

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



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



January 2022

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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 the associated data are displayed on the Department's website dashboard to promote transparency and accountability. 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 as well as fair hearing requests and resolutions as described below. This January 2022 Legislative update includes data for Fiscal Year (FY) 2020-21.

Consumers' Rights Complaints

Consumers' rights complaints, as indicated in W&I Code Section 4731, are a mechanism to be used when a consumer three 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 for resolving disputes about eligibility, nor for the nature, scope, or amount of services funded. Those issues may be addressed through the fair hearing process as per W&I Code Section 4710(a) through (f).

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 the Department within 15 working days of receipt of the proposed resolution. The director shall issue a written administrative decision within 45 calendar days of receiving the 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 in prioritizing work associated with the COVID-19 pandemic, the 20-working-day requirement (W&I Code Section 4731[b]) was waived by a Department directive that was in effect March 18, 2020 through July 14, 2020. During that period, regional centers were required to investigate and provide a written proposed resolution to the complainant within 40 working days rather than 20 working days. The Department's Directive on Requirements Waived Due to COVID-19 and Additional Guidance may be found at: [Directive - Extension of Waivers, Modifications and Directives Due to COVID-19 - June 29, 2021](#).

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 and Resolutions

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 regarding eligibility or the nature, scope, or amount of services funded. 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 days¹ of receiving this written request, the regional center must provide a Notice of Action (NOA) that explains why the request was denied. An individual or authorized representative may file for a fair hearing within 10 days of receiving the NOA.

The Office of Administrative Hearings (OAH) receives all fair hearing requests. As part of the fair hearing process, individuals and/or their authorized representatives may participate in informal meetings, mediations, and/or state-level fair hearings. When individuals and/or their representatives participate in informal meetings and/or mediations, cases are often resolved prior to a state-level fair hearing. W&I Code Section 4712(a) requires that state-level fair hearings be scheduled by OAH within 50 days of the date the fair hearing request is received 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, along with 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.

¹ Statute is interpreted as calendar days when not otherwise specified.

Note that fair hearing requests filed in FY 2020-21 may not have been resolved that year, and fair hearing requests resolved in FY 2020-21 may have been filed in a previous fiscal year.

Strengthening Transparency and Accountability

The Department is committed to ensuring regional centers' and its own compliance with statutory requirements for complaints and fair hearings, including timelines for providing proposed complaint resolutions, issuing decisions in complaint appeals, providing appropriate notices for denials of eligibility and service requests, and responding to fair hearing requests.

- On March 17, 2021, the Department's contract with regional centers was amended to require that regional centers report information to the Department quarterly regarding complaints pursuant to W&I Code Section 4731. This has enabled a quarterly versus annual review of W&I Code Section 4731 complaints, enhancing the Department's ability to identify and proactively address trends over time.
- The Department's targeted efforts to improve compliance with statutory timelines in FY 2020-21 resulted in all W&I Code Section 4731 appeals being processed within the required 45-day timeline.
- Of note in FY 2020-21 was that 33 percent (n=9) of W&I Code Section 4731 appeals were submitted in Spanish, and all correspondence in response to those appeals was translated in Spanish. No appeals were submitted in Spanish in FYs 2017-18, 2018-19 or 2019-20.
- The average number of days to resolve fair hearings in FY 2020-21 increased by 26 days compared to FY 2018-19 (n=75) and 2019-20 (n=101). The COVID-19 pandemic may have contributed to this increase because regional centers and OAH relied heavily on virtual platforms for informal meetings, mediations and fair hearings, which may not have been as accessible for some complainants.

The Department continues to provide technical assistance to regional centers and communicate with the individuals and families they serve about the consumers' rights complaint and fair hearing processes. The Department's efforts to partner with regional centers to improve data quality around all aspects of complaints, appeals and fair hearings have provided a better statewide perspective on these important processes.

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 factors, including:

- A larger regional center may receive more complaints or requests than a smaller one.

- A regional center that rigorously informs 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 hearing requests.
- 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.

State-Level Summary of Consumers' Right Complaints and Fair Hearing Requests, FY 2020-21

Topic	Number	Table
Number of Consumers Served, Age Three and Older	316,869	-
Number of W&I Code Section 4731 Complaints Received by Regional Centers	153	1
Number of Subjects in W&I Code Section 4731 Complaints ¹	298	2
Top Three Subjects of W&I Code Section 4731 Complaints ¹		
Service related	90	2
Service coordination	67	2
Vendor requirements	46	2
Number of Resolutions for Subjects in W&I Code Section 4731 Complaints ²	299	3
Top Three Resolutions ²		
Staff Training	34	3
Change in Service Coordinator	11	3
Additional Services	9	3
Number of Subjects in W&I Code Section 4731 Complaints Withdrawn or Found Inconclusive or Out-of-Scope	108	3
Number of Subjects in W&I Code Section 4731 Complaints with No Violation Found	130	3
Number of W&I Code Section 4731 Complaints Resolved Within the Required Timeframe	94	4
Number of W&I Code Section 4731 Complaints Appealed to the Department	27	8
Number of Subjects in W&I Code Section 4731 Complaints Appealed ³	75	9
Top Three Subjects of W&I Code Section 4731 Appeals ³		
Individual Program Plan implementation	32	9
Service Coordination	13	9
Vendor Requirements	11	9
Number of W&I Code Section 4731 Complaint Appeals Requiring a Corrective Action Plan	13	10
Number of Administrative Decisions Issued Within the Required Timeline	27	11
Number of Fair Hearing Requests Filed Pursuant to W&I Code Section 4710.5	913	15
Number of Presenting Issues in Fair Hearing Requests Filed ⁴	956	16
Top Three Presenting Issues in Fair Hearing Requests Filed ⁴		
Eligibility	464	16
Respite, Day Care, Personal Assistance	155	16
Assessment, Therapy, Behavior Services	79	16
Number of Resolved Fair Hearing Requests Pursuant to W&I Code Section 4710.5 ⁵	970	20
Fair Hearing Requests Resolved at Informal Meeting	646	25
Fair Hearing Requests Resolved at Mediation	51	25
Fair Hearing Requests Resolved at State-Level Hearing	305	25
Fair Hearing Requests Resolved Where the Individual Was Found Eligible	157	26
Fair Hearing Requests Resolved Where Services Were Fully Funded	138	27
Fair Hearing Requests Resolved Where Services Were Partially Funded	74	27
Average Number of Days to Resolution	101	28

