits.

School District Agrees to Provide Autism Services to A.R.

The school district refused to give special education services to A.R. under the eligibility criteria of autism. A.R. is a consumer of the regional center with a diagnosis of autism. The school district agreed he was eligible for special education, however, refused to allow him entrance into its special preschool for children with autism. Instead, the district offered A.R. half an hour of speech and language services two times per week. A.R.'s mother contacted OCRA for help. The school district performed new assessments and an IEP meeting was scheduled. OCRA attended the IEP meeting and the school district agreed to extend eligibility to A.R. under the autism criteria and allowed him entrance into its autism pre-school class.

2) Analysis of Consumers Served.

OCRA handled a total of 9,671 cases from July 1, 2009, through June 30, 2010. This represents a 9 percent increase in advocacy service over last fiscal year and is a substantial amount of work. Included as Exhibit B is the complete compilation of data for the fiscal year.

The data has been compiled by:

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

The largest number of consumers served by age, 2,616 during this time period, has consistently been the 4-to-17 years-old age group. The next largest is the 23-40 age group with 1,286 people served. The ratio of males to females served also remains consistent. For those cases where gender is recorded, OCRA has traditionally served more males than females, with 63 percent of the consumers served being male and 37 percent being female. This roughly corresponds to the percentage of regional center consumers who are male versus female. As of January, 2008, 61.30 percent of all regional center consumers were male and 38.70 percent female.

The percentage of consumers residing in the parental or other family home remains by far the largest number of consumers served with 7,306 consumers in the family home or 76 percent of the cases handled. The next largest group served is those living independently, with OCRA serving 1,062 people or 11 percent with this living arrangement.

OCRA's statistics on the ethnicity of consumers served for the year show OCRA's continuing commitment to serve underserved communities. The percentage of consumers from various ethnicities served by OCRA was:

Ethnicity	Percent OCRA Clients 7/1/08 - 6/30/09	Percent RC Clients 1/ 2008
Afro-American	9	10
Latino	35	32
American-Indian or	1	0.4

Alaskan Indian		
Asian	4	6
Pacific Islander	1	3
White	44	42
Multicultural (Self-Identify)	1	Not listed
Refused to State/Other	1	7

OCRA's statistics show that OCRA's service to various ethnic groups is close to parity with the number of consumers of each ethnicity served by the regional centers.³ OCRA's statistics remain fairly consistent with last year's.

The vast majority of cases handled by OCRA assist consumers in accessing services or benefits from generic agencies. This year, OCRA handled 5,613 cases involving generic services.⁴ In addition to assistance with access to generic services, OCRA handled 3,794 regional center matters. The increase in regional center matters is a result of the changes to the Lanterman Act that were implemented by the legislature and the Department of Developmental Services in August, 2009, and reflects the many questions that consumers and their families had about those changes..

3) Outreach/Trainings.

During the last fiscal year, OCRA presented at 566 trainings with a total attendance of approximately 25,555 people at the various trainings. This represents a 26 percent increase in the number of trainings and a 27 percent increase in the number of attendees from last fiscal year and is an outstanding performance by OCRA staff.

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

³ The latest statistics posted on DDS' website are dated January 7, 2008.

⁴ Last fiscal year, OCRA handled 6,132 cases involving generic services.

consumers' rights, abuse and neglect issues, special education, voting rights, SSI, and conservatorships, among other topics.

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

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

From July 1, 2009, through June 30, 2010, OCRA resolved 9,671 issues for consumers. Of those served, all but 131 were resolved informally. This means that 99 percent of all the matters that OCRA handled were resolved informally. Data showing this is attached as Exhibit E.

C. Collaborative and harmonious working relationships are fostered.

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

1) Memorandums of Understanding.

OCRA has established Memorandums of Understanding (MOUs) with each regional center that addresses that center's individual needs, concerns, and method of operation. MOUs are updated as needed. As part of the implementation of the current contract, the director of OCRA met by telephone or in person with each of the regional center executive directors or designees, to revise the existing MOUs. Copies of all MOUs have been forwarded to DDS. The status of each revised MOU is discussed in Exhibit F.

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

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

Catherine Blakemore, Executive Director, Disability Rights California, Bob Baldo, Executive Director of the Association of Regional Center Directors, and Jeanne Molineaux, Director, OCRA, meet in December, 2009 and July, 2010, to discuss matters of interest between the two organizations. No concerns about OCRA services were identified. Further meetings with ARCA will be convened, should concerns arise.

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

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

1) Consumer Satisfaction Survey.

