

**California Health and Human Services Agency  
Department of Developmental Services**



**CONSUMERS' RIGHTS COMPLAINTS  
AND FAIR HEARING REQUESTS**



**February 2020**

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## Department of Developmental Services Legislative Report

### Background

Consumers' rights complaints and fair hearing requests are monitored by the Department of Developmental Services (Department) and appear on both the Department's and each regional center's website dashboard to promote transparency and accountability in these areas. Pursuant to SB 81 (Chapter 28, Statutes of 2019), additional requirements were added to the Welfare and Institutions (W&I) Code §4519.2(c) and (d). The Department is now also required to update the Legislature annually, beginning on January 10, 2020, with specific information regarding consumers' rights complaints and fair hearing requests as described below.

#### Consumers' Rights Complaints

Consumers' rights complaints, as indicated in W&I Code §4731, are a mechanism to be used when a consumer (3 years of age or older), or any representative acting on behalf of a consumer, believes that any right has been wrongly or unfairly denied by a regional center, developmental center or service provider. This process is not to be used to resolve disputes about eligibility, or the nature, scope, or amount of service. These issues may be addressed through the fair hearing process described below.

W&I Code §4731(b) requires regional center directors to investigate complaints and send written proposed resolutions to the complainant within 20 working days of receiving a complaint. If the complainant is not satisfied with the proposed resolution, the complainant may refer the complaint, in writing, to the Director of Developmental Services within 15 working days of receipt of the proposed resolution. The director shall issue a written administrative decision within 45 calendar days of receiving a complaint and send a copy of the decision to the complainant, the director of the regional center and the service provider, if applicable.

Per W&I Code §4519.2(c) and (d), information reported annually to the Legislature must include the number of consumers' rights complaints filed at each regional center, as well as:

- The subject matter of complaints filed;
- How complaints were resolved;
- The timeframe within which resolutions to those complaints were provided by the regional center;
- The number of complaints that were appealed to the Department, their resolutions and timeframes within which written administrative decisions were issued; and
- Demographic information, as identified by the Department, about consumers on whose behalf complaints were filed.

The first Legislative update, due January 10, 2020, must include data for Fiscal Years (FYs) 2017-18 and 2018-19 and must be posted on the Department's website.

### Fair Hearing Requests

The state-level fair hearing process is described in W&I Code §4710 (a)-(f) and Title 17 of the California Code of Regulations (Public Health Division 2, Chapter 1, Subchapter 9). The fair hearing process is exclusively for resolving disputes with a regional center about eligibility or the nature, scope or amount of services and supports. When eligibility or a service request is denied, the individual or authorized representative may submit a written request for that service to regional center. Within 30 days of receiving this written request, the regional center must provide a Notice of Action (NOA) that details why the request is denied. An individual or authorized representative must file for a fair hearing within 10 days of receiving the NOA.

As part of the fair hearing process, individuals and/or their authorized representative may participate in one or more of the following: informal meetings, mediations, and/or state-level fair hearings. When individuals and/or their representatives choose to participate in informal meetings and/or mediations, cases often settle at that level and do not go to a state-level fair hearing. The Office of Administrative Hearings (OAH) receives all requests for fair hearings. State-level fair hearings are conducted by OAH Administrative Law Judges (ALJs), within 45 days of the postmarked date on the fair hearing request or receipt by the regional center.

Per W&I Code §4519.2(c) and (d), information reported annually to the Legislature must include the number of fair hearing requests filed pursuant to W&I Code §4710.5 and the number of fair hearing requests resolved or decided during the prior FY for each regional center and statewide, and include the following information:

- The reason for the fair hearing request aggregated by issue type, as specified by the Department;
- The number of fair hearing requests resolved or decided by type and average length of time between filing and resolution or disposition of the case, as specified by the Department;
- The outcome of the resolution, if known; and
- Demographic information, as identified by the Department, about consumers on whose behalf the complaint was filed.

## Strengthening Transparency and Accountability

The Department is committed to ensuring that the regional center system complies with statutory requirements for complaints and fair hearings, including timelines for providing proposed complaint resolutions, issuing decisions in appeals of complaints, explaining denials of eligibility and service requests, and holding fair hearings. The Department will provide system-wide and targeted training as appropriate based on the data compiled for this report. Moreover, the Department will analyze internal processes and develop a plan to ensure compliance with statutory timelines. The Department will also continue to partner with regional centers on communicating with the individuals they serve and their families about consumers' rights and the fair hearing process.

### *Interpreting the Data*

The number of consumers' rights complaints or fair hearing requests submitted by regional center's consumers, or their authorized representatives, is a very broad measure of a regional center's performance. However, that number is affected by a variety of other factors, including:

- A larger regional center may receive more complaints/requests than a smaller one.
- A regional center that does a particularly good job of informing individuals and their families of their complaint and fair hearing rights, or whose complaints or fair hearing request process is very easy to use, may receive more complaints or fair requests.
  - Reviewing the way consumers' rights complaints were resolved provides some context for this (Tables 3 and 17). In both FYs 2017-18 and 2018-19, approximately three of every four consumers' rights complaints were withdrawn or determined not to reflect a violation, to be inconclusive, or to be out-of-scope of the complaint process.
- Some regional centers accept consumers' rights complaints that are outside the scope of the complaint process as defined by statute; other regional centers do not. This report includes out-of-scope consumers' rights complaints reported by regional centers along with complaints that are within-scope.
- The quality of consumers' rights complaint data may vary among regional centers.

**State-Level Summary of Consumers' Rights Complaints  
and Fair Hearing Requests, FYs 2017-18 and 2018-19**

Topic	FY 2017-18		FY 2018-19		
	Number	Table	Number	Table	
Number of W&I Code §4731 Complaints Received by Regional Centers	151	1	136	15	
Number of Subjects in W&I Code §4731 Complaints <sup>1</sup>	393	2	304	16	
Top Three Subjects of W&I Code §4731 Complaints <sup>1</sup>					
Service related	121		79		
Vendor requirements	103		60		
Service coordination	82		72		
Number of Resolutions for W&I Code §4731 Complaints <sup>2</sup>	396	3	312	17	
Number of Complaints Withdrawn or Determined No Violation, Inconclusive or Out-of-Scope	287				231
Top Three Resolutions <sup>2</sup>					
Additional services	46		35		
Staff training	40		21		
Change in service coordinator	12				
Service related			11		
Number of W&I Code §4731 Complaints Resolved Within 20 Working Days	84	4	79	18	
Number of W&I Code §4731 Complaints Appealed to the Department	28	8	26	22	
Top Three Subjects of W&I Code §4731 Appeals <sup>3</sup>		9		23	
IPP implementation	17				
Service coordination	17		12		
Confidentiality	10				
Vendor requirements			19		
Service related			9		
Number of Complaint Appeals Requiring a Corrective Action Plan	14	10	17	24	
Number of Administrative Decisions Issued Within 45 Calendar Days of the W&I Code §4731 Appeal	5	11	9	25	
Number of Fair Hearing Requests Pursuant to W&I Code §4710.5 <sup>4</sup>			1,046	29	
Top Three Subjects of Fair Hearing Requests <sup>5</sup>				30	
Eligibility			528		
Respite			102		
Day Care			71		
Average Number of Days to Resolution			70	32	

Note: Data for complaints by ethnicity, primary language and age are provided in Tables 5-7 and 12-14 for FY 2017-18 and in Tables 9-21 and 26-28 for FY 2018-19; data for fair hearings by ethnicity, primary language and age are provided in Tables 33-35.

<sup>1</sup> Complaints may contain more than one subject/issue.

<sup>2</sup> Subjects within a complaint may involve more than one resolution.

<sup>3</sup> Complaint appeals may involve more than one subject/issue and one resolution.

<sup>4</sup> SB 81 does not require the Department to report these data for FY 2017-18.

<sup>5</sup> Fair hearing requests may contain more than one presenting issue.



In FY 2017-18, regional centers received 151 W&I Code §4731 complaints.

- The three most common subjects of complaints were service related, vendor requirements and service coordination.
- 84 complaints were resolved within the statutory timeline of 20 working days (56%).
- The three most common complaint resolutions were additional services, staff training, and change in service coordinator.
- 28 resolutions were appealed to the Department (19%).
  - The three most commonly appealed subjects were Individual Program Plan (IPP) implementation, service coordination and confidentiality.
  - 5 decisions were issued within the statutory timeline of 45 calendar days (18%).

In FY 2018-19, regional centers received 136 complaints.