Note: Data for complaints by ethnicity, primary language, and age are provided in tables 5-7 and in tables 12-14; data for fair hearings by ethnicity, primary language, and age are provided in tables 17-19 and

22-24. ¹Complaints may contain more than one subject. ² Subjects within a complaint may involve more than one resolution. ³ Complaint appeals may involve more than one subject and one resolution. ⁴ Fair hearing requests may contain more than one presenting issue. ⁵Fair hearing requests resolved may contain more than one presenting issue.

In FY 2020-21, regional centers received 153 W&I Code Section 4731 complaints.

- The three most common subjects of complaints were service-related, service coordination, and vendor requirements.
- 94 of 153 complaints were resolved within the required timeframe (61 percent).
- The three most common complaint resolutions were staff training, change in service coordinator, and additional services.
- 27 complaint resolutions were appealed to the Department (18 percent).
 - The three most appealed subjects were IPP implementation, service coordination, and vendor requirements.
 - All 27 decisions were issued within the statutory timeline of 45 calendar days (100 percent).

In FY 2020-21, 913 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 2020-21, 970 fair hearing requests were resolved, representing 1,015 presenting issues.

- 646 were resolved at or before an informal meeting.
- 51 were resolved at mediation.
- 305 were resolved at a state-level hearing.
- Of the 531 eligibility-related fair hearing requests resolved, 157 were resolved by finding the individual eligible for regional center services.
- Of the 484 service-related fair hearing requests resolved, 138 were resolved by fully funding the requested service(s) and 74 were resolved by partially funding the requested service(s).
- On average, fair hearing requests were resolved in 101 days.

This Legislative Report marks the third year in which the Department has reported information regarding consumers' rights complaints and fair hearing requests and resolutions. The table below provides a year-over-year comparison of the data presented in all three reports. The first report, submitted in January 2020, included consumers' rights complaint data from FY 2017-18 and FY 2018-19 and fair hearing data from FY 2018-19 as statutorily required.

State-Level Summary of Consumers' Right Complaints and Fair Hearing Requests, Year over Year

Topic	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
Number of Consumers Served, Age Three and Older	281,728	294,605	307,425	316,869
Number of W&I Code Section 4731 Complaints Received by Regional Centers	151	136	229	153
Number of W&I Code Section 4731 Complaints Resolved Within the Required Timeframe	84	79	130	94
Number of W&I Code Section 4731 Complaints Appealed to the Department	28	26	42	27
Number of Administrative Decisions Issued Within the Required Timeframe	5	9	25	27
Number of Fair Hearing Requests Filed Pursuant to W&I Code Section 4710.5		1,046	992	913
Number of Resolved Fair Hearing Requests Pursuant to W&I Code Section 4710.5			955	970
Average Number of Days to Resolution		70	75	101

For W&I Code Section 4731 complaints received across the reported FYs:

- The number of complaints received by regional centers ranged from 136 to 229, with FY 2019-20 showing a significantly higher number compared to other FYs.
 - Compliance with required timelines for resolving complaints ranged from 56 percent in FY 2017-18 to 61 percent in FY 2020-21.
- The number of complaints appealed to the Department across FYs ranged from 26 to 42 while the percentage of the total complaints appealed has remained the same at 18 percent to 19 percent.
 - Compliance with required timelines for administrative decisions issued by the Department improved across FYs with 18 percent meeting the timeline in FY 2017-18 and 100 percent meeting the timeline in FY 2020-21.

For fair hearing requests filed pursuant to W&I Code Section 4710.5 and fair hearings resolved across the reported fiscal years:

- The number of fair hearing requests filed across FYs decreased from 1,046 in FY 2018-19 to 913 in FY 2020-21 while the number resolved in the last two FYs increased from 955 in FY 2019-20 to 970 in FY 2020-21.
 - The average number of days to resolution increased by approximately 30 days in FY 2020-21 compared to previous FYs, which may be attributed to the impact of the pandemic on scheduling and holding fair hearings virtually.

**Welfare & Institutions (W&I) Code
Section 4731 Complaints
Received by Regional Centers
FY 2020-21**

Consumers' Rights Complaints Pursuant to W&I Code Section 4731

Sources and Organization of Data

Complaints filed with regional centers

Beginning April 15, 2021, and quarterly thereafter, regional centers report to the Department information regarding complaints pursuant to W&I Code Section 4731 for which the regional center sent a written proposed resolution to a complainant in the previous quarter. The information was submitted using a survey that included the date the complaint was received by the regional center, the date the proposed resolution was sent to the consumer, the subject matter of each complaint, and how the complaint was resolved. This reporting process began in the third quarter of FY 2020-21, and regional centers subsequently completed and submitted the survey for the first two quarters of FY 2020-21 to ensure all data were gathered for this Legislative Report. After receiving completed surveys, the Department added consumers' demographic information (ethnicity/race, primary language, and age) from its administrative records.