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

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

Eleven hundred and sixty-two surveys were mailed out. Two hundred and thirty-one people returned the survey. This represents a 19 percent return rate of the surveys.

Of those responding to the questions, 96 percent of the responders felt they were treated well by the staff, 96 percent understood the information they were provided, 96 percent believed their CRA listened to them, 88 percent believed they were helped by the CRA, and 92 percent would ask for help from OCRA again. See Exhibit G, which discusses the results of OCRA's survey.

2) Letters of Appreciation.⁵

- Una nota de gratitud: En este mundo tan agitado, a veces olvidamos que aun existen personal generosas que hacen el bien sin esperar nada a cambio Anastasia Baciagalupa. Gracias por ser una de ellas ! Dios la bendiga nadie mejor que usted para defender los derechos de nuestro hijo se lo bamos a agradecer toda la vida. De todo Corazon. (A note of gratitude: In this world that is so hectic we some times forget that people who are generous that do "good" and do not expect anything in return exist. Anastasia Baciagalupa. Thank you for being one of those people! May god bless you. No one better than you has defended my son's rights. We will be grateful to you for the rest of our lives. From the bottom of our hearts, Thank you.)
- Thank you for telling us about "my choice" It was great information that you gave us. I learned from the DVD that there are different ways if making a choice. I remember that you guys told us that there's places called developmental center where special people live in an area together in that center. I also recall that you guys said that some people live with a friend in apartment or houses. Once more thank you for telling us about choices and thanks for the books you gave us.

⁵ OCRA is providing the letters of appreciation with the wording from the originals unless otherwise indicated.

- Thank you for the presentation on Thursday I learned that I get to make my own choices. I will take this booklet to my next IEP meeting. From me to you.
- Thank you. Thanks, Wendy for your very kind heart towards our family and thanks for all the good info provided to us.
- I was only able to peek in a couple times but everything looked great and our participants were engaged and appeared to be having a wonderful time. I'm sure that they all left your presentation with something that they had not known or were not aware of previously.
- I can't believe all the work and support Jackie Coleman does for my son,____and me. It's so wonderful to have someone on our side. There must be a so many out their who need help.
- I just wanted to say how grateful I am that you were able to support both myself and ___at the bank last week. Thank you for stepping in and offering such outstanding help. I will keep a look out for your letter. Hope you had a nice weekend.
- Thank you so much for returning so promptly my SOS call. I have no way today to go and have this letter copied. So I send them all to you and you may be so kind and copy them. And at all times my deepest gratitude for all your help.
- I was very pleased to receive the attached. Although I've been focused on other things, I was relieved and a little teary to see it resolved and that your efforts and mine together got a good result. With Gratitude_____.
- We highly recommend Mrs. Hornberger, she is a superstar and an extremely competent and caring person filling in at the front lines as parents struggle to navigate the disability system. It provides great comfort to parents to have someone like Mrs. Hornberger. In the sometimes confusing and complicated world of disability advocacy and rights, Mrs. Hornberger was truly a guiding light for us. Mrs. Hornberger made a difference in our sons life and we wouldn't have done it without her we need more representatives like her.
- Thanks for coming to my class and giving us such a wonderful and powerful presentation. We did the workbook in class the following day and I had the opportunity to recently witness it in action at Luz' IEP yesterday. The format made it very easy for her to present her own choices. It was a beautiful self

advocating moment to see! I know you both would have loved it. Thanks again and again!

- Thank you for your very nice e-mail. We really truly appreciate all that you do for our families and the time you take to come talk to us. You are one of a kind and the wisdom you pass on to us is priceless.
- You were wonderful! I am so thankful for your help. ☺ Now, I know that I have done my best. My girls and I thank you. We couldn't have done it without you. Tonight before I fall asleep I will thank god and wish you many blessings because you are a blessing to me.
- I wanted to take this opportunity to share with you how much Ms. Jackie Chiang has helped me with my case....As a parent (especially being a single parent) it is very overwhelming and emotionally draining having to continuously fight for services that my daughter needs....She is incredibly supportive, informative and highly knowledgeable in her field, in addition, she is very understanding of needs and frustrations while maintaining a professional and very pleasant manner. I feel that Ms. Chiang went above and beyond her job description and spent so much time with me and my daughter's case.
- Before we get the answer I wanted you to know something, either way (though I'm feeling pretty good right now that you won this one) I am REALLY grateful to you for taking our case and putting so much effort and belief into it. You are a very gifted lawyer and we are lucky to have you. Just wanted to be able to say that to you now!
- Thank you for all your help. We won!
- I received your telephone call near the end of last school year, while _____ was supposed to be in 6th grade. For 6th grade, my son was alone in a preschool staff lounge, with a one on one aide. After speaking with me, you contacted the school district Director of Special Education, and called an IEP to discuss 7th grade placement. The district agreed to place _____ in a special day classroom with a teacher who was experienced in Autism, and who would allow accommodations for _____ to succeed. This year, for the first time EVER _____'s teacher, and principal, are supportive of necessary accommodations and not just in words but in Actions! _____ is succeeding at school for the first time in his entire life. The improvement is absolutely

