

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



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



January 2021

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Department of Developmental Services Legislative Report

Background

Consumers' rights complaints and fair hearing requests and resolutions are monitored by the Department of Developmental Services (Department) and are displayed on the Department's website dashboard to promote transparency and accountability in these areas. Pursuant to Welfare and Institutions (W&I) Code Section 4519.2(c) and (d), the Department is required to update the Legislature annually, by January 10, with specified information regarding consumers' rights complaints and fair hearing requests and resolutions as described below. This 2021 Legislative update includes data for Fiscal Year (FY) 2019-20.

Consumers' Rights Complaints

Consumers' rights complaints, as indicated in W&I Code Section 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 Section 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.

To allow regional centers flexibility to prioritize work associated with the COVID-19 pandemic, from March 18, 2020 and past the end of FY 2019-20, the 20-working day requirement was waived by Department directive. Regional centers were required to investigate and provide a written proposed resolution to the complainant within 40 working days. The Department Directive on Requirements Waived Due to COVID-19 and Additional Guidance may be found at: [Requirements Waived due to COVID-19 pdf](#).

Per W&I Code Section 4519.2(c), 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 the timeframes within which written administrative decisions were issued; and
- demographic information, as identified by the Department, about consumers on whose behalf complaints were filed.

Fair Hearing Requests

The fair hearing process is described in W&I Code Section 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 eligibility or that service to the 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 may file for a fair hearing within 10 days of receiving the NOA.

As part of the fair hearing process, individuals and/or their authorized representatives 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 (ALJ), within 45 days of the postmarked date on the fair hearing request or receipt by the regional center.

Per W&I Code Section 4519.2(d), information reported annually to the Legislature must include the number of fair hearing requests filed pursuant to W&I Code Section 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 the 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.

(Note that fair hearing requests filed in FY 2019-20 may not have been resolved that year, and fair hearing requests resolved in FY 2019-20 may have been filed in a previous year.)

Strengthening Transparency and Accountability

The Department is committed to ensuring that regional centers comply 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. Based on the data compiled for the 2020 Legislative update, the Department planned to provide system-wide and targeted training to regional centers regarding the consumers' rights complaints and fair hearing processes in FYs 2019-20 and 2020-21. However, due to workload impact related to the COVID-19 pandemic, the development and implementation of the training was delayed. The Department did develop a new internal process to ensure compliance with statutory timelines and continues its partnership with regional centers to communicate with the individuals and families they serve about the consumers' rights complaint and fair hearing processes. The Department also partnered with regional centers to improve data quality around all aspects of complaints, appeals and fair hearings.

Interpreting the Data

The number of consumers' rights complaints and fair hearing requests submitted by consumers, or their authorized representatives, is a very broad measure of a regional center's performance. That number, however, 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 easier to use, may receive more complaints or fair requests.
 - Reviewing the way consumers' rights complaints were resolved provides some context for this (Table 3). In FY 2019-20, approximately three of every five 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' Right Complaints and Fair Hearing Requests, FY 2019-20

Topic	Number	Table
Number of Consumers Served, Age Three and Older	307,425	-
Number of W&I Code Section 4731 Complaints Received by Regional Centers	229	1
Number of Subjects in W&I Code Section 4731 Complaints ¹	402	2
Top Three Subjects of W&I Code Section 4731 Complaints ¹		
Service related	115	2
Service coordination	85	2
Vendor requirements	84	2
Number of Resolutions for W&I Code Section 4731 Complaints ²	411	3
Number of Complaints Withdrawn or Determined No Violation, Inconclusive or Out-of-Scope	274	3
Top Three Resolutions ²		
Staff training	52	3
Additional Services	49	3
Change in service coordinator	19	3
Number of W&I Code Section 4731 Complaints Resolved Within the Required Timeframe	130	4
Number of W&I Code Section 4731 Complaints Appealed to the Department	42	8
Top Three Subjects of W&I Code Section 4731 Appeals ³		
Individual Program Plan implementation	28	9
Vendor requirements	23	9
Provision of records	12	9
Number of Complaint Appeals Requiring a Corrective Action Plan	18	10
Number of Administrative Decisions Issued Within 45 Calendar Days of the W&I Code Section 4731 Appeal	25	11
Number of Fair Hearing Requests Filed Pursuant to W&I Code Section 4710.5	992	15
Top Three Subjects of Fair Hearing Requests Filed ⁴		
Eligibility	554	16
Respite/Day Care/Personal Assistance	132	16
Assessment/Therapy/Behavior Services	89	16
Number of Resolved Fair Hearing Requests Pursuant to W&I Code Section 4710.5	955	20
Fair hearing requests resolved at or before Informal Meeting	683	26
Fair hearing requests resolved at Mediation	79	26
Fair hearing requests resolved at State Level Hearing	209	26
Fair hearing requests resolved where the individual was found eligible	172	27
Fair hearing requests resolved where services were fully funded	152	27
Fair hearing requests resolved where services were partially funded	67	27
Average Number of Days to Resolution	75	28

Note: Data for complaints by ethnicity, primary language and age are provided in Tables 6-8 and in Tables 13-15; data for fair hearings by ethnicity, primary language and age are provided in Tables 23-25.

¹Complaints may contain more than one subject/issue. ² Subjects within a complaint may involve more than one resolution. ³ Complaint appeals may involve more than one subject/issue and one resolution.

⁴ Fair hearing requests may contain more than one presenting issue.

In FY 2019-20, regional centers received 229 W&I Code Section 4731 complaints.

- The three most common subjects of complaints were service related, service coordination and vendor requirements.
- 130 of 229 complaints were resolved within the required timeframe (57%).
- The three most common complaint resolutions were staff training, additional services, and change in service coordinator.
- 42 resolutions were appealed to the Department (18%).
 - The three most commonly appealed subjects were IPP implementation, vendor requirements and provision of records.
 - 25 decisions were issued within the statutory timeline of 45 calendar days (60%).

In FY 2019-20, 992 fair hearing requests were filed pursuant to W&I Code Section 4710.5. The three most common presenting issues were eligibility, respite/day care/personal assistance and assessment/therapy/behavior services.

In FY 2019-20, 955 fair hearing requests were resolved.