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 and statutory authority 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 between March 18, 2020 and July 14, 2020)
 - 4) Greater than 40 working days (for complaints received after the Department Directive between March 18, 2020 and July 14, 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
SCLARC	South Central Los Angeles Regional Center
SDRC	San Diego Regional Center
SG/PRC	San Gabriel/Pomona 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 2020-21, by Regional Center

Regional Center	Total Number of W&I Code Section 4731 Complaints Received in FY 2020-21
ACRC	7
CVRC	3
ELARC	4
FDLRC	6
FNRC	0
GGRC	5
HRC	7
IRC	17
KRC	5
NBRC	4
NLACRC	31
RCRC	0
RCEB	10
RCOC	16
SARC	3
SCLARC	13
SDRC	4
SGPRC	2
TCRC	4
VMRC	11
WRC	1
Total	153

Note: A consumer or representative may file more than one complaint.
 In FY 2020-21, 132 individuals filed 153 complaints.

Table 2. Number of W&I Code Section 4731 Complaints Received in FY 2020-21, by Regional Center and Subject

Regional Center	IPP Development/ Implementation	Notice of Proposed Action	Regional Center 4731 Timeline	Provision of Records	Service Coordination	Confidentiality	Service Related	Vendor Requirements	WIC Section 4502	Total
ACRC	3	0	0	2	3	1	4	6	6	25
CVRC	0	1	0	0	0	0	0	1	1	3
ELARC	0	0	0	0	2	0	4	0	0	6
FDLRC	0	1	0	0	1	0	3	1	1	7
FNRC	0	0	0	0	0	0	0	0	0	0
GGRC	3	0	0	1	2	0	5	0	0	11
HRC	0	1	0	0	5	0	3	0	0	9
IRC	4	5	0	1	2	0	5	5	1	23
KRC	1	0	0	0	1	0	4	2	1	9
NBRC	1	1	0	0	2	0	1	3	1	9
NLACRC	11	3	2	1	22	3	11	11	7	71
RCRC	0	0	0	0	0	0	0	0	0	0
RCEB	0	0	0	2	7	1	9	3	0	22
RCOC	1	2	0	0	7	3	20	0	3	36
SARC	1	0	0	0	2	0	4	1	0	8
SCLARC	3	5	0	1	3	0	6	0	1	19
SDRC	0	0	0	0	1	1	2	0	0	4
SGPRC	0	0	0	0	0	1	0	0	1	2
TCRC	2	0	0	0	1	0	5	1	0	9
VMRC	0	0	0	0	5	2	4	12	0	23
WRC	0	1	0	0	1	0	0	0	0	2
Total	30	20	2	8	67	12	90	46	23	298

Note: See Appendix A for detailed descriptions of subjects. A complaint may include several subjects. In FY 2020-21, there were 153 complaints that included 298 subjects.

Table 3. Number of Resolutions by Type for W&I Code Section 4731 Complaints Received in FY 2020-21, 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	0	0	0	0	0	24	0	1	25
CVRC	0	0	0	3	0	0	0	1	0	4
ELARC	0	0	0	0	0	1	0	4	1	6
FDLRC	0	0	0	0	0	0	4	3	0	7
FNRC	0	0	0	0	0	0	0	0	0	0
GGRC	1	2	0	1	0	0	6	0	1	11
HRC	0	1	0	0	0	0	6	0	2	9
IRC	0	0	0	3	0	0	7	0	13	23
KRC	0	1	0	0	0	1	2	1	4	9
NBRC	0	0	2	3	0	1	1	1	1	9
NLACRC	0	1	0	14	0	4	32	5	15	71
RCRC	0	0	0	0	0	0	0	0	0	0
RCEB	4	2	0	0	0	0	12	3	1	22
RCOC	1	0	0	0	0	0	13	2	20	36
SARC	0	1	0	0	1	0	6	0	0	8
SCLARC	1	1	0	5	0	0	4	0	8	19
SDRC	0	1	0	0	0	0	1	0	2	4
SGPRC	0	0	0	0	0	0	1	0	1	2
TCRC	0	0	0	0	0	0	9	0	0	9
VMRC	2	0	0	5	4	1	1	6	4	23
WRC	0	1	0	0	0	0	1	0	0	2
Total	9	11	2	34	5	8	130	26	74	299

Note: There may be more than one resolution per complaint or subject. In FY 2020-21, there were 153 complaints that included 298 subjects resulting in 299 resolutions.

Table 4. Timeframe for Providing a Proposed Resolution to W&I Code Section 4731 Complaints Received in FY 2020-21, by Regional Center

Regional Center	Complaints Received July 1, 2020 through July 14, 2020			Complaints Received July 14, 2020 through June 30, 2021		
	Within 40 Working Days	Greater than 40 Working Days	Total	Within 20 Working Days	Greater than 20 Working Days	Total
ACRC	0	0	0	4	3	7
CVRC	0	0	0	3	0	3
ELARC	0	0	0	4	0	4
FDLRC	0	0	0	4	2	6
FNRC	0	0	0	0	0	0
GGRC	0	0	0	3	2	5
HRC	0	0	0	7	0	7
IRC	0	0	0	8	9	17
KRC	0	0	0	3	2	5
NBRC	0	0	0	2	2	4
NLACRC	2	3	5	7	19	26
RCRC	0	0	0	0	0	0
RCEB	1	0	1	7	2	9
RCOC	0	0	0	7	9	16
SARC	0	0	0	3	0	3
SCLARC	0	0	0	12	1	13
SDRC	0	0	0	4	0	4
SGPRC	0	0	0	0	2	2
TCRC	0	0	0	4	0	4
VMRC	0	0	0	8	3	11
WRC	0	0	0	1	0	1
Total	3	3	6	91	56	147

Note: W&I Code Section 4731(b) states “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 during the COVID-19 pandemic, the 20-working-day requirement was waived in a Department directive from March 18, 2020 to July 14, 2020. While the Directive was in effect, 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: [Directive - Extension of Waivers, Modifications and Directives Due to COVID-19 - June 29, 2021](#). In FY 2020-21, of the 153 complaints filed, the required timeline for 6 complaints was 40 days and the required timeline for 147 complaints was 20 days.

