

## **I. INTRODUCTION**

Disability Rights California, California's protection and advocacy agency, provides state-wide clients' rights advocacy services for regional center consumers pursuant to a five year contract, HD069010, with the California Department of Developmental Services (DDS), through Disability Rights California's Office of Clients' Rights Advocacy (OCRA). The current contract is effective through June 30, 2011. Disability Rights California was awarded a new contract, through the state competitive bidding process, effective July 1, 2011. This is the final semi-annual report under the current contract covering July 1, 2010, through December 31, 2010.

OCRA takes great pride in its accomplishments. The statistics and work product for the past six months, which are discussed throughout this report, give ample evidence of continuing effective advocacy. During the past six months, OCRA resolved over 4,863 issues for consumers. Additionally, OCRA staff participated in 205 trainings presented to approximately 10,141 people.

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 and is found on our website at [disabilityrightsca.org](http://disabilityrightsca.org).

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, Paragraph 3, of the above-referenced contract. Each of the specific required outcomes is discussed in the following Sections A through F.

### **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 4,863 issues for regional center consumers during the first 6 months of the fiscal year. The breath of issues in these cases is staggering and OCRA staff remains knowledgeable about the current law in an effort to help consumers and parents understand recent changes and their rights. 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.

#### **1) Advocacy Reports.**

Each advocate provides on a quarterly basis a summary of at least one administrative hearing or other 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 Fall, 2010, and Winter, 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:

#### **Judge Rules That the IHSS Two-parent Household Rule Is Invalid.**

E.P. is a minor with multiple disabilities, including seizures and a medical condition which most children do not survive past infancy. Due to the care provided by E.P.'s mother. E.P. is now four years old.

E.P.'s mother was a dental assistant before E.P. was born, but her mother can no longer work due to the care provided to E.P. E.P.'s mother applied for IHSS for E.P. and was denied because two parents were in the home. OCRA represented E.P. at her IHSS hearing and argued that the two-

parent household regulation is invalid because the statute does not allow it. At hearing, the IHSS supervisor admitted that she knew that the State was in the process of removing that regulation from the Department of Social Services Manual of Policy & Procedures.

A hearing decision was rendered in E.P.'s favor. The ALJ determined that E.P. had a need of more than 400 hours a month. She also determined that the two-parent household rule was contrary to the purpose of IHSS and therefore invalid. E.P. received 283 hours per month retroactive to the date of application.

**ALJ Finds Consumer Eligible for SSI and Awards \$16,000 in Retroactive Payments.**

K.G.'s mother contacted OCRA requesting assistance with a denial of SSI eligibility. K.G. is a 21-year-old with established regional center eligibility. His regional center case workers are very supportive.

OCRA agreed to represent K.G. at hearing. It was determined that K.G. met the listing for mental retardation and should have been found eligible for SSI previously. As a result of the failure of SSI to find him eligible, the ALJ found that K.G. was entitled to a retroactive payment to the date he initially applied for benefits. The ALJ awarded over \$16,000 in retroactive benefits.

**OCRA Obtains Busing for Special Education Students Who Live in an Apartment.**

M.J. is 5-years-old and lives with his family. He is very medically fragile, cognitively impaired and uses a wheel chair. For the last few years, the school transported M.J. from the door of his apartment to school. Last summer, the school informed the family that it was the district policy to NOT transport children within an apartment complex and that M.J. never should have been transported to his door.

M.J.'s family asked OCRA for assistance in getting M.J. bused to his door as M.J. can become very ill when he is outside in the elements, plus he is not able to get himself to the school bus stop outside of his apartment complex.

Because the family obtained documentation from the school that it was school district policy not to transport special education students to their door if they live in an apartment, OCRA filed a Compliance Complaint on behalf of all students in special education who live in an apartment building.

The CDE contacted 35 families in the school district and verified that students were delivered to their door if they lived in a house, but not if they lived in an apartment.

The school district was ordered to hold Individual Education Plan (IEP) meetings by the end of January, 2011, for all special education students who live in an apartment and to provide verification to CDE that families have been informed of their right to have door-to-door transportation if the student needs it and that all students who need the transportation are receiving it.