- The three most common subjects of complaints were service related, service coordination and vendor requirements.
- 79 complaints were resolved within 20 working days (58%).
- The three most common complaint resolutions were additional services, staff training, and service related.
- 26 resolutions were appealed to the Department.
  - The three most commonly appealed subjects were vendor requirements, service coordination and service related.
  - 9 decisions were issued within 45 calendar days (35%).

In FY 2018-19, the Department received 1,046 W&I Code §4710.5 fair hearing requests. The three most common presenting issues were eligibility, respite and day care. On average, fair hearing requests were resolved within 70 days.

**W&I Code §4731 Complaints  
Received by Regional Centers  
FY 2017-18**

## Consumers' Rights Complaints Pursuant to W&I Code §4731

### Sources and Organization of Data

#### *Complaints filed with regional centers*

The Department sent a survey to each regional center requesting data regarding the Consumers' Rights Complaints filed in FYs 2017-18 and 2018-19. Completed surveys included information about the subject matter(s) of each W&I Code §4731 complaint received by the regional center, the resolution for each complaint, and the timeframe within which the resolution was provided to the complainant. Additionally, the Department gathered consumers' demographic information (i.e., ethnicity/race, primary language and age) from the Client Master File.

#### *Appeals filed with the Department*

Appeals to Consumers' Rights Complaints are filed with the Department. Data regarding appeals include information about the subject matter(s) of each appeal, the resolution of the appeal, and the timeframe within which a resolution (i.e., written administrative decision) for the appeal was issued by the Department. Additionally, the Department gathered consumers' demographic information (i.e., age, ethnicity/race and primary language) from the Client Master File.

#### *Categories and Definitions*

The subject matter, resolutions and timeframes were categorized in all tables as outlined below. See Appendix A for a detailed description of the subject matter categories.

1. Subject Matter for Complaints and Appeals
  - a. Individual Program Plan (IPP) development/implementation
  - b. Notice of proposed action
  - c. Regional center 20-working-day timeline
  - d. Provision of records
  - e. Service coordination
  - f. Confidentiality
  - g. Service related
  - h. Vendor requirements
  - i. Parent vendorization
  - j. W&I Code §4502, consumer's right to:
    - 1) make choices
    - 2) treatment and habilitation services and supports in the least restrictive environment
    - 3) dignity, privacy and humane care
    - 4) participate in an appropriate program of publicly supported education
    - 5) prompt medical care and treatment
    - 6) religious freedom and practice

- 7) social interaction and participation in community activities
- 8) physical exercise and recreational opportunities
- 9) be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse or neglect
- 10) be free from hazardous procedures
- 11) make choices in their own lives, including, but not limited to, where and with whom they live, relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation
- 12) a prompt investigation of any alleged abuse against them

## 2. Resolutions

### a. Complaints Received by Regional Centers

- 1) Additional consumer and/or regional center customer services were provided
- 2) Change in service coordinator occurred
- 3) Change in regional center policy and/or procedures were implemented
- 4) Training was provided to regional center and/or vendor staff
- 5) Vendor Corrective Action Plan (CAP) was required
- 6) Complaint withdrawn by complainant
- 7) No violation identified
- 8) Allegations were inconclusive
- 9) Complaint was out-of-scope of W&I §4731

### b. Appeals Filed with the Department

- 1) CAP required
- 2) N/A (no violation, out-of-scope, inconclusive)
- 3) Complaint withdrawn

## 3. Timeframes

### a. Complaints Received by Regional Centers

- 1) Within 20 working days
- 2) Greater than 20 working days

### b. Appeals Filed with the Department

- 1) 1 to 45 calendar days
- 2) Greater than 45 calendar days
- 3) More than 90 days

## Regional Center Acronyms

Acronym	Regional Center
ACRC	Alta California Regional Center
CVRC	Central Valley Regional Center
ELARC	Eastern Los Angeles Regional Center
FDLRC	Frank D. Lanterman Regional Center
FNRC	Far Northern Regional Center
GGRC	Golden Gate Regional Center
HRC	Harbor Regional Center
IRC	Inland Regional Center
KRC	Kern Regional Center
NBRC	North Bay Regional Center
NLACRC	North Los Angeles County Regional Center
RCRC	Redwood Coast Regional Center
RCEB	Regional Center of the East Bay
RCOC	Regional Center of Orange County
SARC	San Andreas Regional Center
SDRC	San Diego Regional Center
SG/PRC	San Gabriel/Pomona Regional Center
SCLARC	South Central Los Angeles Regional Center
TCRC	Tri-Counties Regional Center
VMRC	Valley Mountain Regional Center
WRC	Westside Regional Center

Table 1. Number of W&I Code §4731 Complaints Received by Regional Centers in FY 2017-18

<b>Regional Center</b>	<b>Number of Complaints*</b>
ACRC	12
CVRC	4
ELARC	1
FDLRC	13
FNRC	1
GGRC	1
HRC	4
IRC	19
KRC	3
NBRC	10
NLACRC	41
RCRC	1
RCEB	16
RCOC	1
SARC	6
SCLARC	5
SRC	5
SG/PRC	1
TCRC	3
VMRC	2
WRC	2
Statewide	151

\*One complaint may include several subjects/issues.

Table 2. Number of W&I Code §4731 Complaints Received by Regional Centers by Subject\* in FY 2017-18

Regional Center	IPP implementation	Notice	RC 20 Day Timeline	Provision of Records	Service Coordination	W&I Code §4502	Confidentiality	Service Related	Vendor Requirements	Parent Vendorization	Totals**
ACRC	1	2	0	0	3	2	2	28	1	0	39
CVRC	1	0	0	0	0	2	0	2	0	0	5
ELARC	0	0	0	0	0	0	0	1	0	0	1
FDLRC	2	0	0	0	2	0	0	11	4	0	19
FNRC	1	0	0	0	0	0	0	0	0	0	1
GGRC	0	0	0	0	0	0	0	1	0	0	1
HRC	1	0	0	0	2	0	0	1	0	0	4
IRC	8	6	0	0	6	4	0	6	11	0	41
KRC	1	1	0	0	0	0	0	4	0	0	6
NBRC	2	0	0	0	1	0	0	8	2	0	13
NLACRC	7	8	3	2	45	5	2	28	75	0	175
RCRC	2	0	0	0	0	0	0	0	0	0	2
RCEB	3	0	0	1	5	4	0	18	2	0	33
RCOC	0	0	0	0	3	0	0	0	0	0	3
SARC	0	0	0	0	7	0	0	1	3	0	11
SCLARC	0	0	0	0	1	6	0	4	2	0	13
SDRC	0	0	0	0	5	0	0	2	0	0	7
SG/PRC	0	0	0	0	0	0	0	1	0	0	1
TCRC	1	0	0	2	0	0	0	1	3	0	7
VMRC	2	0	0	0	1	0	0	4	0	0	7
WRC	2	0	0	0	1	1	0	1	0	0	5
Statewide	34	17	3	5	82	24	4	122	103	0	394

\*See Appendix A for detailed description of subjects.

\*\*Complaints may contain more than one subject. In 2017-18, 151 complaints filed included 393 subjects/issues.

Table 3. Number of Resolutions\* by Type for W&I Code §4731 Complaints Received by Regional Centers in FY 2017-18

Regional Center	Additional Services	Change in Service Coordinator	Change in RC Policy/ Procedures	Staff Training	Vendor Corrective Action Plan	Complaint Withdrawn	No Violation	Inconclusive	Out-of-Scope	Totals
ACRC	0	2	0	0	1	0	31	0	5	39
CVRC	1	0	0	0	0	0	4	0	0	5
ELARC	0	0	0	0	0	0	1	0	0	1
FDLRC	6	1	0	0	0	0	12	0	0	19
FNRC	0	0	0	0	0	0	1	0	0	1
GGRC	0	0	0	0	0	0	1	0	0	1
HRC	0	0	0	0	0	0	4	0	0	4
IRC	5	1	1	5	2	0	24	0	4	42
KRC	2	0	0	0	0	0	4	0	0	6
NBRC	6	0	0	0	0	0	6	0	1	13
NLACRC	4	0	0	25	2	4	64	20	56	175
RCRC	1	0	0	0	0	0	1	0	0	2
RCEB	11	3	0	1	3	0	13	0	0	31
RCOC	0	0	0	0	0	0	6	0	0	6
SARC	1	0	0	0	0	0	8	0	2	11
SCLARC	3	1	0	9	0	0	0	0	0	13
SDRC	0	3	0	0	2	0	2	0	0	7
SG/PRC	0	0	0	0	0	0	1	0	0	1
TCRC	1	0	0	0	0	0	6	0	0	7
VMRC	0	1	0	0	0	3	3	0	0	7
WRC	5	0	0	0	0	0	0	0	0	5
Statewide	46	12	1	40	10	7	192	20	68	396

\*There may be more than one resolution per complaint or subject/issue. In 2017-18, there were 151 complaints that included 396 resolutions.