Table 5. Number of W&I Code Section 4731 Complaints Received in FY 2020-21, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	0	2	0	3	1	6
CVRC	0	0	0	3	0	3
ELARC	0	0	3	1	0	4
FDLRC	1	0	3	2	0	6
FNRC	0	0	0	0	0	0
GGRC	0	0	1	3	1	5
HRC	0	0	5	1	1	7
IRC	0	2	10	2	1	15
KRC	0	1	2	2	0	5
NBRC	0	0	0	3	1	4
NLACRC	1	3	8	11	2	25
RCRC	0	0	0	0	0	0
RCEB	1	1	1	2	4	9
RCOC	1	0	8	6	0	15
SARC	0	0	0	2	1	3
SCLARC	0	1	8	0	0	9
SDRC	0	1	1	2	0	4
SGPRC	0	0	0	2	0	2
TCRC	0	0	0	2	0	2
VMRC	1	0	1	5	1	8
WRC	0	1	0	0	0	1
Total	5	12	51	52	13	133

Note: A consumer or representative may file more than one complaint. Each consumer or representative may be represented in this table more than once if they were served by more than one regional center during the fiscal year and filed a complaint with each of those regional centers. In FY 2020-21, 132 individuals filed 153 complaints. Other Ethnicity/Race includes American Indian or Alaskan Native and Other.

Table 6. Number of W&I Code Section 4731 Complaints Received in FY 2020-21, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	6	0	0	6
CVRC	3	0	0	3
ELARC	1	3	0	4
FDLRC	6	0	0	6
FNRC	0	0	0	0
GGRC	5	0	0	5
HRC	4	3	0	7
IRC	11	4	0	15
KRC	3	2	0	5
NBRC	4	0	0	4
NLACRC	23	2	0	25
RCRC	0	0	0	0
RCEB	9	0	0	9
RCOC	7	7	1	15
SARC	3	0	0	3
SCLARC	5	4	0	9
SDRC	2	1	1	4
SGPRC	2	0	0	2
TCRC	2	0	0	2
VMRC	7	1	0	8
WRC	1	0	0	1
Total	104	27	2	133

Note: A consumer or representative may file more than one complaint. Each consumer or representative may be represented in this table more than once if they were served by more than one regional center during the fiscal year and filed a complaint with each of those regional centers. In FY 2020-21, 132 individuals filed 153 complaints. Other Languages include Hebrew and Korean.

Table 7. Number of W&I Code Section 4731 Complaints Received in FY 2020-21, by Regional Center and Consumers' Age

Regional Center	0 through 2 years	3 through 17 years	18 years or older	Total
ACRC	0	1	5	6
CVRC	0	1	2	3
ELARC	1	2	1	4
FDLRC	0	3	3	6
FNRC	0	0	0	0
GGRC	0	2	3	5
HRC	0	4	3	7
IRC	0	9	6	15
KRC	0	1	4	5
NBRC	0	1	3	4
NLACRC	1	6	18	25
RCRC	0	0	0	0
RCEB	0	1	8	9
RCOC	0	4	11	15
SARC	0	0	3	3
SCLARC	0	6	3	9
SDRC	0	2	2	4
SGPRC	0	0	2	2
TCRC	0	1	1	2
VMRC	0	3	5	8
WRC	0	0	1	1
Total	2	47	84	133

Note: A consumer or representative may file more than one complaint. Each consumer or representative may be represented in this table more than once if they were served by more than one regional center during the fiscal year and filed a complaint with each of those regional centers. In FY 2020-21, 132 individuals filed 153 complaints. Although W&I Code Section 4731, is a mechanism to be used for consumers three years of age or older, some complaints are filed on behalf of consumers under three.

W&I Code Section 4731 Complaint Appeals Filed with the Department FY 2020-21

Table 8. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2020-21

Regional Center	Number of Complaints Appealed	Total Number of Complaints	Percent of Complaints Appealed
ACRC	1	7	14%
CVRC	0	3	0%
ELARC	3	4	75%
FDLRC	1	6	17%
FNRC	0	0	N/A
GGRC	2	5	40%
HRC	1	7	14%
IRC	4	17	24%
KRC	1	5	20%
NBRC	0	4	0%
NLACRC	2	31	6%
RCRC	0	0	N/A
RCEB	4	10	40%
RCOC	3	16	19%
SARC	2	3	67%
SCLARC	1	13	8%
SDRC	1	4	25%
SG/PRC	0	2	0%
TCRC	1	4	25%
VMRC	0	11	0%
WRC	0	1	0%
Total	27	153	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 2020-21, 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	Confidentiality	Service Related	Vendor Requirements	WIC Section 4502	Total
ACRC	3	0	0	0	0	0	0	0	0	3
CVRC	0	0	0	0	0	0	0	0	0	0
ELARC	7	0	0	0	1	0	3	0	0	11
FDLRC	2	0	0	0	0	0	0	0	0	2
FNRC	0	0	0	0	0	0	0	0	0	0
GGRC	3	0	0	1	0	0	0	0	0	4
HRC	2	0	0	0	0	0	0	0	0	2
IRC	4	0	0	0	1	1	0	2	0	8
KRC	0	0	0	0	2	0	0	4	0	6
NBRC	0	0	0	0	0	0	0	0	0	0
NLACRC	1	0	0	0	0	0	2	0	0	3
RCRC	0	0	0	0	0	0	0	0	0	0
RCEB	3	0	1	1	4	0	2	0	0	11
RCOC	4	1	0	0	1	1	2	0	0	9
SARC	0	0	0	0	0	0	0	5	2	7
SDRC	0	0	0	0	1	0	0	0	0	1
SGPRC	0	0	0	0	0	0	0	0	0	0
SCLARC	1	1	0	0	0	0	0	0	0	2
TCRC	2	1	0	0	3	0	0	0	0	6
VMRC	0	0	0	0	0	0	0	0	0	0
WRC	0	0	0	0	0	0	0	0	0	0
Total	32	3	1	2	13	2	9	11	2	75

Note: See Appendix A for detailed description of subjects. Complaints may contain more than one subject. In FY 2020-21, 27 complaint appeals included 75 subjects.