### **H.H. Gets His Security Deposit Back.**

H.H. was living in a regional center group home and wanted to move into an apartment in a new area. After saving and preparing, H.H. signed the lease for his own apartment. The landlord required a substantial security deposit but H.H. agreed to it because he really wanted to live independently in that area. When H.H. contacted the electric company, H.H. discovered that the building did not receive electricity. The electric company suggested that H.H. contact the police department because the landlord had a reputation in the area for renting sub-habitable apartments.

H.H. decided not to rent any apartment from that landlord. When H.H. tried to get out of the contract and get his security deposit returned, the landlord refused.

OCRA helped H.H. and his mother draft a letter to the landlord citing the relevant laws regarding the return of security deposits and habitability generally. The landlord then agreed to return both the security deposit and the rent paid.

## **2) Analysis of Consumers Served.**

OCRA handled a total of 4,863 cases from July 1 through December 31, 2010. This represents a significant provision of advocacy service and an

increase of 12 per cent from this period last year. The complete six-month compilation of data is included as Exhibit B. The data has been compiled by:

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

The majority of the OCRA statistics remain consistent with OCRA's previous statistics. For example, the largest number of consumers served by age, 1,422 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 728 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 64 percent of the consumers served being male and 36 percent being female. This roughly corresponds to the percentage of regional center consumers who are female versus male. As of December 31, 2007, the most current date for which data is available from DDS, 61.30 percent of all regional center consumers were male and 38.70 percent were female.

The percentage of consumers residing in the parental or other family home remains by far the largest number of consumers served with 3,482 consumers in the family home or 72 percent of the cases handled. The next largest group served is those living independently, with OCRA serving 674 people or 14 percent with this living arrangement.

OCRA's statistics on the ethnicity of consumers served from July 1, 2010, through December 31, 2010, show OCRA's continuing commitment to serve underserved communities.

The percentage of consumers from various ethnicities served by OCRA is<sup>1</sup>:

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<sup>1</sup> OCRA rounds off its representation numbers so the total might exceed 100 percent.

Ethnicity	% OCRA Clients 7/1/10 - 12/31/10	% OCRA Clients 7/1/09 – 12/31/09	% RC Clients Dec. 2007
African-American	9	9	10.35
Latino	34	35	31.92
American-Indian or Alaskan Indian	1	1	.41
Asian	4	4	5.90
Pacific Islander	1	1	2.46
White	44	45	41.74
Multicultural (Self- Identify)	4	4	Not listed
Refused to State/Other	4	4	7.21

OCRA's statistics show that OCRA's service to various ethnic groups is close to parity or above the number of consumers of each ethnicity served by the regional center.

This six month period, the OCRA offices handled 910 education matters and 1,780 regional center matters. This continues to represent a change in trend in which OCRA had fairly consistently handled more special education matters than regional center. This can be accounted for by the many changes in the Lanterman Act which were implemented by the regional centers during the past year. Consumers and parents had many questions about the changes which OCRA attempted to answer. OCRA also handled this year approximately 871 cases dealing with income maintenance, which includes Social Security and In-Home Supportive Service, and over 100 cases each in abuse, conservatorship, finance, health, housing, and personal autonomy.

Taken together, the problem codes continue to relay the broad areas of law with which OCRA staff need to be familiar.

### **3) Outreach/Trainings.**

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, consumers' rights, abuse and neglect issues, special education, voting rights, Medi-Cal and Medicare issues, and conservatorships, among other topics.

During the past six months, OCRA staff presented at a total of 205 trainings with a combined attendance of approximately 10,141 people. This is an outstanding performance by OCRA staff .

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 catchment area. To help with this, OCRA appointed a statewide outreach coordinator, Anastasia Bacigalupo. 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 updated 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, 2010, through December 31, 2010, OCRA resolved 4,863 issues for consumers. Of those served, all but 48 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.**

If at all possible, OCRA staff attempts 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 also represents an internalized recognition that some of the most effective advocacy takes place at the level of interpersonal relationships and informal advocacy. The success of this philosophy is demonstrated by the number of calls we receive, by OCRA's many successes, and by its recognition as an excellent resource for people with developmental disabilities. Specific examples of collaboration, in addition to those discussed in sections above, are discussed below.