- 683 were resolved at or before an informal meeting.
- 79 were resolved at mediation.
- 209 were resolved at a state-level hearing.
- Of the 523 eligibility-related fair hearing requests resolved, 172 were resolved by finding the individual eligible for regional center services.
- Of the 475 service-related fair hearing requests resolved, 152 were resolved by fully funding the requested service(s) and 67 were resolved by partially funding the requested service(s).
- On average, fair hearing requests were resolved in 75 days.

**Welfare & Institutions (W&I) Code
Section 4731 Complaints
Received by Regional Centers
FY 2019-20**

Consumers' Rights Complaints Pursuant to W&I Code Section 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 FY 2019-20. Completed surveys included information about the subject matter(s) of each W&I Code Section 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, regional centers provided consumers' demographic information (i.e., ethnicity/race, primary language and age).

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.

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. W&I Code Section 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 Section 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
 - 3) Within 40 working days (for complaints received after the Department Directive dated March 18, 2020)
 - 4) Greater than 40 working days (for complaints received after the Department Directive dated March 18, 2020)
 - b. Appeals Filed with the Department
 - 1) Within 45 calendar days
 - 2) Greater than 45 calendar days

Regional Center Acronyms

Acronym	Regional Center (RC)
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 Section 4731 Complaints Received in FY 2019-20, by Regional Center

Regional Center	Total
ACRC	19
CVRC	1
ELARC	10
FDLRC	11
FNRC	2
GGRC	7
HRC	6
IRC	24
KRC	12
NBRC	21
NLACRC	43
RCRC	1
RCEB	15
RCOC	2
SARC	8
SCLARC	13
SDRC	10
SGPRC	3
TCRC	2
VMRC	12
WRC	7
Total	229

Table 2. Number of W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center and Subject

Regional Center	IPP Development/ Implementation	Notice of Proposed Action	Regional Center 4731 Timeline	Provision of Records	Service Coordination	WIC 4502	Confidentiality	Service Related	Vendor Requirements	Total
ACRC	4	2	0	0	2	5	5	15	17	50
CVRC	0	0	0	0	1	0	0	0	0	1
ELARC	1	0	0	0	2	0	0	8	0	11
FDLRC	4	1	0	0	8	0	0	6	1	20
FNRC	0	0	0	0	0	0	0	2	0	2
GGRC	0	0	0	0	1	0	1	8	1	11
HRC	0	0	0	1	9	0	0	2	4	16
IRC	3	7	0	4	5	0	3	11	2	35
KRC	5	0	0	0	2	0	0	7	9	23
NBRC	3	1	0	0	5	0	0	8	7	24
NLACRC	17	2	1	4	25	3	4	14	11	81
RCRC	1	0	0	0	2	0	0	1	0	4
RCEB	4	0	0	2	5	0	0	7	7	25
RCOC	1	0	0	0	0	0	0	1	0	2
SARC	2	1	0	0	4	1	1	6	0	15
SCLARC	1	1	0	0	4	0	0	8	4	18
SDRC	2	0	2	1	2	0	3	2	10	22
SGPRC	2	1	0	0	0	0	0	2	0	5
TCRC	2	0	0	0	0	0	0	1	0	3
VMRC	3	0	0	1	8	0	1	6	6	25
WRC	1	1	1	1	0	0	0	0	5	9
Total	56	17	4	14	85	9	18	115	84	402

Note: See Appendix A for detailed descriptions of subjects. A complaint may include several subjects. In 2019-20, there were 229 complaints that included 402 subjects.

Table 3. Number of Resolutions by Type for W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center

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	Total
ACRC	0	1	2	5	3	0	23	1	15	50
CVRC	0	0	0	0	0	0	1	0	0	1
ELARC	3	2	0	0	0	0	0	0	6	11
FDLRC	6	3	0	5	0	0	6	1	0	21
FNRC	0	0	0	0	0	0	2	0	0	2
GGRC	0	0	0	3	0	0	5	0	3	11
HRC	1	1	0	0	0	0	12	0	2	16
IRC	0	2	0	0	1	2	19	0	15	39
KRC	9	0	0	0	0	4	5	1	4	23
NBRC	3	0	0	3	1	1	6	8	2	24
NLACRC	0	3	0	16	0	9	48	5	0	81
RCRC	0	0	0	0	0	0	4	0	0	4
RCEB	14	1	0	1	0	0	9	4	0	29
RCOC	1	0	0	0	0	0	0	0	1	2
SARC	1	1	0	2	0	2	4	0	5	15
SCLARC	4	3	0	1	1	0	7	0	2	18
SDRC	1	0	0	1	6	0	6	8	0	22
SGPRC	2	0	0	2	0	0	0	0	1	5
TCRC	1	0	0	1	0	0	0	0	1	3
VMRC	3	2	1	5	1	0	12	1	0	25
WRC	0	0	0	7	1	0	1	0	0	9
Total	49	19	3	52	14	18	170	29	57	411

Note: There may be more than one resolution per complaint or subject. In 2019-20, there were 229 complaints that included 411 resolutions.

Table 4. Timeframe for Providing a Proposed Response to W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center

Regional Center	Complaints Received July 1, 2019 through March 17, 2020			Complaints Received March 18, 2020 through June 30, 2020		
	Within 20 Working Days	Greater than 20 Working Days	Total	Within 40 Working Days	Greater than 40 Working Days	Total
ACRC	12	5	17	2	0	2
CVRC	1	0	1	0	0	0
ELARC	0	4	4	1	5	6
FDLRC	2	4	6	5	0	5
FNRC	2	0	2	0	0	0
GGRC	6	1	7	0	0	0
HRC	5	0	5	1	0	1
IRC	16	5	21	3	0	3
KRC	6	4	10	2	0	2
NBRC	4	17	21	0	0	0
NLACRC	3	27	30	8	5	13
RCRC	1	0	1	0	0	0
RCEB	5	6	11	4	0	4
RCOC	0	2	2	0	0	0
SARC	6	1	7	0	1	1
SCLARC	9	1	10	3	0	3
SDRC	6	2	8	1	1	2
SGPRC	1	2	3	0	0	0
TCRC	1	1	2	0	0	0
VMRC	7	2	9	3	0	3
WRC	3	3	6	1	0	1
Total	96	87	183	34	12	46

Note: W&I Code Section 4731(b), "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." To allow regional centers flexibility to prioritize work associated with the COVID-19 pandemic, from March 18, 2020 and past the end of FY 2019-20, the 20-working day requirement was waived by Department directive. Regional centers were required to investigate and provide a written proposed resolution to the complainant within 40 working days. The Department Directive on Requirements Waived Due to COVID-19 and Additional Guidance may be found at: [Requirements Waived Due to COVID-19 pdf](#). Of the 229 complaints filed, the required timeline for 183 complaints was 20 days and the required timeline for 46 complaints was 40 days.