phenomenal. I attribute this change *entirely* to the pressure that you, with your skill and your title, brought to bear upon the school district.....Ms. Defilippis, for eight years I have struggles fruitlessly with the school system. I had a 13 year old son who had NEVER tasted success in a school setting, who was miserable in school that he wanted to die, who thought nobody wanted him and that he didn't belong anywhere in the world. Giving him an appropriate setting has changed everything! I can not express to you the gratitude the immense relief that I feel towards what you have accomplished on____'s behalf.

- With warm appreciation for all you've given of your time your energy and yourself. (greeting) Especialmente todo su conocimiento en el area de defensa de los derechos. Muchisimas Gracias. (Especially, in the area of knowledge of defending rights. Thank you very much.)
- Thank you for the kindness and thoughtfulness you showed me. You treated me and helped me out. As if I was a member of your immediate family. I want to thank you for all the help you displayed to me and my matter you truly are one of gods walking angels. You and your staff are blessing.
- Thank you so much for your presentation at the____ meeting last Saturday. Your presentation helped parents as well as professional members in many ways. We could learn so many things from you, Katie and Mary it was interesting for me to see that some parents were overwhelmed by the fact that there were still so many things that they did not know: that some parents were motivated to learn more: that some parents were comfortable following thoroughly.
- On behalf of the entire executive team, I would like to express our heartfelt appreciation for your participation in the Opportunity Fair that was held June 3, 2010 at _____. How wonderful it is to see so many vendors sharing in a common goal of providing for the hopes and dreams of people with developmental disabilities. I sincerely thank you for your willingness to spend the day with us at _____ and I hope you enjoyed the day sharing information about your services and opportunities with our residents and staff.
- Thank you from the bottom of my heart for all your effort and success on my daughter's case for disability medical. We really appreciate the peace of mind you have given us by finding the

way that she could remain insured. You are a valuable asset to the disabled community.

- Thank you for providing the website links. The information provided was useful in guiding us through portions of our meeting. Katie Meyer was invaluable when she assisted us in the early months of this year. She helped us achieve independence goals for _____, agreed upon by IEP team, and not initially implemented by our school district, while we hope not to be in a position to call OCRA counsel again we certainly benefited from _____ advice and will keep your office in mind if other issues arise.

3) Cases will be handled in a timely manner.

It is important that advocacy services be provided in a timely manner. Consumers and families are frequently in emergency situations, in danger of losing their placement in the least restrictive environment, losing their source of income, unable to get their medical needs met and a myriad of other dangerous or difficult situations. For this reason, OCRA has, since its establishment, had a policy that all calls will be returned as soon as possible, but not later than closing of the next business day. OCRA measures its performance in this area by use of its consumer satisfaction survey, see Exhibit G, discussed more fully above. OCRA statistics shows that 87 percent of all callers to OCRA received a call back within two days during the fiscal year. This level of performance provides verification that cases are resolved in a timely manner. OCRA will continue to train on this requirement to ensure that it provides exceptional services for all callers.

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

OCRA works through the OCRA Advisory Committee to ensure that this performance outcome is achieved. Attached as Exhibit H is a list of the members of the Disability Rights California Board of Director's OCRA Advisory Board Committee effective June 30, 2010.

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

The Board OCRA Advisory Committee is a knowledgeable, constructive, and helpful group of volunteers who continue to provide valuable guidance to the OCRA staff. The meetings are lively and informative and provide a forum for exchange of ideas and information. Minutes for the meeting held on September 11, 2009, were provided with the Semi Annual Report and minutes for the meeting held on March 5, 2010, are attached as Exhibit H.

Additionally, two OCRA Advisory Committee Board Members were chosen to make presentations at the statewide ADA Celebration held on July 26, on the steps of the California State Capital Building. The committee members, Billy Hall and Eric Ybarra, were eloquent in discussing what the ADA means to them.

DDS staff is invited and encouraged to participate in the next meeting, which is set for September 24, 2009, in the Bay Area.