### **1) Memorandums of Understanding.**

OCRA has established Memorandums of Understanding (MOUs) with each regional center that address 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 with all of the regional center directors or designees to revise the existing MOUs. All of the MOUs have been completed and 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, Jeanne Molineaux, Director, OCRA, and Bob Baldo, Executive Director of the Association of Regional Center Directors, met in July, 2010. At that time, several outstanding issues were discussed and further meetings will be planned as needed.

### **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 Consumer Advisory Committee, and DDS. From the results of the most recent survey, it is clear that OCRA consumers remain extremely satisfied with the services provided by OCRA.

Three hundred and fifty-seven surveys were mailed out. Eighty-seven people returned the survey, which represents 24 percent of the surveys mailed. Of those responding to the questions, 98 percent of the responders felt they were treated well by the staff, 94 percent understood the information they were provided, 95 percent believed their CRA listened to them, 92 percent believed they were helped by the CRA, and 98 percent would ask for help from OCRA again. See Exhibit G which discusses the results of OCRA's survey. These are excellent survey results, for which OCRA is justly proud.

## **2) Letters of Appreciation.**

OCRA staff receives many letters of appreciation from consumers and others. Below are quotes from a few of the letters<sup>2</sup>:

The team recognizes the wonderful time you provided to clients and senior companions, as well as level of care staff. I know all who attended had a great time and everyone came away a "winner" with the great prizes you provided.

Your willingness to organize and implement Advocacy Bingo demonstrates your understanding of, and commitment to, the values of \_\_\_\_\_, specifically, leadership, serving others and respectful relationships. Please accept our sincerest thanks and congratulations for a job well done!"

"Thank you so much! I appreciate you taking the time to talk to me. I will keep your number handy in case I need you! I really appreciate the information you are passing along."

"You made a real difference in my girl's life and was a blessing to all of us."

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<sup>2</sup> Quotations are repeated as stated in the letters, except for the deletion of names.

“I would like to express my gratitude to the Office of Clients’ Rights Advocacy for all the support and services they have provided for my special needs child, and in turn my entire family. Your presence was vital for my special needs son in getting him the services and equipment that he really needed.

We greatly appreciate you for advocating for my son and every special needs family. As you know when you have a special needs family member every day life is a much bigger challenge than normal. Your organizations mission makes a huge difference in our lives and I hope you guys are around a very long time and continue to advocate for families like mine. Thank you for being there.”

“Thank you very much for your help. The information you sent was useful and provided me with some additional information I wasn’t aware of. My hearing today went well – I think the mediator will recommend in our favor with everything I presented. We will move forward from here and present to the board on 7/27 where we will be given an answer as to whether or not the appeal for the permit is granted or denied.”

“Today I received a call from the mother of \_\_\_\_\_. She simply wanted to thank your office for what we do and to say she has been very happy with our services and that our work is needed and appreciated.”

“Even though it took a long time to bring this to you, I want you to know that there’s not a lot of people like you in this world anymore. You took the time & patience to help my mom & me (a lot) I thank God for people like you everyday.”

“...Thank you so much for all your help in this Herculean effort. Your knowledge of the law, as it applied to IHSS, made the difference in crafting the arguments behind the appeal, and gathering supporting evidence.”

“I really appreciate all of your help and I am glad I met you and that I attended your class on IHSS and I am hoping that I will continue to attend other training sections from your organizations. Going to mediation was an opportunity and experienced of learning about how to defend the rights of my son. I really believed in what my son’s doctors told me that I will have to educate and take care of myself in order to take care of my son. I

definitely need to read the book on “Lanterman Law” and become more familiar with the law.

I definitely will keep in touch, I know you are a very busy person but I can tell that you really love your job defending people for what is right. You have a tough job but also rewarding knowing you are helping others in need. I have a lot of respect and admiration for the work you do.”