Table 5. Number of W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	*	*	*	11	*	17
CVRC	0	0	0	0	*	*
ELARC	0	*	*	0	*	*
FDLRC	*	0	*	*	*	11
FNRC	0	0	0	*	0	*
GGRC	0	*	0	*	*	*
HRC	0	0	*	*	*	*
IRC	*	*	*	*	*	20
KRC	*	*	*	*	0	*
NBRC	0	*	*	*	*	11
NLACRC	0	*	16	11	*	35
RCRC	0	0	0	*	0	*
RCEB	*	*	*	*	*	15
RCOC	0	0	0	0	*	*
SARC	0	0	*	*	*	*
SCLARC	0	*	*	0	0	*
SDRC	0	*	*	*	*	*
SGPRC	*	0	0	0	*	*
TCRC	0	0	0	*	0	*
VMRC	*	0	*	*	*	*
WRC	0	*	*	*	0	*
Total	*	20	54	74	32	188

Note: A consumer or representative may file more than one complaint. Each consumer or representative is represented in this table once. Other Ethnicity/Race includes Native Hawaiian/Other Pacific Islander and Other Ethnicity/Race.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

Table 6. Number of W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	**	*	0	17
CVRC	*	0	0	*
ELARC	*	*	0	*
FDLRC	*	*	*	11
FNRC	*	0	0	*
GGRC	*	0	0	*
HRC	*	*	*	*
IRC	20	0	0	20
KRC	*	0	0	*
NBRC	11	0	0	11
NLACRC	28	*	0	35
RCRC	*	0	0	*
RCEB	15	0	0	15
RCOC	*	0	0	*
SARC	*	0	0	*
SCLARC	*	*	0	*
SDRC	*	*	0	*
SGPRC	*	0	0	*
TCRC	*	0	0	*
VMRC	*	*	*	*
WRC	*	*	0	*
Total	168	17	*	188

Note: A consumer or representative may file more than one complaint. Each consumer or representative is represented in this table once. Other Languages include American Sign Language and Arabic.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 7. Number of W&I Code Section 4731 Complaints Received in FY 2019-20, by Regional Center and Consumers' Age

Regional Center	0 to 2 years	3 to 17 years	18 years or older	Total
ACRC	*	*	14	17
CVRC	0	*	0	*
ELARC	0	*	0	*
FDLRC	*	*	*	11
FNRC	0	*	*	*
GGRC	0	0	*	*
HRC	0	*	*	*
IRC	0	*	12	20
KRC	0	*	*	*
NBRC	0	*	*	11
NLACRC	*	**	23	35
RCRC	0	0	*	*
RCEB	0	*	**	15
RCOC	0	*	0	*
SARC	*	*	*	*
SCLARC	0	*	*	*
SDRC	0	0	*	*
SGPRC	0	*	*	*
TCRC	0	0	*	*
VMRC	0	*	*	*
WRC	0	*	*	*
Total	*	50	133	188

Note: A consumer or representative may file more than one complaint. Each consumer or representative is represented in this table once.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

W&I Code Section 4731 Complaint Appeals Filed with the Department FY 2019-20

Table 8. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20

Regional Center	Number of Complaints Appealed	Total Number of Complaints	Percent of Complaints Appealed
ACRC	5	19	26%
CVRC	0	1	0%
ELARC	0	10	0%
FDLRC	1	11	9%
FNRC	0	2	0%
GGRC	3	7	43%
HRC	1	6	17%
IRC	8	24	33%
KRC	2	12	17%
NBRC	0	21	0%
NLACRC	3	43	7%
RCRC	1	1	100%
RCEB	2	15	13%
RCOC	2	2	100%
SARC	0	8	0%
SDRC	4	13	31%
SG/PRC	1	10	10%
SCLARC	0	3	0%
TCRC	1	2	50%
VMRC	3	12	25%
WRC	5	7	71%
Total	42	229	18%

Note: A complaint appeal may include several subjects.

Table 9. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20, by Regional Center and Subject.

Regional Center	IPP Development/ Implementation	Notice of Proposed Action	Regional Center 20-Working-Day Timeline	Provision of Records	Service Coordination	WIC 4502	Confidentiality	Service Related	Vendor Requirements	Total
ACRC	0	0	0	0	0	2	2	2	0	6
CVRC	0	0	0	0	0	0	0	0	0	0
ELARC	0	0	0	0	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0	0	1	0	1
FNRC	0	0	0	0	0	0	0	0	0	0
GGRC	2	0	0	0	0	0	0	0	1	3
HRC	4	0	0	0	0	0	0	0	2	6
IRC	4	0	1	6	0	2	3	0	1	17
KRC	0	0	0	0	0	0	0	0	3	3
NBRC	0	0	0	0	0	0	0	0	0	0
NLACRC	3	2	1	1	0	0	0	0	0	7
RCRC	1	0	0	0	0	1	0	0	1	3
RCEB	1	0	0	0	2	0	0	0	2	5
RCOC	3	0	0	0	0	0	0	0	0	3
SARC	0	0	0	0	0	0	0	0	0	0
SDRC	4	0	1	4	2	1	0	0	4	16
SGPRC	1	0	0	0	0	0	0	0	0	1
SCLARC	0	0	0	0	0	0	0	0	0	0
TCRC	1	0	0	0	0	0	0	0	0	1
VMRC	1	0	0	1	2	3	2	2	0	11
WRC	3	0	0	0	3	0	0	0	9	15
Total	28	2	3	12	9	9	7	5	23	98

Notes: See Appendix A for detailed description of subjects. Complaints may contain more than one subject. In 2019-20, 42 complaint appeals included 98 subjects.

