

DEPARTMENT OF DEVELOPMENTAL SERVICES

1215 O Street, MS 8-30
Sacramento, CA 95814
TTY: 711
(833) 421-0061



September 29, 2022

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: REQUIREMENTS FOR REGIONAL CENTER RESPONSE TO 4731 COMPLAINTS

The purpose of this correspondence is to remind regional centers about their responsibilities pursuant to Welfare and Institutions (W&I) Code section 4731.

W&I Code section 4731(a) states:

“Each consumer or any representative acting on behalf of any consumer or consumers, who believes that any right to which a consumer is entitled has been abused, punitively withheld, or improperly or unreasonably denied by a regional center...or service provider, may pursue a complaint as provided in this section.”

Initial referral of any complaint, as stated above, must be submitted to the director of the regional center from which the consumer receives case management services.

W&I Code section 4731(b) specifies the timeline for investigating and responding to the complaint:

“...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. The written proposed resolution shall include a telephone number and mailing address for referring the proposed resolution in accordance with subdivision (c).”

The regional center director must respond to the submitting party within 20 working days. The timeline begins on the first working day after receipt of the complaint. Working days do not include weekend days and state/federal holidays. The statute does not allow for extensions of the 20-working day deadline, even with consent from the complainant. The Department of Developmental Services (Department) recommends that the proposed resolution be provided in the individual's preferred language and that delivery receipts be maintained for proof of service. If a violation of the 20-working day requirement is identified by the Department, corrective actions by the regional center will be required to mitigate a reoccurrence of the violation.

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W&I Code section 4731(b) does not allow for delegation of the regional center director's responsibility to investigate the complaint and provide a written proposed resolution. Therefore, the director must sign all proposed resolutions to comply with law.

All written proposed resolutions must include referral information for the individual or authorized representative if they choose to appeal the regional center's proposed resolution to the Director of the Department. Proposed resolutions should contain the following contact information for appeals to the Department:

Director
Department of Developmental Services
1215 O Street, MS 8-20
Sacramento, CA 95814
Attn: Appeals, Complaints and Projects Section
(916) 651-6309

By December 31, 2022, each regional center shall submit to the Department written information they use to notify consumers and/or their authorized representatives about the W&I Code section 4731 complaint process, and the procedures utilized for providing that information. The information shall be submitted to Department's Office of Community Operations at OCO@dds.ca.gov. Submitted procedures should indicate that state law does not allow for extensions of investigations under W&I Code section 4731.

If you have questions regarding this correspondence, please contact Appeals, Complaints and Projects Section at (833) 421-0061 or by email at fairhearings@dds.ca.gov.

Sincerely,



ERNIE CRUZ
Deputy Director
Community Services Division

cc: See next page

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cc: Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Amy Westling, Association of Regional Center Agencies
Nancy Bargmann, Department of Developmental Services
Brian Winfield, Department of Developmental Services
Pete Cervinka, Department of Developmental Services
Aaron Christian, Department of Developmental Services
Yasir Ali, Department of Developmental Services
Tom Blythe, Department of Developmental Services