Table 4. Timeframe for Each W&I Code §4731 Complaint Received by Regional Centers in FY 2017-18

<b>Regional Center</b>	<b>Within 20 Working Days</b>	<b>Greater than 20 Working Days</b>	<b>Totals</b>
ACRC	7	5	12
CVRC	3	1	4
ELARC	0	1	1
FDLRC	9	4	13
FNRC	1	0	1
GGRC	1	0	1
HRC	4	0	4
IRC	7	12	19
KRC	1	2	3
NBRC	8	2	10
NLACRC	16	25	41
RCRC	0	1	1
RCEB	7	9	16
RCOC	1	0	1
SARC	6	0	6
SCLARC	3	2	5
SDRC	4	1	5
SG/PRC	1	0	1
TCRC	3	0	3
VMRC	1	1	2
WRC	1	1	2
Statewide	84	67	151

Note: "Initial referral of any complaint taken pursuant to this section shall be to the director of the regional center from which the consumer receives case management services. The director shall, within 20 working days of receiving a complaint, investigate the complaint and send a written proposed resolution to the complainant and, if applicable, to the service provider." W&I Code §4731(b)

Table 5. Number of W&I Code §4731 Complaints Received by Regional Centers by Ethnicity/Race\* in FY 2017-18

Regional Center	American Indian/ Alaskan Native	Asian	Black/African American	Hispanic	Native Hawaiian/ Other Pacific Islander	White	Other Ethnicity/ Race	Missing*	Totals**
ACRC	0	0	2	2	0	7	1	0	12
CVRC	0	1	0	1	0	2	0	0	4
ELARC	0	0	0	0	0	1	0	0	1
FDLRC	0	0	2	3	0	7	1	0	13
FNRC	0	0	0	0	0	1	0	0	1
GGRC	0	0	0	0	0	1	0	0	1
HRC	0	0	0	5	0	1	0	0	6
IRC	0	0	3	3	0	11	2	0	19
KRC	0	0	1	0	0	2	0	0	3
NBRC	0	0	2	1	0	6	1	0	10
NLACRC	0	4	9	9	0	18	0	1	41
RCRC	0	0	0	0	0	1	0	0	1
RCEB	0	1	6	2	0	7	1	0	17
RCOC	0	1	0	0	0	0	0	0	1
SARC	0	0	0	2	0	4	0	0	6
SCLARC	0	0	2	1	0	2	0	0	5
SDRC	0	0	0	1	0	2	0	2	5
SG/PRC	0	0	0	0	0	1	0	0	1
TCRC	0	0	0	0	0	3	0	0	3
VMRC	0	0	1	1	0	0	0	0	2
WRC	0	0	0	1	0	1	0	0	2
Statewide	0	7	28	32	0	78	6	3	154

\*Ethnicity information was missing from the Client Master File

\*\*One HRC complaint was filed on behalf of three individuals and one RCEB complaint was filed on behalf of two individuals; ethnicity/race for each individual is included.

Table 6. Number of W&I Code §4731 Complaints Received by Regional Centers by Primary Language for FY 2017-18

Regional Center	American Sign Language	Arabic	English	Farsi (Persian)	Russian	Spanish	Vietnamese	All Other Languages	Totals*
ACRC	1	0	11	0	0	0	0	0	12
CVRC	0	0	4	0	0	0	0	0	4
ELARC	0	0	1	0	0	0	0	0	1
FDLRC	0	0	11	0	0	2	0	0	13
FNRC	0	0	1	0	0	0	0	0	1
GGRC	0	0	1	0	0	0	0	0	1
HRC	0	0	2	0	0	4	0	0	6
IRC	0	0	17	0	0	2	0	0	19
KRC	0	0	3	0	0	0	0	0	3
NBRC	0	0	9	0	0	1	0	0	10
NLACRC	0	0	39	1	0	1	0	0	41
RCRC	0	0	1	0	0	0	0	0	1
RCEB	0	0	15	0	0	2	0	0	17
RCOC	0	0	0	0	0	0	1	0	1
SARC	0	0	6	0	0	0	0	0	6
SCLARC	0	0	5	0	0	0	0	0	5
SDRC	0	0	5	0	0	0	0	0	5
SG/PRC	0	0	1	0	0	0	0	0	1
TCRC	0	0	3	0	0	0	0	0	3
VMRC	0	0	1	0	0	1	0	0	2
WRC	0	0	2	0	0	0	0	0	2
Statewide	1	0	138	1	0	13	1	0	154

\*One HRC complaint was filed on behalf of three individuals and one RCEB complaint was filed on behalf of two individuals; language for each individual is included.

Table 7. Number of W&I Code §4731 Complaints Received by Regional Centers by Age in FY 2017-18

<b>Regional Center</b>	<b>3 to 17 years</b>	<b>18 years or older</b>	<b>Totals*</b>
ACRC	3	9	12
CVRC	1	3	4
ELARC	0	1	1
FDLRC	4	9	13
FNRC	0	1	1
GGRC	0	1	1
HRC	4	2	6
IRC	7	12	19
KRC	0	3	3
NBRC	0	10	10
NLACRC	7	34	41
RCRC	0	1	1
RCEB	4	13	17
RCOC	0	1	1
SARC	1	5	6
SCLARC	0	5	5
SDRC	1	4	5
SG/PRC	0	1	1
TCRC	0	3	3
VMRC	1	1	2
WRC	0	2	2
Statewide	33	121	154

\*One HRC complaint was filed on behalf of three individuals and one RCEB complaint was filed on behalf of two individuals; age for each individual is included.

**W&I Code §4731 Complaint Appeals  
Filed with the Department  
FY 2017-18**

Table 8. Number of W&I Code §4731 Complaint Appeals Filed with the Department in FY 2017-18

<b>Regional Center</b>	<b>Number of Complaints Appealed*</b>	<b>Total Number of Complaints</b>	<b>Percent Complaints Appealed</b>
ACRC	2	12	17%
CVRC	1	4	25%
ELARC	0	1	0%
FDLRC	2	13	15%
FNRC	0	1	0%
GGRC	0	1	0%
HRC	0	4	0%
IRC	5	19	26%
KRC	1	3	33%
NBRC	1	10	10%
NLACRC	2	41	4%
RCRC	0	1	N/A
RCEB	3	15	20%
RCOC	1	1	100%
SARC	2	6	33%
SDRC	2	5	40%
SG/PRC	0	5	0%
SCLARC	2	1	40%
TCRC	2	3	67%
VMRC	0	2	0%
WRC	2	2	100%
Statewide	28	150	19%

\*One complaint appeal may include several issues.

Table 9. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Subject\* in FY 2017-18

Regional Center	IPP Implementation	Notice	RC 20 Day Timeline	Provision of Records	Service Coordination	W&I Code §4502	Confidentiality	Service Related	Vendor Requirements	Parent Vendorization	Totals**
ACRC	0	1	0	0	0	0	2	4	0	0	7
CVRC	1	0	0	0	0	0	1	0	0	0	2
ELARC	0	0	0	0	0	0	0	0	0	0	0
FDLRC	2	0	1	0	1	0	1	0	0	0	5
FNRC	0	0	0	0	0	0	0	0	0	0	0
GGRC	0	0	0	0	0	0	0	0	0	0	0
HRC	0	0	0	0	0	0	0	0	0	0	0
IRC	6	3	0	0	1	0	3	0	0	0	13
KRC	2	1	0	0	0	0	0	0	0	0	3
NBRC	1	0	0	0	0	0	0	0	0	0	1
NLACRC	0	1	0	0	2	0	0	0	0	0	3
RCRC	0	0	0	0	0	0	0	0	0	0	0
RCEB	1	0	1	0	4	0	1	2	0	0	9
RCOC	1	0	0	0	0	0	1	0	0	0	2
SARC	1	0	1	1	3	0	1	0	0	0	7
SDRC	0	0	0	1	2	0	0	1	0	0	4
SG/PRC	0	0	0	0	0	0	0	0	0	0	0
SCLARC	2	0	2	2	2	0	0	0	0	0	8
TCRC	0	0	0	1	1	0	0	0	0	0	2
VMRC	0	0	0	0	0	0	0	0	0	0	0
WRC	0	0	0	0	1	1	0	2	0	0	4
Statewide	17	6	5	5	17	1	10	9	0	0	70

\*See Appendix A for detailed description of subjects

\*\*Complaints may contain more than one subject. In 2017-18, 28 complaint appeals filed included 70 subjects/issues.