Table 10. Resolution of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20, by Regional Center and Corrective Action Requirement

Regional Center	Corrective Action Plan Required (Regional Center and/or Vendor)	Corrective Action Plan Not Required (i.e., no violation, inconclusive, out-of-scope)	Total
ACRC	1	5	6
CVRC	0	0	0
ELARC	0	0	0
FDLRC	0	1	1
FNRC	0	0	0
GGRC	1	2	3
HRC	0	6	6
IRC	1	16	17
KRC	0	2	2
NBRC	0	0	0
NLACRC	4	3	7
RCRC	0	3	3
RCEB	1	4	5
RCOC	0	3	3
SARC	0	0	0
SDRC	5	11	16
SG/PRC	0	1	1
SCLARC	0	0	0
TCRC	1	0	1
VMRC	2	9	11
WRC	2	13	15
Total	18	79	97

Note: There may be more than one resolution per complaint appeal or subject. In 2019-20, there were 97 resolutions for 42 complaint appeals.

Table 11. Timeframe of Written Administrative Decisions Issued by the Department for W&I Code Section 4731 Complaint Appeals in FY 2019-20 by Regional Center

Regional Center	Within 45 Days	Greater than 45 Days	Total
ACRC	3	2	5
CVRC	0	0	0
ELARC	0	0	0
FDLRC	1	0	1
FNRC	0	0	0
GGRC	2	1	3
HRC	1	0	1
IRC	5	3	8
KRC	2	0	2
NBRC	0	0	0
NLACRC	2	1	3
RCRC	1	0	1
RCEB	1	1	2
RCOC	1	1	2
SARC	0	0	0
SDRC	2	2	4
SGPRC	0	1	1
SCLARC	0	0	0
TCRC	1	0	1
VMRC	2	1	3
WRC	1	4	5
Total	25	17	42

Note: W&I Code Section 4731(c) states, "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."

Table 12. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	0	0	0	*	*	*
CVRC	0	0	0	0	0	0
ELARC	0	0	0	0	0	0
FDLRC	0	0	0	*	0	*
FNRC	0	0	0	0	0	0
GGRC	0	0	0	*	*	*
HRC	0	0	0	*	0	*
IRC	0	*	*	*	0	*
KRC	0	0	0	*	0	*
NBRC	0	0	0	0	0	0
NLACRC	0	0	*	*	0	*
RCRC	0	0	0	*	0	*
RCEB	0	*	0	*	0	*
RCOC	0	0	0	0	*	*
SARC	0	0	0	0	0	0
SDRC	0	0	0	*	*	*
SG/PRC	0	0	0	0	*	*
SCLARC	0	0	0	0	0	0
TCRC	0	0	0	*	0	*
VMRC	*	0	0	*	*	*
WRC	0	*	*	*	0	*
Total	*	*	*	20	*	35

Note: A consumer or representative may file more than one appeal. Each consumer or representative is represented in this table once. Other Ethnicity/Race includes Native Hawaiian/Other Pacific Islander, American Indian/Alaskan Native, and Other Ethnicity/Race.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

Table 13. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	*	0	0	*
CVRC	0	0	0	0
ELARC	0	0	0	0
FDLRC	*	0	0	*
FNRC	0	0	0	0
GGRC	*	0	0	*
HRC	0	0	*	*
IRC	*	0	0	*
KRC	*	0	0	*
NBRC	0	0	0	0
NLACRC	*	0	0	*
RCRC	*	0	0	*
RCEB	*	0	0	*
RCOC	*	0	0	*
SARC	0	0	0	0
SDRC	*	0	0	*
SG/PRC	*	0	0	*
SCLARC	0	0	0	0
TCRC	*	0	0	*
VMRC	*	0	0	*
WRC	*	0	0	*
Total	34	0	*	35

Note: A consumer or representative may file more than one appeal. Each consumer or representative is represented in this table once. Other Languages include American Sign Language.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

Table 14. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2019-20, by Regional Center and Consumers' Age

Regional Center	3 to 17 years old	18 and older	Total
ACRC	0	*	*
CVRC	0	0	0
ELARC	0	0	0
FDLRC	0	*	*
FNRC	0	0	0
GGRC	0	*	*
HRC	0	*	*
IRC	*	*	*
KRC	0	*	*
NBRC	0	0	0
NLACRC	*	*	*
RCRC	0	*	*
RCEB	0	*	*
RCOC	*	0	*
SARC	0	0	0
SDRC	0	*	*
SG/PRC	0	*	*
SCLARC	0	0	0
TCRC	0	*	*
VMRC	*	*	*
WRC	*	*	*
Total	*	28	35

Note: A consumer or representative may file more than one complaint. Each consumer or representative is represented in this table once.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

**Fair Hearing Requests Filed
Pursuant to W&I Code Section 4710.5
FY 2019-20**

Fair Hearing Request Pursuant to W&I Section 4710.5

Sources and Organization of Data

The Department sent a survey to each regional center requesting data regarding fair hearing requests that were filed in FY 2019-20 and fair hearing requests that were resolved in FY 2019-20 regardless of when they were filed. The survey included all information available to the Department and regional centers were asked to add details regarding the presenting issues and, as appropriate, the outcome of the resolution (e.g., was person found eligible at mediation). Categories for issue type and resolutions were identified for the principal subjects of each fair hearing request. Regional centers provided consumers' demographic information (ethnicity/race, primary language and age) from the Client Master File.

