

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



**CONSUMERS' RIGHTS COMPLAINTS**



**January 2023**

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## Department of Developmental Services Legislative Report

### Background

Consumers' rights complaints 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), the Department is required to update the Legislature annually, by January 10, with specified information regarding consumers' rights complaints as well as resolutions as described below. This update includes data for Fiscal Year (FY) 2021-22.

#### Consumers' Rights Complaints

Consumers' rights complaints, as indicated in W&I Code Section 4731, are a mechanism to be used when an individual 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 hearing process as per W&I Code Section 4701 through 4717.

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. Pursuant to W&I Code Section 4731(c), 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.

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.

## **Strengthening Transparency and Accountability**

The Department is committed to ensuring regional centers' and its own compliance with statutory requirements for complaints including timelines for providing proposed complaint resolutions, and issuing decisions in complaint appeals.

- In March 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 consumers' rights complaints, enhancing the Department's ability to identify and proactively address trends over time.
- In September 2022, the Department issued guidance to the regional centers clarifying statutory requirements of W&I Code Section 4731(b), which included:
  - complaint responses shall be sent within 20 working days;
  - statute does not allow for extensions of the 20-day timeline;
  - statute does not allow for delegation of the regional center director's responsibility to investigate the complaint and provide a written proposed resolution;
  - all written proposed resolutions shall include referral information if the complainant chooses to appeal the resolution to the Director of the Department;

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

### Interpreting the Data

The number of consumers' rights complaints submitted by individuals, 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 than a smaller regional center.
- A regional center that rigorously informs individuals and their families of their complaint rights, or whose complaints process is easier to use, may receive more complaints.
- 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, FY 2021-22**

Topic	Number	Table
Number of Consumers Served, Age Three and Older	330,662	-
Number of W&I Code Section 4731 Complaints Received by Regional Centers	238	1
Number of Subjects in W&I Code Section 4731 Complaints <sup>1</sup>	540	2
Top Three Subjects of W&I Code Section 4731 Complaints <sup>1</sup>		
Service Related	166	2
Service Coordination	138	2
Vendor Requirements	76	2
Number of Resolutions for Subjects in W&I Code Section 4731 Complaints <sup>2</sup>	547	3
Top Three Resolutions <sup>2</sup>		
Additional Services	61	3
Staff Training	59	3
Change in Service Coordinator	29	3
Number of Subjects in W&I Code Section 4731 Complaints Withdrawn or Found Inconclusive or Out-of-Scope	122	3
Number of Subjects in W&I Code Section 4731 Complaints with No Violation Found	257	3
Number of W&I Code Section 4731 Complaints Resolved Within the Required Timeframe	174	4
Number of W&I Code Section 4731 Complaints Appealed to the Department	32	8
Number of Subjects in W&I Code Section 4731 Complaints Appealed <sup>3</sup>	85	9
Top Three Subjects of W&I Code Section 4731 Appeals <sup>3</sup>		
IPP Development/Implementation	20	9
Service Coordination	17	9
Vendor Requirements	11	9
Number of Subjects Requiring a Corrective Action Plan	62	10
Number of Administrative Decisions Issued Within the Required Timeline	28	11

Note: Data for complaints by ethnicity, primary language, and age are provided in tables 5-7 and in tables 12-14; <sup>1</sup>Complaints may contain more than one subject. <sup>2</sup> Subjects within a complaint may involve more than one resolution. <sup>3</sup> Complaint appeals may involve more than one subject and one resolution.

In FY 2021-22, regional centers received 238 W&I Code Section 4731 complaints.

- The three most common subjects of complaints were service related, service coordination and vendor requirements.
- 174 of 238 complaints were resolved within the required timeframe (73%).
- The three most common complaint resolutions were additional services, staff training and change in service coordinator.
- 32 complaint resolutions were appealed to the Department (13%).
  - The three most appealed subjects were IPP development/ implementation, service coordination and vendor requirements
  - 28 decisions were issued within the statutory timeline of 45 calendar days (88%).