Table 10. Resolution of W&I Code §4731 Complaint Appeals Filed with the Department in FY 2017-18

<b>Regional Center</b>	<b>Corrective Action Plan Required (Regional Center and/or Vendor)</b>	<b>Corrective Action Plan Not Required (i.e., no violation, inconclusive, out-of-scope)</b>	<b>Totals*</b>
ACRC	0	7	7
CVRC	0	2	2
ELARC	0	0	0
FDLRC	1	4	5
FNRC	0	0	0
GGRC	0	0	0
HRC	0	0	0
IRC	3	10	13
KRC	1	2	3
NBRC	0	1	1
NLACRC	0	3	3
RCRC	0	0	0
RCEB	1	8	9
RCOC	0	2	2
SARC	3	4	7
SDRC	1	3	4
SG/PRC	0	0	0
SCLARC	3	5	8
TCRC	0	2	2
VMRC	0	0	0
WRC	1	3	4
Statewide	14	56	70

\*Complaint appeals may contain more than one resolution.



Table 11. Timeframe of Written Administrative Decisions Issued by the Department for W&I Code §4731 Complaint Appeals in FY 2017-18

Regional Center	Within 45 Days*	Greater than 45 Days	Totals
ACRC	1	1	2
CVRC	0	1	1
ELARC	0	0	0
FDLRC	0	2	2
FNRC	0	0	0
GGRC	0	0	0
HRC	0	0	0
IRC	0	5	5
KRC	0	1	1
NBRC	1	0	1
NLACRC	1	1	2
RCRC	0	0	0
RCEB	1	2	3
RCOC	0	1	1
SARC	0	2	2
SCLARC	0	2	2
SDRC	0	2	2
SG/PRC	0	0	0
TCRC	1	1	2
WRC	0	2	2
VMRC	0	0	0
Statewide	5	23	28

\*“If the complainant is not satisfied with the proposed resolution, the complainant may refer the complaint, in writing, to the Director of Developmental Services within 15 working days of receipt of the proposed resolution. The director shall, within 45 days of receiving a complaint, issue a written administrative decision and send a copy of the decision to the complainant, the director of the regional center and the service provider, if applicable.”  
W&I Code §4731(c)

Table 12. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Ethnicity/Race in FY 2017-18

Regional Center	American Indian/Alaskan Native	Asian	Black/African American	Hispanic	Native Hawaiian/ Other Pacific Islander	White	Other Ethnicity/Race	Totals
ACRC	0	0	0	0	0	2	0	2
CVRC	0	0	0	1	0	0	0	1
ELARC	0	0	0	0	0	0	0	0
FDLRC	0	0	2	0	0	0	0	2
FNRC	0	0	0	0	0	0	0	0
GGRC	0	0	0	0	0	0	0	0
HRC	0	0	0	0	0	0	0	0
IRC	0	0	0	0	0	5	0	5
KRC	0	0	0	0	0	1	0	1
NBRC	0	0	0	0	0	1	0	1
NLACRC	0	0	1	0	0	1	0	2
RCRC	0	0	0	0	0	0	0	0
RCEB	0	0	2	0	0	1	0	3
RCOC	0	1	0	0	0	0	0	1
SARC	0	0	0	1	0	1	0	2
SDRC	0	0	0	1	0	1	0	2
SG/PRC	0	0	0	0	0	0	0	0
SCLARC	0	0	0	0	0	2	0	2
TCRC	0	0	0	0	0	2	0	2
VMRC	0	0	0	0	0	0	0	0
WRC	0	0	0	0	0	2	0	2
Statewide	0	1	5	3	0	19	0	28

Table 13. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Primary Language in FY 2017-18

Regional Center	American Sign Language	Arabic	English	Farsi (Persian)	Russian	Spanish	Vietnamese	All Other Languages	Totals
ACRC	0	0	2	0	0	0	0	0	2
CVRC	0	0	1	0	0	0	0	0	1
ELARC	0	0	0	0	0	0	0	0	0
FDLRC	0	0	2	0	0	0	0	0	2
FNRC	0	0	0	0	0	0	0	0	0
GGRC	0	0	0	0	0	0	0	0	0
HRC	0	0	0	0	0	0	0	0	0
IRC	0	0	5	0	0	0	0	0	5
KRC	0	0	1	0	0	0	0	0	1
NBRC	0	0	1	0	0	0	0	0	1
NLACRC	0	0	2	0	0	0	0	0	2
RCRC	0	0	0	0	0	0	0	0	0
RCEB	0	0	3	0	0	0	0	0	3
RCOC	0	0	0	0	0	0	1	0	1
SARC	0	0	2	0	0	0	0	0	2
SDRC	0	0	2	0	0	0	0	0	2
SG/PRC	0	0	0	0	0	0	0	0	0
SCLARC	0	0	2	0	0	0	0	0	2
TCRC	0	0	2	0	0	0	0	0	2
VMRC	0	0	0	0	0	0	0	0	0
WRC	0	0	2	0	0	0	0	0	2
Statewide	0	0	27	0	0	0	1	0	28

Table 14. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Age in FY 2017-18

<b>Regional Center</b>	<b>3 to 17 years old</b>	<b>18 and older</b>	<b>Totals</b>
ACRC	1	1	2
CVRC	1	0	1
ELARC	0	0	0
FDLRC	0	2	2
FNRC	0	0	0
GGRC	0	0	0
HRC	0	0	0
IRC	3	2	5
KRC	0	1	1
NBRC	0	1	1
NLACRC	1	1	2
RCRC	0	0	0
RCEB	0	3	3
RCOC	0	1	1
SARC	0	2	2
SDRC	0	2	2
SG/PRC	0	0	0
SCLARC	0	2	2
TCRC	0	2	2
VMRC	0	0	0
WRC	0	2	2
Statewide	6	22	28

**W&I Code §4731 Complaints  
Received by Regional Centers  
FY 2018-19**

Table 15. Number of W&I Code §4731 Complaints Received by Regional Centers in FY 2018-19

<b>Regional Center</b>	<b>Number of Complaints*</b>
ACRC	20
CVRC	1
ELARC	3
FDLRC	1
FNRC	1
GGRC	6
HRC	7
IRC	7
KRC	10
NBRC	3
NLACRC	29
RCRC	0
RCEB	5
RCOC	9
SARC	1
SCLARC	9
SDRC	9
SG/PRC	0
TCRC	8
VMRC	5
WRC	2
Statewide	136

\*One complaint may include several issues.

Table 16. Number of W&I Code §4731 Complaints Received by Regional Centers by Subject\* in FY 2018-19

Regional Center	IPP Implementation	Notice	RC 20 Day Timeline	Provision of Records	Service Coordination	W&I Code §4502	Confidentiality	Service Related	Vendor Requirements	Parent Vendorization	Totals**
ACRC	5	1	0	0	13	5	1	12	18	13	68
CVRC	0	0	0	0	0	0	0	0	1	0	1
ELARC	5	0	0	0	1	1	0	0	0	0	7
FDLRC	0	1	0	0	0	0	0	2	0	0	3
FNRC	0	0	0	0	0	0	0	1	0	0	1
GGRC	4	0	0	0	2	2	0	3	1	0	12
HRC	2	2	0	2	0	0	0	3	0	0	9
IRC	0	0	0	1	2	3	0	5	0	0	11
KRC	4	3	0	1	4	0	0	9	1	0	22
NBRC	2	0	0	0	0	0	0	2	0	0	4
NLACRC	7	3	1	0	29	1	3	8	28	0	80
RCRC	0	0	0	0	0	0	0	0	0	0	0
RCEB	0	0	0	0	1	0	0	4	1	0	6
RCOC	0	0	0	1	10	1	0	6	1	0	19
SARC	0	0	0	0	0	0	0	1	1	0	2
SCLARC	4	0	0	0	3	1	0	5	2	0	15
SDRC	2	1	0	1	2	1	0	9	0	0	16
SG/PRC	0	0	0	0	0	0	0	0	0	0	0
TCRC	4	0	0	0	3	0	1	7	0	0	15
VMRC	0	0	0	0	1	0	0	2	6	0	9
WRC	1	0	0	2	1	0	0	0	0	0	4
Statewide	40	11	1	8	72	15	5	79	60	13	304

\*See Appendix A for detailed description of subjects.