1. Reasons for fair hearing requests include:
 - a. Eligibility
 - b. Day Program/Employment
 - c. Medical/Dental Related Expenses
 - d. Self-Determination Program
 - e. Assessment/Therapy/Behavior Services
 - f. Respite/Day Care/Personal Assistance
 - g. Independent Living (ILS)/Supported Living (SLS)/Residential/Housing/Rental/Hotel Expenses
 - h. Other - Miscellaneous Services (need a note on the table)
 - i. Other - Miscellaneous Expenses (need a note on the table)
2. Each fair hearing resolution was assigned a corresponding issue type (see number 1 above).
3. Resolutions were categorized as follows:
 - a. Resolved at or before an informal meeting
 - b. Resolved at mediation
 - c. Resolved at state-level fair hearing
 - i. Granted
 - ii. Denied
 - iii. Split Decision
 - iv. Dismissed
 - d. Claimant withdrew request for other reasons
4. Outcomes for fair hearing resolutions were categorized as follows:
 - a. Eligible
 - b. Ineligible
 - c. Services fully funded
 - d. Services partially funded
 - e. Service funding denied
 - f. Other outcome
 - g. Case dismissed
 - h. Claimant withdrew request
5. The length of time to resolution was calculated as the number of days from the date the fair hearing request was filed with the regional center to the date it was resolved through informal meeting, mediation, or a state-level fair hearing.

Table 15. Number of Fair Hearing Requests Filed by Regional Center in FY 2019-20

Regional Center	Total Fair Hearing Requests in 2019-20
ACRC	42
CVRC	15
ELARC	43
FDLRC	22
FNRC	16
GGRC	21
HRC	33
IRC	206
KRC	34
NBRC	14
NLACRC	121
RCEB	17
RCOC	51
RCRC	7
SARC	23
SCLARC	87
SDRC	31
SGPRC	72
TCRC	21
VMRC	41
WRC	75
Total	992

Table 16. Number of Fair Hearing Requests Filed in FY 2019-20, by Regional Center and by Presenting Issues

Regional Center	Day Program/ Employment	Eligibility	Medical/ Dental Related Services	Self- Determination Program	Assessment/ Therapy/ Behavior Services	Respite/Day Care/ Personal Assistance	ILS/SLS/ Residential Housing/Rental/ Hotel Expenses	Other Misc. Services	Other Misc. Expenses	Total
ACRC	4	19	1	0	2	6	7	3	4	46
CVRC	0	13	0	0	1	0	1	0	0	15
ELARC	2	10	0	1	11	13	3	2	3	45
FDLRC	0	8	0	0	1	7	0	4	2	22
FNRC	0	8	0	0	0	0	2	4	2	16
GGRC	2	12	0	0	1	1	2	2	3	23
HRC	1	3	0	3	9	15	4	5	1	41
IRC	2	147	1	1	16	22	2	9	9	209
KRC	2	7	6	0	5	1	1	2	10	34
NBRC	0	10	0	0	0	0	3	0	1	14
NLACRC	4	89	0	3	4	8	4	6	4	122
RCEB	1	5	3	0	1	4	2	4	0	20
RCOC	0	25	0	2	7	12	2	3	2	53
RCRC	0	3	0	0	0	2	0	2	0	7
SARC	0	17	1	0	0	0	2	1	2	23
SCLARC	1	70	0	1	1	9	1	5	0	88
SDRC	2	13	0	4	3	6	2	1	5	36
SGPRC	4	33	2	0	13	10	5	4	9	80
TCRC	2	13	0	0	0	1	2	3	1	22
VMRC	1	14	0	1	5	1	0	13	6	41
WRC	2	35	1	0	9	14	1	11	5	78
Total	30	554	15	16	89	132	46	84	69	1,035

Note: Fair hearing requests may contain more than one presenting issue. In 2019-20, 992 fair hearing requests included 1,035 issues. Other-Misc. Services includes legal services, translation services, social/recreation, education, training, HCBS waiver, and transportation. Other-Misc. Expenses includes home/auto modification, SSI restoration, and share-of-cost.

Table 17: Number of Fair Hearing Requests Filed in FY 2019-20, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	*	*	*	14	*	38
CVRC	0	0	*	*	0	15
ELARC	*	*	22	*	*	39
FDLRC	0	*	*	*	*	20
FNRC	0	0	*	12	*	16
GGRC	0	*	*	11	*	17
HRC	0	*	13	*	*	29
IRC	*	**	49	41	86	200
KRC	0	*	12	14	*	32
NBRC	0	*	*	*	0	**
NLACRC	*	18	50	26	**	112
RCEB	0	*	0	*	*	15
RCOC	*	0	13	18	*	49
RCRC	0	0	0	*	*	*
SARC	*	*	*	*	*	23
SCLARC	*	19	59	*	*	83
SDRC	*	*	14	*	*	31
SGPRC	*	*	32	11	14	69
TCRC	0	0	*	*	*	19
VMRC	*	*	15	*	*	35
WRC	*	13	**	21	20	70
Total	49	103	327	253	200	932

Note: A consumer or representative may submit more than one fair hearing request. Each consumer or representative is represented in this table once. Other Ethnicity/Race includes Native Hawaiian/Other Pacific Islander, American Indian/Alaskan Native, and Other Ethnicity/Race.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 18: Number of Fair Hearing Requests Filed in FY 2019-20, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	37	*	0	38
CVRC	**	*	0	15
ELARC	31	*	*	39
FDLRC	16	*	*	20
FNRC	**	*	0	16
GGRC	16	0	*	17
HRC	**	*	0	29
IRC	173	**	*	200
KRC	32	0	0	32
NBRC	**	*	0	**
NLACRC	**	*	0	112
RCEB	15	0	0	15
RCOC	33	**	*	49
RCRC	*	0	0	*
SARC	**	0	*	23
SCLARC	51	31	*	83
SDRC	28	*	*	31
SGPRC	52	**	*	69
TCRC	**	*	0	19
VMRC	24	*	*	35
WRC	60	*	*	70
Total	771	137	24	932

Note: A consumer or representative may submit more than one fair hearing request. Each consumer or representative is represented in this table once. Other Languages include American Sign Language, Arabic, Cantonese Chinese, Farsi (Persian), Hebrew, Japanese, Korean, Mandarin Chinese, Other Asian, Other Languages, Russian, and Vietnamese.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 19: Number of Fair Hearing Requests Filed in FY 2019-20, by Regional Center and Consumers' Age