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

**State-Level Summary of Consumers' Right Complaints, Year over Year**

Topic	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Number of Consumers Served, Age Three and Older	281,728	294,605	307,425	316,869	330,662
Number of W&I Code Section 4731 Complaints Received by Regional Centers	151	136	229	153	238
Number of W&I Code Section 4731 Complaints Resolved Within the Required Timeframe	84	79	130	94	174
Number of W&I Code Section 4731 Complaints Appealed to the Department	28	26	42	27	32
Number of Administrative Decisions Issued Within the Required Timeframe	5	9	25	27	28

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

- The number of complaints received by regional centers ranged from 136 to 238 with FY 2021-22 showing a higher number compared to other FYs.
  - Compliance with required timelines for resolving complaints ranged from 56% in FY 2017-18 to 73% in FY 2021-22.

- The number of complaints appealed to the Department across FYs ranges from 26 to 42. The average percentage of the total complaints appealed for the four previous FYs is approximately 18%. In FY 2021-22, 13% were appealed to the Department.
  - Compliance with required timelines for administrative decisions issued by the Department improved by 70% in the previous four FYs.



**Welfare & Institutions (W&I) Code  
Section 4731 Complaints  
Received by Regional Centers  
FY 2021-22**

## **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 is submitted using a survey that includes 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 2021-22, and regional centers subsequently completed and submitted the survey for the first two quarters of FY 2021-22 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
    - 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 2021-22, by Regional Center**

Regional Center	Total Number of W&I Code Section 4731 Complaints Received in FY 2021-22
ACRC	14
CVRC	9
ELARC	8
FDLRC	12
FNRC	3
GGRC	2
HRC	20
IRC	22
KRC	11
NBRC	7
NLACRC	32
RCRC	3
RCEB	9
RCOC	24
SARC	6
SCLARC	20
SDRC	6
SGPRC	8
TCRC	2
VMRC	4
WRC	16
Total	238

Note: An individual or representative may file more than one complaint.  
In FY 2021-22, 194 individuals filed 238 complaints.

**Table 2. Number of W&I Code Section 4731 Complaints Received in FY 2021-22, 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	6	3	0	2	18	0	14	1	13	57
CVRC	3	0	0	1	1	1	3	11	0	20
ELARC	1	0	0	0	4	0	8	0	0	13
FDLRC	3	1	0	1	3	0	12	8	0	28
FNRC	1	0	0	0	2	0	1	0	0	4
GGRC	0	0	0	0	0	0	2	0	0	2
HRC	2	0	0	2	28	0	18	2	2	54
IRC	3	0	0	1	3	3	15	18	13	56
KRC	6	1	1	1	3	0	10	2	2	26
NBRC	0	0	0	0	0	0	6	3	0	9
NLACRC	24	5	0	1	23	3	7	13	13	89
RCRC	0	0	0	0	2	0	3	0	0	5
RCEB	0	0	0	1	4	0	9	4	1	19
RCOC	2	5	0	1	14	1	15	7	1	46
SARC	1	0	0	0	2	0	6	0	1	10
SCLARC	3	4	0	2	18	0	11	0	1	39
SDRC	1	0	0	0	3	0	2	3	1	10
SGPRC	1	0	0	0	0	0	6	1	0	8
TCRC	1	2	0	1	0	1	1	0	0	6
VMRC	1	0	0	0	3	0	2	3	1	10
WRC	5	0	0	1	7	0	15	0	1	29
Total	64	21	1	15	138	9	166	76	50	540

Note: See Appendix A for detailed descriptions of subjects. A complaint may include several subjects. In FY 2021-22, there were 238 complaints that included 540 subjects.