\*\*Complaints may contain more than one subject. In 2018-19, 136 complaints filed included 304 subjects/issues.

Table 17. Number of Resolutions by Type for W&I Code §4731 Complaints Received by Regional Centers in FY 2018-19

Regional Center	Additional Services	Change in Service Coordinator	Change in RC Policy/ Procedures	Staff Training	Vendor Corrective Action Plan	Complaint Withdrawn	No Violation	Inconclusive	Out-of-Scope	Totals*
ACRC	0	0	4	1	2	0	53	1	7	68
CVRC	0	0	0	0	0	0	1	0	0	1
ELARC	3	1	0	3	0	0	1	1	1	10
FDLRC	2	0	0	0	0	0	1	0	0	3
FNRC	0	0	0	0	0	0	1	0	0	1
GGRC	1	0	0	1	0	0	7	0	3	12
HRC	0	0	0	0	0	0	9	0	0	9
IRC	0	0	0	1	6	0	9	1	0	17
KRC	3	0	1	2	0	0	15	1	0	22
NBRC	2	0	0	0	0	0	2	0	0	4
NLACRC	0	0	0	8	0	3	40	0	29	80
RCRC	0	0	0	0	0	0	0	0	0	0
RCEB	2	1	0	0	1	0	2	0	0	6
RCOC	5	1	0	0	0	0	13	0	2	21
SARC	0	0	0	0	0	0	2	0	0	2
SCLARC	4	1	0	4	1	0	0	3	2	15
SDRC	2	1	1	0	1	0	5	0	6	16
SG/PRC	0	0	0	0	0	0	0	0	0	0
TCRC	7	1	0	1	0	0	6	0	0	15
VMRC	1	0	0	0	0	0	2	0	2	5
WRC	3	2	0	0	0	0	0	0	0	5
Statewide	35	8	6	21	11	3	169	7	52	312

\*There may be more than one resolution per complaint or subject/issue. In 2018-19, there were 136 complaints that included 312 resolutions.



Table 18. Timeframe for each W&I Code §4731 Complaint Received by Regional Centers in FY 2018-19

<b>Regional Center</b>	<b>Within 20 Working Days</b>	<b>Greater than 20 Working Days</b>	<b>Totals</b>
ACRC	8	12	20
CVRC	1	0	1
ELARC	1	2	3
FDLRC	1	0	1
FNRC	1	0	1
GGRC	6	0	6
HRC	7	0	7
IRC	3	4	7
KRC	6	4	10
NBRC	0	3	3
NLACRC	6	23	29
RCRC	0	0	0
RCEB	3	2	5
RCOC	7	2	9
SARC	1	0	1
SCLARC	8	1	9
SDRC	8	1	9
SG/PRC	0	0	0
TCRC	7	1	8
VMRC	3	2	5
WRC	2	0	2
Statewide	79	57	136

“Initial referral of any complaint taken pursuant to this section shall be to the director of the regional center from which the consumer receives case management services. The director shall, within 20 working days of receiving a complaint, investigate the complaint and send a written proposed resolution to the complainant and, if applicable, to the service provider.” W&I Code §4731(b)

Table 19. Number of W&I Code §4731 Complaints Received by Regional Centers by Ethnicity/Race\* in FY 2018-19

Regional Center	American Indian/Alaskan Native	Asian	Black/African American	Hispanic	Native Hawaiian/Other Pacific Islander	White	Other Ethnicity/Race	Missing*	Totals**
ACRC	0	1	1	0	0	16	1	1	20
CVRC	0	0	0	1	0	0	0	0	1
ELARC	0	0	0	3	0	0	0	0	3
FDLRC	0	0	0	1	0	0	0	0	1
FNRC	0	0	0	0	0	1	0	0	1
GGRC	0	1	1	0	0	3	1	0	6
HRC	0	1	0	2	0	3	1	0	7
IRC	0	0	1	4	0	2	0	0	7
KRC	0	0	2	1	0	6	0	1	10
NBRC	0	0	0	0	0	3	0	0	3
NLACRC	0	2	8	6	0	13	0	0	29
RCRC	0	0	0	0	0	0	0	0	0
RCEB	0	0	1	1	0	3	0	0	5
RCOC	0	0	0	2	0	5	2	0	9
SARC	0	0	0	0	0	1	0	0	1
SCLARC	0	0	2	7	0	0	0	0	9
SDRC	0	0	0	6	0	3	0	0	9
SG/PRC	0	0	0	0	0	0	0	0	0
TCRC	2	0	0	1	0	5	0	0	8
VMRC	0	2	1	0	0	2	2	0	7
WRC	0	0	1	1	0	0	0	0	2
Statewide	2	7	18	36	0	66	7	2	138

\*Ethnicity information was missing from the Client Master File

\*\*Two VMRC complaints were filed on behalf of two individuals; ethnicity/race for each individual is included.

Table 20. Number of W&I Code §4731 Complaints Received by Regional Centers by Primary Language for FY 2018-19

Regional Center	American Sign Language	Arabic	English	Farsi (Persian)	Russian	Spanish	Vietnamese	All Other Languages	Totals*
ACRC	0	0	20	0	0	0	0	0	20
CVRC	0	0	0	0	0	1	0	0	1
ELARC	0	0	3	0	0	0	0	0	3
FDLRC	0	0	1	0	0	0	0	0	1
FNRC	0	0	1	0	0	0	0	0	1
GGRC	0	0	5	0	1	0	0	0	6
HRC	0	0	5	0	0	2	0	0	7
IRC	0	0	6	0	0	1	0	0	7
KRC	0	0	9	0	0	1	0	0	10
NBRC	0	0	3	0	0	0	0	0	3
NLACRC	0	0	27	0	0	2	0	0	29
RCRC	0	0	0	0	0	0	0	0	0
RCEB	0	0	5	0	0	0	0	0	5
RCOC	0	0	9	0	0	0	0	0	9
SARC	0	0	1	0	0	0	0	0	1
SCLARC	0	0	4	0	0	5	0	0	9
SDRC	0	0	6	0	0	3	0	0	9
SG/PRC	0	0	0	0	0	0	0	0	0
TCRC	0	0	8	0	0	0	0	0	8
VMRC	0	2	3	0	0	0	0	2	7
WRC	0	0	1	0	0	1	0	0	2
Statewide	0	2	117	0	1	16	0	2	138

\*Two VMRC complaints were filed on behalf of two individuals; primary language for each individual is included.

Table 21. Number of W&I Code §4731 Complaints Received by Regional Centers by Age in FY 2018-19

<b>Regional Center</b>	<b>3 to 17 years</b>	<b>18 years and older</b>	<b>Totals*</b>
ACRC	2	18	20
CVRC	0	1	1
ELARC	1	2	3
FDLRC	0	1	1
FNRC	1	0	1
GGRC	1	5	6
HRC	5	2	7
IRC	4	3	7
KRC	4	6	10
NBRC	1	2	3
NLACRC	7	22	29
RCRC	0	0	0
RCEB	1	4	5
RCOC	4	5	9
SARC	0	1	1
SCLARC	5	4	9
SDRC	3	6	9
SG/PRC	0	0	0
TCRC	1	7	8
VMRC	1	6	7
WRC	0	2	2
Statewide	41	97	138

\*Two VMRC complaints were filed on behalf of two individuals; age for each individual is included.

**W&I Code §4731 Complaints Appeals  
Filed with the Department  
FY 2018-19**

Table 22. Number of W&I Code §4731 Complaint Appeals Filed with the Department in FY 2018-19

<b>Regional Center</b>	<b>Number of Complaints Appealed*</b>	<b>Total Number of Complaints</b>	<b>Percent Complaints Appealed</b>
ACRC	7	20	35%
CVRC	0	1	0%
ELARC	0	3	0%
FDLRC	0	1	0%
FNRC	0	1	0%
GGRC	1	6	17%
HRC	2	7	29%
IRC	3	7	43%
KRC	1	10	10%
NBRC	0	3	0%
NLACRC	4	29	14%
RCRC	0	0	N/A
RCEB	0	5	0%
RCOC	3	9	33%
SARC	0	1	0%
SDRC	1	9	11%
SG/PRC	0	9	0%
SCLARC	0	0	0%
TCRC	1	8	13%
VMRC	2	5	40%
WRC	1	2	50%
Statewide	26	136	19%

\*One complaint appeal may include several issues.