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

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

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

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

Voting Rights

Clients' Rights Bingo

Hands off My \$\$\$

Being Your Own Boss

Additionally, OCRA agreed to work with DDS on a self-advocacy training developed by DDS for consumers on consumer safety in emergencies and OCRA staff was trained on implementing the training in Sacramento on December 9, 2008. During the past fiscal year, each OCRA office performed at least one Emergency Preparedness self-advocacy training.

OCRA is also starting to provide self-advocacy trainings mandated from the court-approved settlement of Capital People First, a law suit brought by Disability Rights California to encourage the movement of consumers from developmental centers and large facilities to the community. OCRA is utilizing materials developed by DDS in the self-advocacy trainings which are to be given to residents of large facilities. In addition to a DVD developed by DDS, which shows four separate consumers discussing their living arrangements, DDS developed a sticker book called My Own Choice. A copy of the book will be given to almost every participant in the training. The sticker book is a tool used to help individuals express their personal decisions about preferred living options.

Disability Rights California has also entered into a contract with People First of California to hire consumer trainers who will conduct the trainings with OCRA staff. The logistics of the training are still being determined but OCRA is confident that an extremely high quality training will result from the Capital People First agreement. Next fiscal year, all OCRA offices, except those without a large facility in its catchment area, will perform at least one training on consumer living choices with the materials developed by DDS.

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

always, OCRA welcomes comments from DDS on any training packets.

OCRA is required to report in its Annual Report an evaluation of the self-advocacy trainings. This year, OCRA has randomly selected consumer training satisfaction evaluations from its Emergency Preparedness Self Advocacy Training for inclusion in the first half of the OCRA Self-Advocacy Trainings' Evaluation binder, which is under separate cover. The second part of the Evaluation binder contains sample evaluations from other OCRA trainings. Almost without exception, consumers are pleased with OCRA and DDS' Emergency Preparedness Training and other OCRA trainings.

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

III. TITLE 17 COMPLAINTS

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

IV. DENIAL OF CLIENTS' RIGHTS

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

Attached as Exhibit K is the current log of Denials of Rights from the OCRA Offices.

V. CONSUMER GRIEVANCES

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

Seven grievances were filed by consumers or their families during the past year, six of them during the first 6 months of the fiscal year. This was when, on the average, OCRA offices had an increase of 30 per cent in the number of calls from the same time period last year. The increase was due to the changes in the laws affecting people with developmental disabilities during the fall, 2009. Offices could not directly represent many of the consumers who were requesting such representation.

All actions of OCRA were upheld in the grievances. Information concerning the grievances has previously been submitted to DDS. Attached as Exhibit L is a chart detailing the grievances filed against OCRA during this period.

VI. COLLECTION OF ATTORNEYS FEES

OCRA does not charge consumers, their families or advocates fees for services nor does OCRA seek to recover costs from these individuals. Clients' Rights Advocates who are licensed to practice law in California, or Assistant or Associate Clients' Rights Advocates working under the supervision of an attorney, can collect attorney's fees and costs similar to those collected by private attorneys or advocates for special education cases or other cases where there are statutory attorney's fees. OCRA collects fees only in special education cases or Writs of Mandamus. Fees and costs may be

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

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

VII. RECOMMENDATIONS FOR ENHANCEMENT OF SERVICES

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

As reflected in the case load statistics, the number of consumers and their families requesting assistance was nine percent higher this fiscal year than last. Additionally, OCRA presented at 26 percent more trainings which were attended by an increase of 27 percent attendees for the fiscal year over the previous fiscal year. This increase challenged OCRA staff's ability to provide quality, timely advocacy. We are proud of the fact that OCRA staff were able to respond to the increased need for services. Given the State's fiscal climate, we do not believe it is feasible for the State to provide an increase in funding for OCRA services nor responsible for Disability Rights California to request an increase in funding for services, even for those regional centers that have the highest case loads. We are extremely appreciative of DDS' support of the OCRA program during these difficult economic times.

We also appreciate the opportunity presented by the *Capitol People First* settlement which targeted a portion of OCRA training and outreach efforts to individuals residing in nursing and other large

congregate facilities. This training is providing an opportunity to work collaborative with People First of California and reach consumers who may have a more difficult time accessing Disability Rights California services through other means. We look forward to other opportunities to work with DDS and regional centers to serve individuals with developmental disabilities.

VIII. CONCLUSION

OCRA's statistics show its staff's continuing commitment to the protection of the rights of people with developmental disabilities. OCRA handled over 9,671 cases the last year, provided 566 trainings to over 25,555 people, and met each of its performance objectives. OCRA remains dedicated to ensuring that the rights of all of California's citizens with developmental disabilities are enforced.