Table 10. Resolution of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2020-21, 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	0	3	3
CVRC	0	0	0
ELARC	0	11	11
FDLRC	1	1	2
FNRC	0	0	0
GGRC	0	4	4
HRC	0	2	2
IRC	0	8	8
KRC	3	3	6
NBRC	0	0	0
NLACRC	1	2	3
RCRC	0	0	0
RCEB	2	9	11
RCOC	0	9	9
SARC	3	4	7
SDRC	0	1	1
SG/PRC	0	0	0
SCLARC	2	0	2
TCRC	1	5	6
VMRC	0	0	0
WRC	0	0	0
Total	13	62	75

Note: There may be more than one resolution per complaint appeal or subject. In FY 2020-21, there were 75 resolutions for 27 complaint appeals.

Table 11. Timeframe of Written Administrative Decisions Issued by the Department for W&I Code Section 4731 Complaint Appeals in FY 2020-21, by Regional Center

Regional Center	Within 45 Days	Greater than 45 Days	Total
ACRC	1	0	1
CVRC	0	0	0
ELARC	3	0	3
FDLRC	1	0	1
FNRC	0	0	0
GGRC	2	0	2
HRC	1	0	1
IRC	4	0	4
KRC	1	0	1
NBRC	0	0	0
NLACRC	2	0	2
RCRC	0	0	0
RCEB	4	0	4
RCOC	3	0	3
SARC	2	0	2
SDRC	1	0	1
SGPRC	0	0	0
SCLARC	1	0	1
TCRC	1	0	1
VMRC	0	0	0
WRC	0	0	0
Total	27	0	27

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 2020-21, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	0	1	0	0	0	1
CVRC	0	0	0	0	0	0
ELARC	0	0	3	0	0	3
FDLRC	0	0	0	1	0	1
FNRC	0	0	0	0	0	0
GGRC	0	0	0	2	0	2
HRC	0	0	1	0	0	1
IRC	0	1	2	1	0	4
KRC	0	0	0	1	0	1
NBRC	0	0	0	0	0	0
NLACRC	0	0	0	2	0	2
RCRC	0	0	0	0	0	0
RCEB	0	1	2	0	1	4
RCOC	0	0	3	0	0	3
SARC	0	0	0	2	0	2
SDRC	0	1	0	0	0	1
SG/PRC	0	0	0	0	0	0
SCLARC	0	0	1	0	0	1
TCRC	0	0	0	1	0	1
VMRC	0	0	0	0	0	0
WRC	0	0	0	0	0	0
Total	0	4	12	10	1	27

Note: A consumer or representative may file more than one appeal. In FY 2020-21, however, 27 appeals were filed by 27 consumers or representatives. Other Ethnicity/Race includes Other.

Table 13. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2020-21, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	1	0	0	1
CVRC	0	0	0	0
ELARC	0	3	0	3
FDLRC	1	0	0	1
FNRC	0	0	0	0
GGRC	2	0	0	2
HRC	1	0	0	1
IRC	3	1	0	4
KRC	1	0	0	1
NBRC	0	0	0	0
NLACRC	2	0	0	2
RCRC	0	0	0	0
RCEB	4	0	0	4
RCOC	0	3	0	3
SARC	2	0	0	2
SDRC	1	0	0	1
SG/PRC	0	0	0	0
SCLARC	0	1	0	1
TCRC	1	0	0	1
VMRC	0	0	0	0
WRC	0	0	0	0
Total	19	8	0	27

Note: A consumer or representative may file more than one appeal. In FY 2020-21, however, 27 appeals were filed by 27 consumers or representatives.

Table 14. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2020-21, by Regional Center and Consumers' Age

Regional Center	0 through 2 years	3 through 17 years	18 years and older	Total
ACRC	0	0	1	1
CVRC	0	0	0	0
ELARC	0	2	1	3
FDLRC	0	1	0	1
FNRC	0	0	0	0
GGRC	0	1	1	2
HRC	0	1	0	1
IRC	0	3	1	4
KRC	0	0	1	1
NBRC	0	0	0	0
NLACRC	0	0	2	2
RCRC	0	0	0	0
RCEB	0	1	3	4
RCOC	0	0	3	3
SARC	0	0	2	2
SDRC	0	0	1	1
SG/PRC	0	0	0	0
SCLARC	0	1	0	1
TCRC	0	1	0	1
VMRC	0	0	0	0
WRC	0	0	0	0
Total	0	11	16	27

Note: A consumer or representative may file more than one appeal. In FY 2020-21, however, 27 appeals were filed by 27 consumers or representatives. Although W&I Code Section 4731, is a mechanism to be used for consumers three years of age or older, some complaints are filed on behalf of consumers under three.

Fair Hearing Requests Filed Pursuant to W&I Code Section 4710.5 FY 2020-21

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 2020-21 and fair hearing requests that were resolved in FY 2020-21 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 (i.e., presenting issues) 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
 - i. Other - Miscellaneous Expenses
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 in FY 2020-21, by Regional Center

Regional Center	Total Fair Hearing Requests Filed in FY 2020-21
ACRC	37
CVRC	24
ELARC	30
FDLRC	27
FNRC	14
GGRC	16
HRC	36
IRC	169
KRC	20
NBRC	9
NLACRC	104
RCRC	7
RCEB	25
RCOC	63
SARC	27
SCLARC	89
SDRC	14
SGPRC	82
TCRC	26
VMRC	24
WRC	70
Total	913

Note: A consumer or representative may file more than one fair hearing request. In FY 2020-21, 913 fair hearing requests were filed by 832 individuals.

