

## **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, HD119002, with the California Department of Developmental Services (DDS), through Disability Rights California's Office of Clients' Rights Advocacy (OCRA). Disability Rights California was awarded a new contract, through the state competitive bidding process, effective July 1, 2011. This is the first semi-annual report under the current contract and covers July 1, 2011, through December 31, 2016.

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 4,560 issues for consumers. Additionally, OCRA staff participated in 169 trainings presented to approximately 8,088 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 A, Paragraph 13 M., 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 4,560 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, 2011, and Winter, 2012, 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:

#### ***IHSS Recipient's Hours Increased to 266 after Due Process.***

Parents of 9-year-old V.R., who has severe intellectual and physical disabilities requiring constant care, received a notice that V.R.'s IHSS hours had been reduced from 239 to 91. The county alleged that the non-provider spouse in a two-parent household was an alternative resource. OCRA helped the father to develop a work schedule chart and had him obtain letters from his employer substantiating his 60-hour work week. A hearing was held at which OCRA successfully requested a continuance, the ALJ agreed to continue aid paid pending, and both parties agreed that

the issue was not how much father was working but whether the regulation upon which the county was relying was valid.

OCRA attended the IHSS reassessment. OCRA reviewed the county file which showed assessments of actual need which did not appear in the county's notice, as well as old notices showing that the county had awarded increasing hours during the past 5 years, consistent with the 239 hours that the county now sought to reduce.

OCRA represented V.R. at a second hearing. On the morning of the hearing, the county representative called to say that the county agreed to reinstate the hours. OCRA then met with the parents and the county at the hearing and agreed to an increase of hours from 239 to 266.

### **R.B. Gets Benefits Reinstated and \$50,323 Overpayment Cleared.**

R.B. works at a courthouse job site through supported employment. He also receives Social Security benefits under the DAC program. R.B.'s mother, who is his representative payee, received a notice that R.B.'s disability had ended and he had incurred an overpayment of \$50,323, because he was allegedly performing substantial gainful employment (SGE) by earning over \$1,000 per month. R.B. and his mother contacted OCRA for help.

OCRA asked R.B.'s supervisor about R.B.'s work and then asked the supervisor to complete the Work Activity Questionnaire, a SSA form that asks about subsidy and working under special conditions. OCRA learned that one of the job requirements is that workers must have a developmental disability. R.B.'s employer certified that R.B. works 40 hours per week and has a job coach for 40 hours per week. R.B. requires extra help and supervision and has fewer and easier duties, and must meet lower production standards than an employee without a disability in a similar job.

OCRA filed an appeal of the disability cessation and ask for expedited reinstatement of R.B.'s benefits. OCRA provided evidence of subsidy and special employment conditions, which meant that R.B. was not performing SGE, is still eligible for benefits, and the overpayment should be cleared. The SSA agreed, reinstated R.B.'s benefits, and cleared the overpayment.

## **OCRA Advocates against NIMBY-ism.**

The regional center informed OCRA that several medically fragile consumers were being discriminated against because of their disabilities. The consumers required advocacy assistance. A new vendor had received a grant for \$90,000 to open a 6-bed home to fulfill unmet placement needs in the foothills area. The home owners association was trying to prevent the project from moving forward. Neighbors began to harass the new vendors with calls, emails, and inappropriate calls to law enforcement.

Threats to prevent the care home from opening in the private community alerted regional center staff, and Area Board 6. The regional center had approved the location and viewed the community as aesthetically pleasing. OCRA attended the home owner's association meeting with the Area Board 6 and regional center with resources and information to share. The regional center notified OCRA that despite efforts to stop the purchase of the home and vendorization of the provider, escrow closed. Six consumers will shortly have an appropriate new home in the community

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

OCRA handled a total of 4,560 cases from July 1 through December 31, 2011. 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, 1,295 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 701 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 65 percent of the

consumers served being male and 35 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 3,292 consumers in the family home or 71 percent of the cases handled. The next largest group served is those living independently, with OCRA serving 570 people or 13 percent with this living arrangement.

OCRA's statistics on the ethnicity of consumers served from July 1, 2011, through December 31, 2011, show OCRA's continuing commitment to serve underserved communities. DDS has changed the format for its reporting of the ethnicities of the consumers served by each regional center. DDS now reports four ethnicities and a category called other. Charts showing a comparison by percentage of the ethnicities served by OCRA and those served by the regional centers are attached as Exhibit B1. The ethnicities reports do not completely correspond but do show that OCRA is generally in parity statewide in its provision of services to the ethnicities identified as served by the regional centers statewide

This six month period, the OCRA offices handled 883 education matters and 1,517 regional center matters. This continues to represent a change in trend in the last few years in that OCRA previously 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 two years.

Consumers and parents had many questions about the changes which OCRA attempted to answer. OCRA also handled the first six months, approximately 871 cases dealing with income maintenance, which includes Social Security and In-Home Supportive Service, and over 100 cases each in conservatorship, 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 169 trainings with a combined attendance of approximately 8,088 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 an outreach coordinator for the northern and southern offices, Kendra McWright and Beatriz Reyes, respectively. The coordinators advise 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. The plans were updated this year. 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, 2011, through December 31, 2011, OCRA resolved 4,560 issues for consumers. Of those served, all but 37 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 fosters 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. All of the MOUs have been provided to DDS. The date of each MOU is listed in Exhibit F.