Table 23. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Subject\* in FY 2018-19

Regional Center	IPP Implementation	Notice	RC 20 Day Timeline	Provision of Records	Service Coordination	W&I Code §4502	Confidentiality	Service Related	Vendor Requirements	Parent Vendorization	Totals**
ACRC	4	0	2	1	0	1	1	5	5	0	19
CVRC	0	0	0	0	0	0	0	0	0	0	0
ELARC	0	0	0	0	0	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0	0	0	0	0	0
FNRC	0	0	0	0	0	0	0	0	0	0	0
GGRC	1	0	1	0	1	0	0	0	0	0	3
HRC	2	0	0	0	0	0	0	0	0	0	2
IRC	1	0	0	0	3	2	0	2	0	0	8
KRC	0	1	0	1	0	0	0	0	0	0	2
NBRC	0	0	0	0	0	0	0	0	0	0	0
NLACRC	0	0	2	1	3	2	0	1	7	0	16
RCRC	0	0	0	0	0	0	0	0	0	0	0
RCEB	0	0	0	0	0	0	0	0	0	0	0
RCOC	0	2	0	0	2	0	0	1	2	0	7
SARC	0	0	0	0	0	0	0	0	0	0	0
SDRC	0	1	0	0	1	0	0	0	2	0	4
SG/PRC	0	0	0	0	0	0	0	0	0	0	0
SCLARC	0	0	0	0	0	0	0	0	0	0	0
TCRC	0	1	0	0	2	0	0	0	1	0	4
VMRC	0	2	0	0	0	0	0	0	0	0	2
WRC	0	1	0	0	0	0	0	0	2	0	3
Statewide	8	8	5	3	12	5	1	9	19	0	70

\*See Appendix A for a description of each subject.

\*\*Complaints may contain more than one subject. In 2018-19, 26 complaint appeals included 70 subjects/issues.

Table 24. Resolution of W&I Code §4731 Complaint Appeals Filed with the Department in FY 2018-19

<b>Regional Center</b>	<b>Corrective Action Plan Required (Regional Center and/or Vendor)</b>	<b>Corrective Action Plan Not Required (i.e., no violation, inconclusive, out-of-scope)</b>	<b>Totals*</b>
ACRC	3	16	19
CVRC	0	0	0
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	0	3	3
HRC	0	2	2
IRC	1	7	8
KRC	2	0	2
NBRC	0	0	0
NLACRC	5	11	16
RCRC	0	0	0
RCEB	0	0	0
RCOC	2	5	7
SARC	0	0	0
SDRC	1	3	4
SG/PRC	0	0	0
SCLARC	0	0	0
TCRC	0	4	4
VMRC	2	0	2
WRC	1	2	3
Statewide	17	53	70

\*There may be more than one resolution per complaint appeal or subject/issue. In 2018-19, there were 26 complaint appeals that included 70 resolutions.



Table 25. Timeframe of Written Administrative Decisions Issued by the Department for W&I Code §4731 Complaint Appeals in FY 2018-19

<b>Regional Center</b>	<b>Within 45 days*</b>	<b>Greater than 45 days</b>	<b>Totals</b>
ACRC	1	6	7
CVRC	0	0	0
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	1	0	1
HRC	0	2	2
IRC	0	3	3
KRC	0	1	1
NBRC	0	0	0
NLACRC	1	3	4
RCRC	0	0	0
RCEB	0	0	0
RCOC	2	1	3
SARC	0	0	0
SDRC	1	0	1
SG/PRC	0	0	0
SCLARC	0	0	0
TCRC	1	0	1
VMRC	2	0	2
WRC	0	1	1
Statewide	9	17	26

\*"The director shall, within 45 days of receiving a complaint, issue a written administrative decision and send a copy of the decision to the complainant, the director of the regional center and the service provider, if applicable." W&I Code §4731(c)

Table 26. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Ethnicity/Race in FY 2018-19

Regional Center	American Indian/Alaskan Native	Asian	Black/African American	Hispanic	Native Hawaiian/ Other Pacific Islander	White	Other Ethnicity/Race	Missing*	Totals*
ACRC	0	0	3	0	0	3	0	1	7
CVRC	0	0	0	0	0	0	0	0	0
ELARC	0	0	0	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0	0	0	0
FNRC	0	0	0	0	0	0	0	0	0
GGRC	0	0	0	0	0	1	0	0	1
HRC	0	0	0	0	0	1	1	0	2
IRC	0	0	2	1	0	0	0	0	3
KRC	0	0	0	0	0	1	0	0	1
NBRC	0	0	0	0	0	0	0	0	0
NLACRC	0	0	0	0	0	4	0	0	4
RCRC	0	0	0	0	0	0	0	0	0
RCEB	0	0	0	0	0	0	0	0	0
RCOC	0	0	0	1	0	2	0	0	3
SARC	0	0	0	0	0	0	0	0	0
SDRC	0	0	0	1	0	0	0	0	1
SG/PRC	0	0	0	0	0	0	0	0	0
SCLARC	0	0	0	0	0	0	0	0	0
TCRC	1	0	0	0	0	0	0	0	1
VMRC	0	1	0	0	0	0	1	0	2
WRC	0	0	0	0	0	1	0	0	1
Statewide	1	1	5	3	0	13	2	1	26

\*Ethnicity information was missing from the Client Master File

Table 27. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Primary Language in FY 2018-19

Regional Center	American Sign Language	Arabic	English	Farsi (Persian)	Russian	Spanish	Vietnamese	All Other Languages	Totals
ACRC	0	0	7	0	0	0	0	0	7
CVRC	0	0	0	0	0	0	0	0	0
ELARC	0	0	0	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0	0	0	0
FNRC	0	0	0	0	0	0	0	0	0
GGRC	0	0	1	0	0	0	0	0	1
HRC	0	0	2	0	0	0	0	0	2
IRC	0	0	3	0	0	0	0	0	3
KRC	0	0	1	0	0	0	0	0	1
NBRC	0	0	0	0	0	0	0	0	0
NLACRC	0	0	4	0	0	0	0	0	4
RCRC	0	0	0	0	0	0	0	0	0
RCEB	0	0	0	0	0	0	0	0	0
RCOC	0	0	3	0	0	0	0	0	3
SARC	0	0	0	0	0	0	0	0	0
SDRC	0	0	1	0	0	0	0	0	1
SG/PRC	0	0	0	0	0	0	0	0	0
SCLARC	0	0	0	0	0	0	0	0	0
TCRC	0	0	1	0	0	0	0	0	1
VMRC	0	1	0	0	0	0	0	1	2
WRC	0	0	1	0	0	0	0	0	1
Statewide	0	1	24	0	0	0	0	1	26

Table 28. Number of W&I Code §4731 Complaint Appeals Filed with the Department by Age in FY 2018-19

<b>Regional Center</b>	<b>3 to 17 years</b>	<b>18 years and older</b>	<b>Totals</b>
ACRC	1	6	7
CVRC	0	0	0
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	0	1	1
HRC	1	1	2
IRC	1	2	3
KRC	1	0	1
NBRC	0	0	0
NLACRC	0	4	4
RCRC	0	0	0
RCEB	0	0	0
RCOC	0	3	3
SARC	0	0	0
SDRC	0	1	1
SG/PRC	0	0	0
SCLARC	0	0	0
TCRC	0	1	1
VMRC	0	2	2
WRC	0	1	1
Statewide	4	22	26

# **Fair Hearing Requests**

## **FY 2018-19**

## Fair Hearing Request Pursuant to W&I Code §4710.5

### Sources and Organization of Data

Data regarding fair hearing requests are maintained by the Department and include issue types, resolution status and outcomes of requests. Fair hearing requests may be resolved in informal meetings, mediations and/or state-level fair hearings. Categories for issue type and resolutions were identified for the principal subjects of each fair hearing request. Demographic data was obtained from the Department's Client Master File.