**Table 3. Number of Resolutions by Type for W&I Code Section 4731 Complaints Received in FY 2021-22, 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	1	2	0	46	0	8	57
CVRC	1	0	2	5	0	0	8	2	2	20
ELARC	3	6	0	0	0	0	2	0	2	13
FDLRC	10	1	0	1	0	0	14	2	0	28
FNRC	3	1	0	0	0	0	0	0	0	4
GGRC	1	0	0	1	0	0	0	0	0	2
HRC	7	5	1	0	1	0	31	3	6	54
IRC	0	1	1	3	0	0	27	4	20	56
KRC	6	1	2	1	3	2	6	0	5	26
NBRC	2	0	0	1	0	0	1	2	5	11
NLACRC	0	0	0	22	2	1	52	1	11	89
RCRC	1	1	0	1	0	0	2	0	0	5
RCEB	5	2	1	0	0	0	8	2	1	19
RCOC	0	0	0	1	0	0	31	0	14	46
SARC	0	0	0	2	0	1	0	0	7	10
SCLARC	2	1	0	20	0	0	11	0	5	39
SDRC	2	1	0	0	1	0	9	0	2	15
SGPRC	1	0	2	0	0	0	0	0	5	8
TCRC	0	1	0	0	0	0	5	0	0	6
VMRC	0	1	0	0	0	0	2	0	7	10
WRC	17	7	1	0	0	0	2	2	0	29
Total	61	29	10	59	9	4	257	18	100	547

Note: There may be more than one resolution per complaint or subject. In FY 2021-22, there were 238 complaints that included 540 subjects resulting in 547 resolutions.

**Table 4. Timeframe for Providing a Proposed Resolution to W&I Code Section 4731 Complaints Received in FY 2021-22, by Regional Center**

Regional Center	Within 20 Working Days	Greater than 20 Working Days	Total
ACRC	12	2	14
CVRC	9	0	9
ELARC	5	3	8
FDLRC	12	0	12
FNRC	3	0	3
GGRC	1	1	2
HRC	19	1	20
IRC	19	3	22
KRC	8	3	11
NBRC	4	3	7
NLACRC	9	23	32
RCRC	3	0	3
RCEB	9	0	9
RCOC	11	13	24
SARC	6	0	6
SCLARC	15	5	20
SDRC	5	1	6
SGPRC	7	1	8
TCRC	2	0	2
VMRC	2	2	4
WRC	13	3	16
Total	174	64	238

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.



**Table 5. Number of W&I Code Section 4731 Complaints Received in FY 2021-22, by Regional Center and Consumers' Ethnicity/Race**

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	0	5	3	5	0	13
CVRC	0	0	3	1	0	4
ELARC	0	0	6	0	0	6
FDLRC	2	0	3	5	0	10
FNRC	0	0	0	3	0	3
GGRC	0	0	0	2	0	2
HRC	0	3	8	4	1	16
IRC	2	2	4	3	2	13
KRC	0	0	3	5	1	9
NBRC	0	3	0	3	1	7
NLACRC	3	2	7	11	4	27
RCRC	0	0	1	2	0	3
RCEB	1	2	0	2	2	7
RCOC	1	0	7	9	3	20
SARC	1	0	0	5	0	6
SCLARC	0	4	14	0	0	18
SDRC	1	0	3	0	2	6
SGPRC	1	1	3	0	0	5
TCRC	0	0	0	2	0	2
VMRC	0	0	2	2	0	4
WRC	0	0	8	4	1	13
Total	12	22	75	68	17	194

Note: An individual or representative may file more than one complaint. Each individual 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 2021-22, 194 individuals filed 238 complaints. The Other Ethnicity/Race category includes American Indian or Alaskan Native and no Ethnicity/Race listed.