Regional Center	0 to 2 years	3 to 17 years	18 years or older	Total
ACRC	0	11	27	38
CVRC	0	**	*	15
ELARC	0	21	18	39
FDLRC	0	*	*	20
FNRC	0	*	**	16
GGRC	0	*	**	17
HRC	0	14	15	29
IRC	*	135	**	200
KRC	*	**	19	32
NBRC	*	*	*	**
NLACRC	*	74	**	112
RCEB	0	*	*	15
RCOC	*	31	**	49
RCRC	0	*	*	*
SARC	0	**	*	23
SCLARC	0	65	18	83
SDRC	0	13	18	31
SGPRC	*	43	25	69
TCRC	0	*	**	19
VMRC	0	23	12	35
WRC	*	46	**	70
Total	21	550	361	932

Note: A consumer or representative may submit more than one fair hearing request. Each consumer or representative is represented in this table once.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 20: Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center

Regional Center	Total
ACRC	41
CVRC	17
ELARC	38
FDLRC	24
FNRC	17
GGRC	20
HRC	25
IRC	202
KRC	32
NBRC	15
NLACRC	107
RCEB	16
RCOC	55
RCRC	5
SARC	22
SCLARC	77
SDRC	31
SGPRC	77
TCRC	20
VMRC	54
WRC	60
Total	955

Table 21: Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center and Presenting Issue

Regional Center	Day Program/ Employment	Eligibility	Medical/ Dental Related Services	Self- Determination Program	Assessment/ Therapy/ Behavior Services	Respite/ Day Care/ Personal Assistance	ILS/SLS/ Residential Housing/Rental/ Hotel Expenses	Other Misc. Services	Other Misc. Expenses	Total
ACRC	4	18	1	0	1	7	7	4	5	47
CVRC	0	15	0	0	1	0	1	0	0	17
ELARC	0	12	0	1	10	9	2	2	3	39
FDLRC	0	8	0	0	4	3	0	5	4	24
FNRC	0	11	0	0	0	0	2	3	1	17
GGRC	2	9	0	0	3	2	3	1	3	23
HRC	2	3	0	1	8	15	1	1	2	33
IRC	3	144	1	0	14	26	2	6	8	204
KRC	0	7	5	0	6	2	1	1	10	32
NBRC	0	11	0	0	0	0	3	0	1	15
NLACRC	5	69	0	2	3	11	8	3	7	108
RCEB	1	3	3	0	3	2	2	5	0	19
RCOC	0	26	0	2	10	11	1	3	4	57
RCRC	0	3	0	0	0	2	0	0	0	5
SARC	0	17	1	0	0	1	0	0	3	22
SCLARC	1	64	0	0	1	8	0	2	2	78
SDRC	1	14	0	3	3	6	3	1	5	36
SGPRC	2	30	2	0	18	14	3	5	11	85
TCRC	2	12	0	1	0	1	2	3	0	21
VMRC	1	19	0	1	6	1	0	12	14	54
WRC	0	28	1	0	11	9	2	9	2	62
Total	24	523	14	11	102	130	43	66	85	998

Note: Fair hearing requests may contain more than one presenting issue. In 2019-20, 955 resolved fair hearing requests included 998 issues. Other-misc. services includes legal services, translation services, social/recreation, education, training, HCBS waiver, and transportation. Other-misc. expenses includes home/auto modification, SSI restoration, and share-of-cost.

Table 22: Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	*	*	*	15	*	38
CVRC	*	0	*	*	0	17
ELARC	*	*	22	*	*	35
FDLRC	*	*	*	*	*	21
FNRC	0	0	*	13	*	17
GGRC	0	0	*	11	*	16
HRC	0	*	12	*	*	25
IRC	*	**	57	45	74	200
KRC	0	*	*	12	*	30
NBRC	0	*	*	11	0	15
NLACRC	*	15	35	31	17	100
RCEB	0	*	0	*	*	**
RCOC	*	0	15	22	*	54
RCRC	0	0	*	*	*	*
SARC	*	*	*	*	*	22
SCLARC	*	18	54	*	*	76
SDRC	*	*	12	*	*	30
SGPRC	*	*	34	13	12	73
TCRC	0	*	*	*	*	18
VMRC	*	*	19	13	*	48
WRC	*	*	*	21	16	57
Total	52	96	317	266	178	909

Note: A consumer may have more than one fair hearing resolved. Each consumer or representative is represented in this table once. Other Ethnicity/Race includes Native Hawaiian/Other Pacific Islander, American Indian/Alaskan Native and Other Ethnicity/Race.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 23. Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	**	*	0	38
CVRC	**	*	0	17
ELARC	30	*	*	35
FDLRC	**	*	0	21
FNRC	**	*	0	17
GGRC	**	0	*	16
HRC	**	*	0	25
IRC	175	**	*	200
KRC	30	0	0	30
NBRC	**	*	0	15
NLACRC	**	*	0	100
RCEB	**	0	0	**
RCOC	36	**	*	54
RCRC	*	0	0	*
SARC	**	0	*	22
SCLARC	50	26	0	76
SDRC	27	*	*	30
SGPRC	58	**	*	73
TCRC	**	*	0	18
VMRC	33	**	*	48
WRC	51	*	*	57
Total	771	118	20	909

Note: A consumer may have more than one fair hearing resolved. Each consumer or representative is represented in this table once. Other Languages include American Sign Language, Arabic, Cantonese Chinese, Farsi (Persian), Hebrew, Japanese, Korean, Mandarin Chinese, Other Asian, Other Languages, Russian, and Vietnamese.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 24: Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center and Consumers' Age

Regional Center	0 to 2 years	3 to 17 years	18 years or older	Total
ACRC	0	11	27	38
CVRC	0	**	*	17
ELARC	*	20	**	35
FDLRC	0	12	*	21
FNRC	0	*	**	17
GGRC	0	*	**	16
HRC	0	12	13	25
IRC	11	132	57	200
KRC	*	**	15	30
NBRC	*	*	*	15
NLACRC	*	60	38	100
RCEB	0	*	*	**
RCOC	*	31	**	54
RCRC	0	*	*	*
SARC	*	13	*	22
SCLARC	0	58	18	76
SDRC	0	14	16	30
SGPRC	*	44	28	73
TCRC	0	*	**	18
VMRC	0	33	15	48
WRC	*	38	**	57
Total	27	532	350	909

Note: A consumer may have more than one fair hearing resolved. Each consumer or representative is represented in this table once.