Table 16. Number of Fair Hearing Requests Filed in FY 2020-21, by Regional Center and Presenting Issues

Regional Center	Eligibility	Day Program/ Employment	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	12	6	0	2	1	8	3	4	3	39
CVRC	21	0	0	0	3	0	0	1	0	25
ELARC	7	1	2	5	4	7	2	2	1	31
FDLRC	7	1	1	1	2	2	4	10	1	29
FNRC	8	0	0	0	1	1	0	4	0	14
GGRC	9	0	0	1	2	2	1	1	1	17
HRC	12	3	0	2	8	12	0	6	4	47
IRC	116	2	1	2	6	25	6	9	3	170
KRC	11	0	0	3	3	0	1	0	2	20
NBRC	6	0	0	0	1	0	1	1	0	9
NLACRC	75	2	3	3	6	5	9	2	0	105
RCRC	7	0	0	0	0	0	0	0	0	7
RCEB	2	0	1	2	0	7	4	3	6	25
RCOC	11	3	1	4	8	28	2	6	7	70
SARC	19	0	1	2	0	0	0	0	5	27
SCLARC	59	0	0	2	5	23	0	0	1	90
SDRC	1	2	0	0	4	7	1	2	0	17
SGPRC	23	10	4	3	8	10	2	10	20	90
TCRC	14	0	1	0	2	5	3	2	1	28
VMRC	11	0	0	2	4	0	2	3	2	24
WRC	33	0	0	0	11	13	3	11	1	72
Total	464	30	15	34	79	155	44	77	58	956

Note: Fair hearing requests may contain more than one presenting issue. In FY 2020-21, the 913 fair hearing requests filed included 956 issues. Assessment/Therapy/Behavior Services includes Psychiatrist, Psychologist/Counseling. Other Misc. Services includes crisis services, legal services, translation services, social/recreation, education, training, HCBS waiver, and transportation. Other Misc. Expenses includes home/auto modification.

Table 17: Number of Fair Hearing Requests Filed in FY 2020-21, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	1	1	6	20	8	36
CVRC	0	1	7	7	7	22
ELARC	5	0	15	4	1	25
FDLRC	1	4	6	7	0	18
FNRC	0	1	1	12	0	14
GGRC	3	1	3	5	4	16
HRC	0	6	16	7	3	32
IRC	7	17	36	33	70	163
KRC	2	3	4	6	5	20
NBRC	0	0	1	2	6	9
NLACRC	3	18	36	31	11	99
RCRC	0	0	0	6	0	6
RCEB	7	3	0	9	6	25
RCOC	8	0	27	15	3	53
SARC	4	0	8	4	8	24
SCLARC	1	11	68	1	4	85
SDRC	0	2	3	4	2	11
SGPRC	3	2	38	11	13	67
TCRC	0	0	5	10	4	19
VMRC	4	3	6	6	5	24
WRC	1	7	16	22	18	64
Total	50	80	302	222	178	832

Note: A consumer or representative may file more than one fair hearing request. There was a total of 913 fair hearing requests filed by 832 individuals. Each consumer or representative is represented in this table once. Asian includes Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, and Other Asian. White includes Russian and White. Other Ethnicity/Race includes mixed, other, and unidentified.

Table 18: Number of Fair Hearing Requests Filed in FY 2020-21, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	34	1	1	36
CVRC	19	2	1	22
ELARC	17	5	3	25
FDLRC	17	1	0	18
FNRC	13	1	0	14
GGRC	13	2	1	16
HRC	22	9	1	32
IRC	141	19	3	163
KRC	18	1	1	20
NBRC	8	1	0	9
NLACRC	80	15	4	99
RCRC	6	0	0	6
RCEB	20	0	5	25
RCOC	34	19	0	53
SARC	15	5	4	24
SCLARC	37	47	1	85
SDRC	9	1	1	11
SGPRC	52	13	2	67
TCRC	17	2	0	19
VMRC	18	5	1	24
WRC	56	7	1	64
Total	646	156	30	832

Note: A consumer or representative may file more than one fair hearing request. There was a total of 913 fair hearing requests filed by 832 individuals. Each consumer or representative is represented in this table once. Other languages include; Arabic, Armenian, American Sign Language, Cantonese, Farsi (Persian), Hebrew, Korean, Mandarin Chinese, other, and unidentified.

Table 19: Number of Fair Hearing Requests Filed in FY 2020-21, by Regional Center and Consumers' Age

Regional Center	0 through 2 years	3 through 17 years	18 years or older	Total
ACRC	1	12	23	36
CVRC	0	13	9	22
ELARC	1	13	11	25
FDLRC	1	8	9	18
FNRC	0	9	5	14
GGRC	0	6	10	16
HRC	0	23	9	32
IRC	9	96	58	163
KRC	0	11	9	20
NBRC	0	5	4	9
NLACRC	5	62	32	99
RCRC	0	5	1	6
RCEB	0	12	13	25
RCOC	2	29	22	53
SARC	2	13	9	24
SCLARC	0	69	16	85
SDRC	0	5	6	11
SGPRC	0	42	25	67
TCRC	0	12	7	19
VMRC	0	17	7	24
WRC	1	43	20	64
Total	22	505	305	832

Note: A consumer or representative may submit more than one fair hearing request. There was a total of 913 fair hearing requests filed by 832 individuals. Each consumer or representative is represented in this table once.

Table 20: Number of Fair Hearing Requests Resolved in FY 2020-21, by Regional Center

Regional Center	Total Fair Hearing Requests Resolved in FY 2020-21
ACRC	37
CVRC	21
ELARC	38
FDLRC	29
FNRC	12
GGRC	18
HRC	41
IRC	195
KRC	22
NBRC	10
NLACRC	132
RCRC	7
RCEB	23
RCOC	57
SARC	33
SCLARC	89
SDRC	16
SGPRC	67
TCRC	27
VMRC	23
WRC	73
Total	970

Note: A consumer or representative may have more than one fair hearing request resolved in a FY. In FY 2020-21, 970 fair hearing requests were resolved for 886 individuals.