1. Reasons for fair hearing requests include:
  - a. Eligibility
  - b. Day Program
  - c. Transportation
  - d. Residential
  - e. Respite
  - f. Day Care
  - g. Diapers
  - h. Camping
  - i. Early Autism Treatment
  - j. Assessment
  - k. Therapy
  - l. Durable Medical Equipment
  - m. Behavioral Services
  - n. Supported/Independent Living
  - o. Communication Devices
  - p. Share-Of-Cost
  - q. HCBS Waiver
  - r. Social Recreation
  - s. Other
2. Each fair hearing category resolved or decided was assigned a corresponding issue type (see #1 above).
3. Each outcome of the resolution was assigned a corresponding category below:
  - a. Pending
  - b. Denied
  - c. Dismissed
  - d. Granted
  - e. Split Decision
  - f. Withdrawn resulting from an informal meeting, mediation or other reason

4. The length of time to resolution is the number of days from the regional center receiving the fair hearing request to the date it is resolved through informal meeting, mediation, or an OAH decision.
5. The following demographic information is provided for each fair hearing request:
  - a. Ethnicity
  - b. Primary language
  - c. Age

Table 29. Number of Fair Hearing Requests Filed by Regional Center in FY 2018-19

<b>Regional Center</b>	<b>Number of Fair Hearing Requests</b>
ACRC	43
CVRC	28
ELARC	37
FDLRC	35
FNRC	16
GGRC	16
HRC	34
IRC	205
KRC	19
NBRC	13
NLACRC	114
RCRC	10
RCEB	26
RCOC	44
SARC	36
SDRC	31
SG/PRC	75
SCLARC	90
TCRC	23
VMRC	76
WRC	75
Statewide	1,046



Table 30. Number of Fair Hearing Requests Filed by Regional Centers by Presenting Issues\* in FY 2018-19

Regional Center	Assessment	Behavioral Services	Camp	Communication Devices	Day Care	Day Program	Diapers	Durable Medical Equipment	Eligibility	HCBS Waiver	Residential	Respite	Share-of-Cost	Social Recreation	Supported/Independent Living	Therapy	Transportation	Other**	RC Total
ACRC	0	1	0	0	5	2	0	2	17	2	1	4	0	0	4	1	1	11	51
CVRC	0	0	0	0	0	0	0	0	24	0	1	0	0	0	0	0	0	3	28
ELARC	0	5	0	0	8	0	0	0	12	0	0	4	0	4	0	4	1	0	38
FDLRC	3	3	0	1	0	1	0	0	11	0	0	0	0	3	1	9	4	7	43
FNRC	0	0	0	0	0	0	0	0	11	0	1	0	0	0	0	0	0	4	16
GGRC	1	1	0	0	1	1	0	0	7	0	1	0	0	1	3	1	1	3	21
HRC	0	4	1	0	9	3	0	1	3	0	0	6	0	1	0	3	5	3	39
IRC	0	9	0	0	4	2	0	2	128	1	2	35	0	4	1	5	6	13	212
KRC	0	3	0	0	4	1	0	1	7	0	0	0	0	0	0	1	1	1	19
NBRC	0	0	0	0	0	0	0	0	11	0	0	0	0	0	1	0	0	1	13
NLACRC	1	4	0	1	10	3	0	0	70	0	6	5	2	2	3	2	3	3	115
RCRC	0	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	0	1	10
RCOC	0	3	0	0	2	0	0	0	27	0	1	4	0	0	2	2	2	2	45
RCEB	0	6	0	0	1	2	0	1	7	0	2	5	0	0	1	1	1	4	31
SARC	0	0	0	1	1	0	2	0	30	0	1	1	0	0	0	1	0	2	39
SDRC	0	0	0	0	2	0	0	1	12	0	0	7	0	0	0	3	3	3	31
SG/PRC	1	6	0	0	10	6	0	1	25	5	1	7	0	4	1	7	5	5	84
SCLARC	0	0	0	0	1	2	0	0	60	0	0	13	0	2	0	1	2	9	90
TCRC	0	0	0	0	0	0	0	0	14	0	2	1	1	0	4	0	0	2	24
VMRC	1	3	0	0	2	0	0	2	22	0	0	7	0	3	0	5	24	9	78
WRC	0	4	2	0	11	0	0	1	21	0	2	3	0	5	2	10	1	15	77
Statewide	7	52	3	3	71	23	2	12	528	8	21	102	3	29	23	56	60	101	1,104

\* Fair hearing requests may contain more than one presenting issue. In 2018-19, 1,046 fair hearing requests included 1,104 issues.

\*\*Other includes: Case Management; Funding Conferences; Funding Co-Payments; Funding Dental Services; Funding Interpreters; Funding Legal Services; Funding Living Expenses; Funding Medical; Funding Travel Expenses; Home Modifications; Homemaker Services; Obtaining Records from Regional Center; Reimbursement; Self Determination Program; Social Security Administration; Taxes; Translation Services; Vehicle Modification; Vendorization; and Unknown.

Table 31. Outcomes or Current Status of Fair Hearing Requests by Regional Center in FY 2018-19

Regional Center	Resolved at or Before Informal Meeting	Resolved Mediation	State-Level Administrative Hearings				In Process**	Claimant Withdrew Request	Totals
			Denied	Dismissed	Granted	Split			
ACRC	12	5	4	8	4	1	5	12	51
CVRC	24	2	0	1	1	0	0	0	28
ELARC	15	1	6	4	0	3	2	7	38
FDLRC	22	0	7	5	1	0	1	7	43
FNRC	12	0	2	0	0	0	0	2	16
GGRC	5	0	3	0	0	0	1	12	21
HRC	15	0	11	1	4	1	0	7	39
IRC	136	5	40	5	4	1	5	16	212
KRC	10	0	2	0	2	0	0	5	19
NBRC	6	0	0	2	0	0	2	3	13
NLACRC	61	0	6	8	6	3	7	24	115
RCRC	6	0	1	0	0	0	0	3	10
RCEB	15	6	4	1	1	0	0	4	31
RCOC	27	1	3	0	0	0	1	13	45
SARC	13	2	6	1	3	0	7	7	39
SDRC	16	6	5	1	0	1	1	1	31
SG/PRC	41	10	11	3	6	1	6	6	84
SCLARC	55	0	8	4	4	2	2	15	90
TCRC	11	3	0	1	1	0	0	8	24
VMRC	20	33	5	3	1	0	3	13	78
WRC	31	1	10	10	4	0	0	21	77
Statewide	553	75	134	58	42	13	43	186	1,104

\*Fair hearing requests may contain more than one presenting issue.

\*\*“In Process” means that the fair hearing request has not yet been resolved because the resolution process is still underway.

Table 32. Outcomes or Current Status of Fair Hearing Requests Received by Issue Type\* and Average Length of Time to Resolution in FY 2018-19

Issue Type	Resolved at or Before Informal Meeting	Resolved Mediation	State-Level Administrative Hearings				In Process**	Claimant Withdrew Request	Totals	Average Length of Time to Resolution (Days)
			Denied	Dismissed	Granted	Split				
Assessment	4	0	0	0	0	0	0	3	7	67
Behavioral Services	20	5	9	4	1	0	0	13	52	86
Camping	1	0	1	0	0	0	0	1	3	74
Communication Devices	2	1	0	0	0	0	0	0	3	105
Day Care	35	7	6	1	8	5	3	6	71	89
Day Program	9	4	5	1	2	1	1	0	23	59
Diapers	0	0	0	0	1	0	1	0	2	52
Durable Medical Equipment	5	2	2	1	1	0	0	1	12	67
Eligibility	307	3	49	33	6	0	23	107	528	75
HCBS Waiver	5	1	0	0	0	0	2	0	8	51
Other	30	8	23	8	8	2	3	19	101	73
Residential	7	4	1	0	3	0	2	4	21	78
Respite	57	10	19	2	3	1	2	8	102	56
Share-of-Cost	3	0	0	0	0	0	0	0	3	23
Social Recreation	14	1	3	3	1	1	2	4	29	67
Supported/ Independent Living	4	4	3	1	1	2	1	7	23	101
Therapy	27	6	6	2	4	0	2	9	56	78
Transportation	23	19	7	2	3	1	1	4	60	64
Statewide	553	75	134	58	42	13	43	186	1,104	70

\*Fair hearing requests may contain more than one presenting issue.

\*\*"In Process" means that the fair hearing request has not yet been resolved because the resolution process is still underway.