* In accordance with DDS Data De-Identification Guidelines, counts of one through ten have been suppressed.

** In accordance with DDS Data De-Identification Guidelines, complementary cells have been suppressed to prevent re-identification.

Table 25: Number of Fair Hearing Requests Resolved in FY 2019-20, by Regional Center and Resolution Type

Regional Center	Resolved at or Before Informal Meeting	Resolved at Mediation	Granted at State-Level Fair Hearing	Denied at State-Level Fair Hearing	Split Decision at State-Level Fair Hearing	Dismissed at State-Level Fair Hearing	Claimant Withdrew Request	Total
ACRC	21	15	1	3	0	4	3	47
CVRC	14	1	1	0	0	1	0	17
ELARC	24	0	2	7	1	3	2	39
FDLRC	15	0	2	5	0	2	0	24
FNRC	14	0	0	2	0	1	0	17
GGRC	8	5	1	1	0	3	5	23
HRC	16	6	2	9	0	0	0	33
IRC	152	10	2	29	2	8	1	204
KRC	24	0	4	4	0	0	0	32
NBRC	11	2	0	1	0	0	1	15
NLACRC	83	3	4	7	3	8	0	108
RCEB	7	2	2	3	0	2	3	19
RCOC	47	2	0	3	0	2	3	57
RCRC	3	0	1	1	0	0	0	5
SARC	13	3	1	5	0	0	0	22
SCLARC	66	0	0	6	0	5	1	78
SDRC	14	10	0	8	1	1	2	36
SGPRC	55	7	9	9	2	3	0	85
TCRC	17	1	0	0	0	0	3	21
VMRC	36	11	2	2	0	3	0	54
WRC	43	1	0	7	2	8	1	62
Total	683	79	34	112	11	54	25	998

Note: Claimant Withdrew Request reflects the number of requests that were withdrawn by the claimant for a reason not captured in the Notice of Resolution.

Table 26: Number of Resolved Eligibility-Related Fair Hearing Requests in FY 2019-20, by Regional Center and by Resolution/Outcome

Regional Center	Found Eligible at or Before Informal Meeting	Found Ineligible at or Before Informal Meeting	Found Eligible in Mediation	Found Ineligible in Mediation	Found Eligible at State Level Fair Hearing	Found Ineligible at State Level Fair Hearing	Dismissed at State Level Fair Hearing	Claimant Withdrew Request	Total
ACRC	1	12	0	0	0	2	2	1	18
CVRC	4	10	0	0	0	0	1	0	15
ELARC	3	5	0	0	0	2	2	0	12
FDLRC	4	0	0	0	1	2	1	0	8
FNRC	3	6	0	0	0	2	0	0	11
GGRC	1	3	0	0	1	0	1	3	9
HRC	0	3	0	0	0	0	0	0	3
IRC	59	56	0	3	2	18	6	0	144
KRC	0	6	0	0	0	1	0	0	7
NBRC	6	2	1	0	0	1	0	1	11
NLACRC	10	52	0	0	0	3	4	0	69
RCEB	1	0	0	0	0	1	0	1	3
RCOC	3	21	0	0	0	0	0	2	26
RCRC	0	2	0	0	0	1	0	0	3
SARC	5	8	0	0	1	3	0	0	17
SCLARC	31	22	0	0	0	6	4	1	64
SDRC	4	2	7	0	0	0	1	0	14
SGPRC	5	13	0	0	4	5	3	0	30
TCRC	2	8	0	1	0	0	0	1	12
VMRC	4	13	0	0	0	0	2	0	19
WRC	9	7	0	0	0	7	5	0	28
Total	155	251	8	4	9	54	32	10	523

Note: Claimant Withdrew Request reflects the number of requests that were withdrawn by the claimant for a reason not captured in the Notice of Resolution.

Table 27: Number of Resolved Service-Related Fair Hearing Requests in FY 2019-20, by Regional Center and by Resolution/ Outcome

Regional Center	Services Fully Funded at or Before Informal Meeting	Services Partially Funded at or Before Informal Meeting	Other Outcome at or Before Informal Meeting	Services Fully Funded at Mediation	Services Partially Funded at Mediation	Other Outcome at Mediation	Services Fully Funded at State Level Fair Hearing	Services Partially Funded at State Level Fair Hearing	Services Denied at State Level Fair Hearing	Dismissed at State Level Fair Hearing	Claimant Withdrew Request	Total
ACRC	1	1	7	2	5	8	1	0	1	2	1	29
CVRC	0	0	0	0	1	0	1	0	0	0	0	2
ELARC	5	2	9	0	0	0	2	1	5	1	2	27
FDLRC	3	2	6	0	0	0	1	0	3	1	0	16
FNRC	0	3	2	0	0	0	0	0	0	1	0	6
GGRC	1	0	3	5	0	0	0	0	1	2	2	14
HRC	2	2	9	0	0	6	2	0	9	0	0	30
IRC	18	7	12	2	3	2	0	1	12	2	1	60
KRC	3	5	10	0	0	0	4	0	3	0	0	25
NBRC	1	1	1	1	0	0	0	0	0	0	0	4
NLACRC	9	0	12	2	1	0	4	3	4	4	0	39
RCEB	0	0	6	0	0	2	2	0	2	2	2	16
RCOC	2	10	11	0	1	1	0	0	3	2	1	31
RCRC	0	0	1	0	0	0	1	0	0	0	0	2
SARC	0	0	0	0	2	1	0	0	2	0	0	5
SCLARC	4	0	9	0	0	0	0	0	0	1	0	14
SDRC	2	0	6	3	0	0	0	1	8	0	2	22
SGPRC	23	4	10	2	4	1	5	2	4	0	0	55
TCRC	2	0	5	0	0	0	0	0	0	0	2	9
VMRC	12	1	6	10	0	1	2	0	2	1	0	35
WRC	11	3	13	1	0	0	0	1	1	3	1	34
Total	99	41	138	28	17	22	25	9	60	22	14	475

Note: Other Outcome at or Before Informal Meeting and Other Outcome at Mediation reflect unique resolutions. Claimant Withdrew Request reflects the number of requests that were withdrawn by the claimant for a reason not captured in the Notice of Resolution.