In general, the meetings regarding the MOUs are productive and 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, last met in July, 2010. At that time, several outstanding issues were discussed and it was determined that further meetings would be planned as needed. Since that time, Ms. Blakemore has met with Mr. Baldo on a regular basis regarding many matters, not just OCRA matters, though sometimes issues regarding OCRA have been discussed. The most recent of those meetings was in January, 2012. A new Executive Director has been appointed for ARCA and Ms. Blakemore and Ms. Molineaux will schedule an appointment to meet with that person to discuss the collaborative working relationship as soon as practical.

## **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.

Seven hundred and fifty-seven surveys were mailed out. Ninety-six people returned the survey, which represents a 13 percent return rate of the surveys mailed<sup>1</sup>. Of those responding to the questions, 98 percent of the responders felt they were treated well by the staff, 97 percent understood the information they were provided, 96 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, and 95 percent were helped by the CRA. 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 receive many letters of appreciation from consumers and others. Below are quotes from a few of the letters<sup>2</sup>:

“I love my son, I am happy to have him home every weekend, but at this point in our lives, we can no longer survive having him full time. We shall always be grateful to you for the help you have giving us. Words cannot express the extent of my gratitude. I shall sing praises to anyone who will listen. Thank you. Thank you. Thank you.”

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<sup>1</sup> The return rate for surveys for this period is extremely low. OCRA is not certain of the reason for this but attributes some of the low return rate to the fact that Disability Rights California's move from its former address might have interfered with the return of surveys.

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



“She was able willing to guide me through the whole process, review all my documents, gave me lots of tips and strategies. Because of her hard work, I received a big compliment from the judge who told me at the end of the hearing. I was really impressed by your preparation of the case.” I am grateful that Eva helped me during my time of need”. I just want you to know that you have a great worker there in your office. She deserves to be recognized and praised.”

“This is all because of organizations like yours and Valerie’s at Kern Regional Center. I couldn’t have done it without Valerie’s help, as the people in charge wouldn’t even answer my phone calls or my emails. Thanks you all so very much.”

“Thank you very much for all your help, support and encouragement.”

“I am convinced that the meeting would not have gone nearly as smoothly as it did without your help. Just so you know, I met \_\_\_ from IRC yesterday and I very much liked her. Things are going great as far as initiating the agency switch and it would not have been possible without your considerable assistance. Thank you very much for all your help. Your knowledge and experience has been very helpful and it was very reassuring to have you with us at the IEP meeting.”

“Buenas tardes Eva Muchas Gracias por tan linda presentacion los padres quedan encantados con Usted en las notas que medieron.... Muchas gracias por su apoyo” (“Good afternoon Eva .Thank you very much for your wonderful presentation the parents were pleased with you in the notes they gave me. Thank you very much for your support....”)

“Every day I am grateful for you being in our lives! Your ability to calm me down when it comes to the most important thing in my life is like no other. I have more courage knowing you’re on my side! You are an amazing person. I hope you know if you ever need anything feel free to call me anytime! Thanks again for being there for me during the tough times with the school. You are a true blessing and I am honored and inspired to know you.”

“Thank you, thank you and thank you for your insights and reflections.”

“The judge ruled that \_\_\_ requires Protective Supervision. Done good, eh? Couldn’t of made headway of the law and procedures without your generous help and great booklet explaining the labyrinth of IHSS.”

“We hope that you enjoy the calendar as much as we enjoyed having your agency represented at the Transition Fair. As stated, your services are vital to the community and we hope to have your participation again in the next Transition Fair event.”

“I want to thank you for conducting such a wonderful training session: everyone really appreciated it: thanks again for your leadership.”

“I also wanted to thank you for agreeing to attend the IEP for \_\_\_ I truly appreciate it. Please tell Mr. Espinoza thank you for his help as well. I believe his coaching helped me very much. We got what we wanted because of all your help. So again thanks to you both.”

“Para: DRC Beatriz & Veronica- siempre vamos a estar agradecidos de estos anos. En nombre de \_\_ & \_\_ gracias. \_\_ & \_\_ Padres de estos dos ninos especiales.” (“For: DRC Beatriz & Veronica- We will always be grateful for your support over the years. In the name of \_\_\_ & \_\_\_ Thank you. \_\_\_ & \_\_\_ Parents of two special children”.)

”I informed them that I spoke to OCRA and Mr. Poe and the information he provided and I informed them that I believed that \_\_\_ was eligible for Protective Supervision. I just wanted to let you and Mr. Poe know what happened and to thank you for all of your help and assistance because I do not believe I would have gotten the service hours for \_\_\_ without your help. Thank you again. “

“I am very grateful to Office of Clients’ Rights Advocacy Disability Rights California for all the help I got. You can not do it without HELP, I know I tried!”

“Thank you so much for your much needed help and support. The services you provide are very necessary.”

### **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 92 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, 2011.

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 23, 2011, are attached as Exhibit H.

DDS staff is invited and encouraged to participate in any of the meetings set for 2012. They are:

March 2, 2012	San Diego
September 21, 2012	Los Angeles

**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 more than 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 was one Title 17 complaint 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 and, 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. The grievance procedure is also posted on Disability Rights California website.

There were four first level grievances filed by consumers or their families against OCRA during the last two quarters and three continued to the second level. Findings by Disability Rights California upheld the actions of OCRA in all but one grievance. 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

4,560 cases the last six months. Additionally, OCRA provided 169 trainings to over 8,088 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.