Table 33. Number of Fair Hearing Requests Received by Regional Center by Ethnicity/Race in FY 2018-19

Regional Center	American Indian or Alaskan Native	Asian	Black/ African American	Hispanic	Native Hawaiian or Other Pacific Islander	Other Ethnicity or Race	White	Missing or Unknown*	Total
ACRC	0	3	2	1	0	3	32	2	43
CVRC	0	1	1	12	0	0	12	2	28
ELARC	0	7	2	24	0	2	2	0	37
FDLRC	0	5	6	11	0	1	12	0	35
FNRC	0	0	0	1	0	0	15	0	16
GGRC	0	2	1	0	0	1	10	2	16
HRC	0	7	6	12	0	2	6	1	34
IRC	0	7	13	63	0	11	56	55	205
KRC	0	0	3	4	0	0	8	4	19
NBRC	0	0	1	1	0	2	5	4	13
NLACRC	0	3	17	35	0	4	46	9	114
RCRC	0	0	0	2	0	0	7	1	10
RCOC	0	4	0	10	0	9	15	6	44
RCEB	0	2	7	1	0	0	15	1	26
SARC	0	6	0	4	0	0	16	8	36
SDRC	0	1	3	7	0	3	15	2	31
SG/PRC	0	9	2	36	0	4	19	5	75
SCLARC	0	0	23	63	0	0	0	4	90
TCRC	0	0	2	2	0	0	16	3	23
VMRC	0	4	4	27	0	6	21	14	76
WRC	0	1	12	33	0	5	20	4	75
Total	0	62	107	349	0	53	348	127	1,046

\*Missing/unknown include: Consumers that did not have demographic information or demographic information was not available during the eligibility review process.

Table 34. Number of Fair Hearing Requests Received by Regional Center by Primary Language in FY 2018-19

Regional Center	Arabic	American Sign Language	Cantonese Chinese	English	Hebrew	Japanese	Korean	Mandarin Chinese	Other Asian	Russian	Spanish	Tagalog	Vietnamese	Other Languages	Missing or Unknown*	Totals
ACRC	0	0	0	42	0	0	0	0	0	0	0	0	0	0	1	43
CVRC	0	0	0	25	0	0	0	0	0	0	3	0	0	0	0	28
ELARC	0	0	0	23	0	0	0	0	0	0	12	0	0	2	0	37
FDLRC	0	0	0	31	0	0	0	0	0	0	4	0	0	0	0	35
FNRC	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	16
GGRC	0	0	0	15	0	0	0	1	0	0	0	0	0	0	0	16
HRC	0	1	0	23	0	0	1	0	0	0	8	0	0	0	1	34
IRC	1	1	0	176	0	0	0	1	0	0	25	0	0	1	0	205
KRC	0	0	0	16	0	0	0	0	0	0	2	0	0	0	1	19
NBRC	0	0	0	13	0	0	0	0	0	0	0	0	0	0	0	13
NLACRC	0	0	0	95	0	0	0	0	0	0	18	0	0	0	1	114
RCRC	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	10
RCOC	0	0	0	41	0	0	0	0	0	0	2	0	1	0	0	44
RCEB	0	0	0	25	0	0	0	0	0	0	1	0	0	0	0	26
SARC	0	0	1	28	0	0	0	1	0	1	2	0	0	0	3	36
SDRC	0	0	0	28	1	0	0	0	0	0	2	0	0	0	0	31
SG/PRC	2	0	0	61	0	1	1	0	1	0	8	1	0	0	0	75
SCLARC	0	0	0	51	0	0	0	0	0	0	37	0	0	0	2	90
TCRC	0	0	0	23	0	0	0	0	0	0	0	0	0	0	0	23
VMRC	1	0	0	55	0	0	0	0	0	0	19	0	0	0	1	76
WRC	0	0	0	57	0	0	0	0	0	0	18	0	0	0	0	75
Statewide	4	2	1	854	1	1	2	3	1	1	161	1	1	3	10	1,046

\*Missing/unknown include: Consumers that did not have demographic information or demographic information was not available during the eligibility review process.

Table 35. Number of Fair Hearing Requests Received by Regional Center by Age in FY 2018-19

<b>Regional Center</b>	<b>1 to 17 years*</b>	<b>18 years and older</b>	<b>Unknown**</b>	<b>Total</b>
ACRC	13	30	0	43
CVRC	13	15	0	28
ELARC	17	20	0	37
FDLRC	20	15	0	35
FNRC	7	9	0	16
GGRC	5	11	0	16
HRC	17	17	0	34
IRC	140	65	0	205
KRC	12	6	1	19
NBRC	6	7	0	13
NLACRC	74	40	0	114
RCRC	6	4	0	10
RCEB	10	16	0	26
RCOC	26	18	0	44
SARC	22	12	2	36
SDRC	20	11	0	31
SG/PRC	43	32	0	75
SCLARC	59	30	1	90
TCRC	8	15	0	23
VMRC	48	27	1	76
WRC	50	25	0	75
Statewide	616	425	5	1,046

\*Fair hearing requests were received for Lanterman eligible consumers under age three.

\*\*Demographic information was not available during the eligibility review process.

## Appendix A

### **Subject Categories for W&I Code §4731 Complaints Submitted to Regional Centers and Complaint Appeals to DDS**

#### IPP Development/Implementation

1. W&I Code §4646(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, where appropriate, his or her parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.
2. W&I Code §4646(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment. At the time of intake, the regional center shall inform the consumer and, where appropriate, his or her parents, legal guardian or conservator, or authorized representative, of the services available through the state council and the protection and advocacy agency designated by the Governor pursuant to federal law, and shall provide the address and telephone numbers of those agencies.
3. W&I Code §4646(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.
4. W&I Code §4646(e) Regional centers shall comply with the request of a consumer, or when appropriate, the request of his or her parents, legal guardian, conservator, or authorized representative, that a designated representative receive written notice of all meetings to develop or revise his or her individual program plan and of all notices sent to the consumer pursuant to Section 4710. The designated representative may be a parent or family member.
5. W&I Code §4646(f) ...If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the request of the consumer...or parents...or when agreed to by the planning team.

#### Notice of Proposed Action

W&I Code §4710(b) Adequate notice shall be sent to the recipient and the authorized representative, if any, by certified mail no more than five working days after the agency makes a decision without the mutual consent of the recipient or

authorized representative, if any, to deny the initiation of a service or support requested for the inclusion in the individual program plan.

#### Regional Center 20-Working-Day Timeline

W&I Code §4731(b)...The (regional center) director shall, within 20 working days of receiving a complaint, investigate the complaint and send a written proposed resolution to the complainant...

#### DDS 45-Day Timeline

W&I Code §4731(c) If the complainant is not satisfied with the proposed resolution, the complainant may refer the complaint, in writing, to the Director of Developmental Services within 15 working days of receipt of the proposed resolution. The director shall, within 45 days of receiving a complaint, issue a written administrative decision and send a copy of the decision to the complainant, the director of the regional center and the service provider, if applicable.

#### Provision of Records

W&I Code §4726 Notwithstanding the provisions of Section 5328, access to records shall be provided to an applicant for, or recipient of, services or to his or her authorized representative, including the person appointed as a developmental services decisionmaker... for purposes of the appeal procedure under this chapter.

#### Service Coordination

W&I Code §4647(b) The regional center shall assign a service coordinator who shall be responsible for implementing, overseeing, and monitoring each individual program plan. The service coordinator may be an employee of the regional center or may be a qualified individual or employee of an agency with whom the regional center has contracted to provide service coordination services... The regional center shall provide the consumer or, where appropriate, his or her parents, legal guardian, or conservator or authorized representative, with written notification of any permanent change in the assigned service coordinator within 10 business days. No person shall continue to serve as a service coordinator for any individual program plan unless there is agreement by all parties that the person should continue to serve as service coordinator.

#### Confidentiality

W&I Code §5328(a) All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000 ), Division 4.1 (commencing with Section 4400 ), Division 4.5 (commencing with Section 4500 ), Division 5 (commencing with Section 5000 ), Division 6 (commencing with Section 6000 ), or Division 7 (commencing with Section 7100 ), to either voluntary or involuntary recipients of services are confidential. Information and records obtained



in the course of providing similar services to either voluntary or involuntary recipients before 1969 are also confidential. Information and records shall be disclosed only in any of the following cases: 1) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his or her guardian or conservator shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.

#### Service Related

1. Some complaints contain disputes about the amount, nature and scope of services provided, or not being provided by the regional center. W&I Code §4731 expressly disallows complaints about services.
2. W&I Code §4731(e) This section shall not be used to resolve disputes concerning the nature, scope, or amount of services and supports that should be included in an individual program plan, for which there is an appeal procedure established in this division, or disputes regarding rates or audit appeals for which there is an appeal procedure established in regulations. Those disputes shall be resolved through the appeals procedure established by this division or in regulations.

#### Vendor Requirements

Some complaints contained concerns and disagreement with vendor activities and conduct.

#### Parent Vendorization

One complaint contained 13 separate allegations regarding disagreement with the parent vendorization process.