Table 28: Average Number of Calendar Days from Date of Fair Hearing Request to Date of Resolution in FY 2019-20

Regional Center	Resolved at or before Informal Meeting	Resolved Mediation	Granted at State Level Fair Hearing	Denied at State Level Fair Hearing	Split Decision at State Level Fair Hearing	Dismissed at State Level Fair Hearing	Claimant Withdrew Request	Average
ACRC	47	72	62	64	N/A	33	61	56
CVRC	70	51	163	N/A	N/A	152	N/A	79
ELARC	91	N/A	73	127	139	78	137	99
FDLRC	111	N/A	211	151	N/A	169	N/A	133
FNRC	44	N/A	N/A	182	N/A	50	N/A	60
GGRC	73	39	622	58	N/A	105	62	91
HRC	56	44	94	73	N/A	N/A	N/A	61
IRC	57	59	181	102	55	40	265	65
KRC	60	N/A	72	65	N/A	N/A	N/A	62
NBRC	82	73	N/A	372	N/A	N/A	133	103
NLACRC	89	43	179	118	142	73	N/A	93
RCEB	67	103	43	69	N/A	38	48	63
RCOC	36	95	N/A	89	N/A	95	18	42
RCRC	87	N/A	76	95	N/A	N/A	N/A	86
SARC	92	92	94	141	N/A	N/A	N/A	104
SCLARC	57	N/A	N/A	73	N/A	111	110	63
SDRC	53	46	N/A	94	43	56	57	60
SGPRC	83	240	155	149	86	187	N/A	114
TCRC	67	28	N/A	N/A	N/A	N/A	126	74
VMRC	72	47	65	54	N/A	74	N/A	66
WRC	55	107	N/A	107	117	81	25	66
Average	66	75	140	107	102	82	80	75

Note: Table shows the average number of calendar days to resolution for the 998 fair hearings resolved in FY 2019-20. The average is calculated using the sum of the number of days from submission to resolution of the fair hearing divided by the number of fair hearings. Claimant Withdrew Request reflects the number of requests that were withdrawn by the claimant for a reason not captured in the Notice of Resolution.

Appendix A

Statutory Authority for Subject Categories for W&I Section 4731 Complaints Submitted to Regional Centers and Complaint Appeals Submitted to the Department

Individual Program Plan (IPP) Development/Implementation

1. W&I Code Section 4646 “(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, when appropriate, the individual’s 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 Section 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, when appropriate, the consumer’s 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 Section 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, when appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.”
4. W&I Code Section 4646 “(e) Regional centers shall comply with the request of a consumer or, when appropriate, the request of the consumer’s parents, legal guardian, conservator, or authorized representative, that a designated representative receive written notice of all meetings to develop or revise the 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 Section 4646 “(g) 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, when appropriate, the parents, legal guardian, conservator, or authorized representative or when agreed to by the planning team.”

Notice of Proposed Action

W&I Code Section 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 representatives, if any, to deny the initiation of a service or support requested for inclusion in the individual program plan.”

Regional Center 20-Working-Day Timeline

W&I Code Section 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 Section 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 or state developmental center, and the service provider, if applicable.”

Provision of Records

W&I Code Section 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 Section 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 Section 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 Section 4731 expressly disallows complaints about services.
2. W&I Code Section 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.

W&I Code Section 4502 and 4503

W&I Code Section 4502 “(a) Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California. An otherwise qualified person by reason of having a developmental disability shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives public funds.

(b) It is the intent of the Legislature that persons with developmental disabilities shall have rights including, but not limited to, the following:

- (1) A right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary to achieve the purposes of the treatment, services, or supports.
- (2) A right to dignity, privacy, and humane care. To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings.
- (3) A right to participate in an appropriate program of publicly supported education, regardless of degree of disability.
- (4) A right to prompt medical care and treatment.

- (5) A right to religious freedom and practice.
- (6) A right to social interaction and participation in community activities.
- (7) A right to physical exercise and recreational opportunities.
- (8) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect.
- (9) A right to be free from hazardous procedures.
- (10) A right to make choices in their own lives, including, but not limited to, where and with whom they live, their 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.
- (11) A right to a prompt investigation of any alleged abuse against them.”

W&I Code Section 4502.1 “(a) The right of individuals with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including, but not limited to, regional centers, shall respect the choices made by a consumer or, if appropriate, the consumer’s parents, legal guardian, conservator, or authorized representative. Those public or private agencies shall provide consumers with opportunities to exercise decision making skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer in making his or her choice.

(b) A regional center shall provide information in a manner that is culturally and linguistically appropriate for the consumer, or, when appropriate, the consumer’s parents, legal guardian, conservator, or authorized representative, including providing alternative communication services, as required by Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and the regulations implementing that article.”

W&I Code Section 4503 “Each person with developmental disabilities who has been admitted or committed to a state hospital, community care facility as defined in Section 1502 of the Health and Safety Code, or a health facility as defined in Section 1250 of the Health and Safety Code shall have the following rights, a list of which shall be prominently posted in English, Spanish, and other appropriate languages, in all facilities providing those services and otherwise brought to his or her attention by any additional means as the Director of Developmental Services may designate by regulation:

- (a) To wear his or her own clothes, to keep and use his or her own personal possessions including his or her toilet articles, and to keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases.
- (b) To have access to individual storage space for his or her private use.
- (c) To see visitors each day.
- (d) To have reasonable access to telephones, both to make and receive confidential calls.
- (e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.
- (f) To refuse electroconvulsive therapy.
- (g) To refuse behavior modification techniques which cause pain or trauma.

(h) To refuse psychosurgery notwithstanding the provisions of Sections 5325, 5326, and 5326.3. Psychosurgery means those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for any of the following purposes:

(1) Modification or control of thoughts, feelings, actions, or behavior rather than the treatment of a known and diagnosed physical disease of the brain.

(2) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, action, or behavior.

(3) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions, or behavior when the abnormality is not an established cause for those thoughts, feelings, actions, or behavior.

(i) To make choices in areas including, but not limited to, his or her daily living routines, choice of companions, leisure and social activities, and program planning and implementation.

(j) Other rights, as specified by regulation.”