Table 21: Number of Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and Presenting Issue

Regional Center	Eligibility	Day Program/ Employment	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	14	6	0	1	1	6	3	3	3	37
CVRC	19	0	0	0	2	0	0	1	0	22
ELARC	6	2	0	1	9	14	5	2	2	41
FDLRC	7	1	1	0	3	4	4	9	2	31
FNRC	5	0	0	0	1	1	0	4	1	12
GGRC	12	0	0	1	4	2	0	2	0	21
HRC	11	3	2	3	7	12	4	7	3	52
IRC	137	1	1	3	8	26	6	12	4	198
KRC	10	2	0	3	2	0	1	2	2	22
NBRC	7	0	0	0	0	0	2	1	0	10
NLACRC	102	3	1	2	6	8	9	3	0	134
RCRC	7	0	0	0	0	0	0	0	0	7
RCEB	1	0	1	2	0	9	3	2	6	24
RCOC	13	1	0	4	3	29	2	5	7	64
SARC	24	0	1	0	0	1	1	1	5	33
SCLARC	66	0	0	3	5	11	1	3	1	90
SDRC	0	3	0	1	5	5	2	1	0	17
SGPRC	30	6	3	1	5	4	3	8	10	70
TCRC	15	0	1	0	2	5	4	3	0	30
VMRC	10	0	0	1	4	0	2	4	2	23
WRC	35	2	0	0	10	12	5	10	3	77
Total	531	30	11	26	77	149	57	83	51	1,015

Note: Fair hearing requests may contain more than one presenting issue. In FY 2020-21, 970 fair hearing requests resolved included 1,015 issues. Assessment/Therapy/Behavior Services includes Psychiatrist and Psychologist/Counseling. Other Misc. Services includes crisis services, legal services, translation services, social/recreation, education, training, HCBS waiver, and transportation. Other Misc. Expenses includes home/auto modification.

Table 22: Number of Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and Consumers' Ethnicity/Race

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	1	1	5	21	7	35
CVRC	0	0	9	6	5	20
ELARC	7	0	17	8	0	32
FDLRC	3	3	6	6	1	19
FNRC	0	1	0	11	0	12
GGRC	2	2	3	7	3	17
HRC	1	7	17	7	5	37
IRC	8	18	44	35	83	188
KRC	0	2	7	8	5	22
NBRC	0	1	1	4	4	10
NLACRC	4	25	52	29	13	123
RCRC	0	0	0	6	0	6
RCEB	7	4	0	8	4	23
RCOC	6	1	23	14	5	49
SARC	7	0	11	6	7	31
SCLARC	1	14	62	1	5	83
SDRC	0	2	5	4	2	13
SGPRC	3	0	32	11	12	58
TCRC	0	0	6	11	4	21
VMRC	4	1	3	7	6	21
WRC	5	6	20	15	20	66
Total	59	88	323	225	191	886

Note: A consumer or representative may have more than one fair hearing request resolved. In FY 2020-21, 970 fair hearing requests were resolved for 886 individuals. Each consumer or representative is represented in this table once. Asian includes Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, and Other Asian. White includes Russian and White. Other Ethnicity/Race includes American Indian/Alaskan Native, mixed, other, and unidentified.

Table 23. Number of Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and Consumers' Primary Language

Regional Center	English	Spanish	Other Languages	Total
ACRC	34	0	1	35
CVRC	17	2	1	20
ELARC	20	9	3	32
FDLRC	16	2	1	19
FNRC	12	0	0	12
GGRC	15	2	0	17
HRC	27	9	1	37
IRC	159	25	4	188
KRC	20	1	1	22
NBRC	9	1	0	10
NLACRC	96	24	3	123
RCRC	6	0	0	6
RCEB	18	0	5	23
RCOC	34	15	0	49
SARC	20	6	5	31
SCLARC	43	38	2	83
SDRC	11	1	1	13
SGPRC	47	10	1	58
TCRC	20	1	0	21
VMRC	17	3	1	21
WRC	54	10	2	66
Total	695	159	32	886

Note: A consumer or representative may have more than one fair hearing request resolved. In FY 2020-21, 970 fair hearing requests were resolved for 886 individuals. Each consumer or representative is represented in this table once. Other languages include Arabic, Armenian, American Sign Language, Cantonese Chinese, Farsi (Persian), Hebrew, Hindi (Northern India), Korean, Mandarin Chinese, Vietnamese, other, and unidentified.

Table 24: Number of Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and Consumers' Age

Regional Center	0 through 2 years	3 through 17 years	18 years or older	Total
ACRC	1	11	23	35
CVRC	0	13	7	20
ELARC	0	13	19	32
FDLRC	0	9	10	19
FNRC	0	6	6	12
GGRC	0	10	7	17
HRC	0	23	14	37
IRC	8	113	67	188
KRC	0	10	12	22
NBRC	0	4	6	10
NLACRC	5	83	35	123
RCRC	0	4	2	6
RCEB	0	12	11	23
RCOC	2	28	19	49
SARC	2	18	11	31
SCLARC	0	70	13	83
SDRC	0	4	9	13
SGPRC	0	38	20	58
TCRC	0	11	10	21
VMRC	0	13	8	21
WRC	2	45	19	66
Total	20	538	328	886

Note: A consumer or representative may have more than one fair hearing request resolved. In FY 2020-21, 970 fair hearing requests were resolved for 886 individuals. Each consumer or representative is represented in this table once.