“Yo,\_\_\_\_ padre legal y tutor de \_\_\_\_por este medio le doy las infinitas gracias con el servicio de avogacia que me brindo- Jackie Chiang y Jazmin Romer. Donde ahora, yo estoy satisfecho con los servicios que estoy recibiendo.” (“ I,\_\_\_\_ legal father and tutor of \_\_\_\_ by this means give infinite thanks for the services of advocacy that has been rendered to me- Jackie Chiang and Jazmin Romero. Where now, I am satisfied with the services that I am receiving.”)

“...We got the shower chair.it was useful to mention the office of disabilities rights,I would like to write a appretition letter,where should I address the letter to. THANK YOU so much for all your help. You guys really make a big difference,specially in this hard time,that disable,and elderly people are under attack,that’s the way it feels,you guys are a little light at the end of the tunnel.Thank god that we still have u guys around .You guys are a great support.Thak you again and god bless you.”

“Thanks for your time and energy in editing our letter. It’s much more authoritative now. As always, we appreciate your invaluable assistance.”

“I AM WRITEING TO YOU ON THE BEHALF OF MYSELF, \_\_\_\_\_. FIRST OF ALL I WOULD LIKE TO THANK YOU ... FOR STICKING UP FOR ME AT MY ANEL REVIEW! THANK YOU!”

### **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 close 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 show that 83 percent of all callers to OCRA received a call back within two days during the first half of this fiscal year. 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. The OCRA Advisory Committee, which is a standing committee of Disability Rights California's Board of Directors, meets twice a year at various locations throughout the state. Attached as Exhibit H is a list of the members of the Board OCRA Advisory Committee effective December 31, 2010.

Public members of the Advisory Committee are nominated by current Advisory Committee members and confirmed by appointment by Disability Rights California's Board of Directors. In the selection process, the committee and board consider 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, are attached as Exhibit H.

DDS staff is invited and encouraged to participate in any of the meetings set for 2011. They are:

February 25, 2011	Sacramento
September 23, 2011	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 per year. 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. Many offices provide more than one training. OCRA far exceeds the mandatory self-advocacy training requirement.

To date, OCRA has developed five separate packets of information for OCRA staff to use in the mandated trainings. Samples of the packets were previously provided to DDS and are contained in OCRA's Annual Report provided to DDS on September 1, 2007. In December, 2008, DDS sponsored a training on consumer emergency preparedness for OCRA staff. Staff uses the materials from this training as an additional self-advocacy training. Additionally, as one of the stipulations in the *Capital People First* law suit, DDS developed materials for OCRA staff to use in a consumers' rights self-advocacy training. Self-Advocacy Trainings held to date this year are listed in Exhibit I.

**III. SECTION 50540 COMPLAINTS**

CCR, Title 17, Section 50540, sets forth a complaint procedure whereby a regional center consumer, or his or her authorized representative, who believes a right has been abused, 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 the Welfare & Institution Code, Section 4731. However, the later law offers more consumer protections. There were three Title 17 complaints filed during the last six months, the log for which is attached as Exhibit J.

**IV. DENIAL OF CLIENTS' RIGHTS**

CCR, Title 17, sec. 50530, sets forth a procedure whereby a care provider may deny one of the basic rights of a consumer if there is a danger to self

or others or a danger of property destruction caused by the actions of a consumer. The CRA must approve the procedure and submit a quarterly report to DDS by the last of each January, April, July, and October. OCRA is including the reports concurrently with the contractual date to provide OCRA's semi-annual report. 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.

Four first level grievances were filed by consumers or their families against OCRA during the last two quarters and one continued to the second level. Findings by Disability Rights California and DDS upheld the actions of OCRA. 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 time period.

## **VI. CONCLUSION**

OCRA's statistics show its staff's continuing commitment to the protection of the rights of people with developmental disabilities. OCRA handled 4,863 cases the last six months. Additionally, OCRA provided 205 trainings to over 10,141 consumers, their families and interested people. OCRA continues to meet each of its performance objectives. OCRA remains dedicated to ensuring that the rights of all of California's citizens with developmental disabilities are enforced.