Table 25: Number of Presenting Issues in Fair Hearing Requests Resolved in FY 2020-21, 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	20	2	2	5	1	7	0	37
CVRC	22	0	0	0	0	0	0	22
ELARC	22	0	2	14	3	0	0	41
FDLRC	14	3	0	2	0	9	3	31
FNRC	10	0	0	2	0	0	0	12
GGRC	7	1	3	5	0	3	2	21
HRC	25	2	2	11	2	10	0	52
IRC	147	4	3	30	6	8	0	198
KRC	15	0	1	2	3	1	0	22
NBRC	9	0	0	1	0	0	0	10
NLACRC	104	0	4	17	0	9	0	134
RCRC	6	0	0	1	0	0	0	7
RCEB	7	6	0	7	0	4	0	24
RCOC	36	10	0	12	0	2	4	64
SARC	17	4	0	6	1	2	3	33
SCLARC	60	0	4	12	2	12	0	90
SDRC	7	6	0	4	0	0	0	17
SGPRC	38	4	5	15	4	4	0	70
TCRC	16	8	2	3	0	0	1	30
VMRC	18	1	0	3	0	1	0	23
WRC	46	0	10	15	3	3	0	77
Total	646	51	38	167	25	75	13	1,015

Note: In FY 2020-21, 970 fair hearing requests resolved included 1,015 issues. Claimant Withdrew Request reflects the number of requests that were withdrawn by the claimant for a reason not identified in the Notice of Resolution.

Table 26: Number of Eligibility-Related Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and Resolution/Outcome

Regional Center	RC Agreed to do Intake/Eligibility Assessment	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	3	5	3	0	0	0	1	2	0	14
CVRC	6	4	9	0	0	0	0	0	0	19
ELARC	2	4	0	0	0	0	0	0	0	6
FDLRC	0	3	2	0	0	0	1	1	0	7
FNRC	0	4	1	0	0	0	0	0	0	5
GGRC	2	3	1	0	0	2	1	1	2	12
HRC	3	2	4	0	0	0	0	2	0	11
IRC	28	35	50	0	0	1	20	3	0	137
KRC	5	0	3	0	0	0	1	1	0	10
NBRC	0	2	4	0	0	0	1	0	0	7
NLACRC	39	18	30	0	0	0	8	7	0	102
RCRC	1	0	5	0	0	0	1	0	0	7
RCEB	0	1	0	0	0	0	0	0	0	1
RCOC	6	2	3	0	0	0	0	0	2	13
SARC	5	3	7	0	0	0	5	1	3	24
SCLARC	0	36	15	0	0	0	5	10	0	66
SDRC	0	0	0	0	0	0	0	0	0	0
SGPRC	11	2	7	0	0	1	6	3	0	30
TCRC	3	4	5	1	0	1	1	0	0	15
VMRC	3	3	4	0	0	0	0	0	0	10
WRC	4	16	5	0	0	3	5	2	0	35
Total	121	147	158	1	0	8	56	33	7	531

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

Table 27: Number of Service-Related Fair Hearing Requests Resolved in FY 2020-21, by Regional Center and 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	0	9	0	1	1	2	0	4	5	0	23
CVRC	0	1	2	0	0	0	0	0	0	0	0	3
ELARC	7	4	5	0	0	0	2	3	14	0	0	35
FDLRC	2	3	4	1	1	1	0	0	1	8	3	24
FNRC	3	1	1	0	0	0	0	0	2	0	0	7
GGRC	1	0	0	1	0	0	2	0	3	2	0	9
HRC	2	4	10	0	1	1	2	2	11	8	0	41
IRC	12	11	15	2	0	2	1	1	12	5	0	61
KRC	4	1	2	0	0	0	1	3	1	0	0	12
NBRC	2	0	1	0	0	0	0	0	0	0	0	3
NLACRC	9	0	7	0	0	0	5	0	9	2	0	32
RCRC	0	0	0	0	0	0	0	0	0	0	0	0
RCEB	5	0	1	2	4	0	0	0	7	4	0	23
RCOC	6	5	15	4	2	3	0	0	12	2	2	51
SARC	1	0	2	0	1	2	0	1	1	1	0	9
SCLARC	3	3	3	0	0	0	4	2	7	2	0	24
SDRC	3	0	4	5	1	0	0	0	4	0	0	17
SGPRC	8	1	9	2	2	0	4	4	9	1	0	40
TCRC	2	0	4	2	0	3	1	0	2	0	1	15
VMRC	6	2	0	0	1	0	0	0	3	1	0	13
WRC	9	8	4	0	0	0	8	2	10	1	0	42
Total	86	44	98	19	14	13	32	18	112	42	6	484

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 identified in the Notice of Resolution.

Table 28: For Fair Hearing Requests Resolved, Average Number of Calendar Days from Date of Fair Hearing Request to Date of Resolution in FY 2020-21

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	67	81	65	38	49	N/A	53
CVRC	68	N/A	N/A	N/A	N/A	N/A	N/A	68
ELARC	111	N/A	231	115	276	N/A	N/A	130
FDLRC	113	149	N/A	84	N/A	90	93	106
FNRC	64	N/A	N/A	277	N/A	N/A	N/A	100
GGRC	49	35	312	135	N/A	176	127	132
HRC	82	176	418	130	328	80	N/A	118
IRC	63	82	273	128	309	36	N/A	83
KRC	37	N/A	188	93	172	78	N/A	69
NBRC	74	N/A	N/A	448	N/A	N/A	N/A	111
NLACRC	106	N/A	124	189	N/A	103	N/A	117
RCRC	31	N/A	N/A	427	N/A	N/A	N/A	88
RCEB	56	42	N/A	49	N/A	133	N/A	63
RCOC	76	91	N/A	104	N/A	170	95	87
SARC	85	57	N/A	198	52	17	150	103
SCLARC	74	N/A	112	175	204	108	N/A	93
SDRC	31	82	N/A	62	N/A	N/A	N/A	53
SGPRC	116	146	158	145	105	129	N/A	127
TCRC	115	150	240	182	N/A	N/A	64	137
VMRC	75	33	N/A	255	N/A	48	N/A	95
WRC	103	N/A	106	194	215	155	N/A	128
Average	82	98	176	146	217	93	110	101

Note: Table shows the average number of calendar days to resolution for the fair hearings resolved in FY 2020-21. 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 Code 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 contain concerns and disagreement with vendor activities and conduct.

Consumers' Rights (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.”