**Table 6. Number of W&I Code Section 4731 Complaints Received in FY 2021-22, by Regional Center and Consumers' Primary Language**

Regional Center	English	Spanish	Vietnamese	Other Languages	Total
ACRC	11	2	0	0	13
CVRC	3	1	0	0	4
ELARC	1	5	0	0	6
FDLRC	6	2	0	2	10
FNRC	3	0	0	0	3
GGRC	2	0	0	0	2
HRC	10	6	0	0	16
IRC	10	3	0	0	13
KRC	7	2	0	0	9
NBRC	7	0	0	0	7
NLACRC	22	4	0	1	27
RCRC	3	0	0	0	3
RCEB	7	0	0	0	7
RCOC	12	7	1	0	20
SARC	6	0	0	0	6
SCLARC	8	10	0	0	18
SDRC	6	0	0	0	6
SGPRC	3	2	0	0	5
TCRC	2	0	0	0	2
VMRC	4	0	0	0	4
WRC	8	5	0	0	13
Total	141	49	1	3	194

Note: An individual 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 2021-22, 194 individuals filed 238 complaints. Other Languages include consumers without a primary language identified at the time of reporting.

**Table 7. Number of W&I Code Section 4731 Complaints Received in FY 2021-22, by Regional Center and Consumers' Age**

Regional Center	3 through 17 years	18 years or older	Total
ACRC	2	11	13
CVRC	2	2	4
ELARC	3	3	6
FDLRC	1	9	10
FNRC	1	2	3
GGRC	2	0	2
HRC	8	8	16
IRC	2	11	13
KRC	4	5	9
NBRC	0	7	7
NLACRC	8	19	27
RCRC	1	6	7
RCEB	6	14	20
RCOC	0	3	3
SARC	1	5	6
SCLARC	8	10	18
SDRC	2	4	6
SGPRC	0	5	5
TCRC	0	2	2
VMRC	1	3	4
WRC	6	7	13
Total	58	136	194

Note: An individual 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 2021-22, 194 individuals filed 238 complaints. There were no complaints filed for individuals from 0 to 3 years of age.

# **W&I Code Section 4731 Complaint Appeals Filed with the Department FY 2021-22**

**Table 8. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2021-22**

Regional Center	Number of Complaints Appealed	Total Number of Complaints	Percent of Complaints Appealed
ACRC	0	14	0%
CVRC	1	9	11%
ELARC	0	8	0%
FDLRC	0	12	0%
FNRC	0	3	0%
GGRC	0	2	0%
HRC	4	20	20%
IRC	4	22	18%
KRC	1	11	9%
NBRC	1	7	14%
NLACRC	4	32	13%
RCRC	0	3	0%
RCEB	7	9	78%
RCOC	5	24	21%
SARC	0	6	0%
SCLARC	1	20	5%
SDRC	0	6	0%
SG/PRC	0	8	0%
TCRC	0	2	0%
VMRC	0	4	0%
WRC	4	16	25%
Total	32	238	13%

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 2021-22, 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	0	0	0	0	0	0	0	0	0	0
CVRC	0	0	0	0	0	1	0	1	0	2
ELARC	0	0	0	0	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0	0	0	0	0
FNRC	0	0	0	0	0	0	0	0	0	0
GGRC	0	0	0	0	0	0	0	0	0	0
HRC	2	1	1	0	1	1	0	2	1	9
IRC	5	1	0	0	0	1	1	0	3	11
KRC	0	0	1	0	0	0	0	0	1	2
NBRC	0	0	1	0	0	1	0	0	0	2
NLACRC	2	1	4	0	7	2	0	0	3	19
RCRC	0	0	0	0	0	0	0	0	0	0
RCEB	2	0	1	0	1	0	0	4	1	9
RCOC	3	0	1	0	6	0	0	2	2	14
SARC	0	0	0	0	0	0	0	0	0	0
SCLARC	1	1	0	0	1	0	0	1	0	4
SDRC	0	0	0	0	0	0	0	0	0	0
SG/PRC	0	0	0	0	0	0	0	0	0	0
TCRC	0	0	0	0	0	0	0	0	0	0
VMRC	0	0	0	0	0	0	0	0	0	0
WRC	5	2	1	2	1	1	1	0	0	13
Total	20	6	10	2	17	7	2	10	11	85

Note: See Appendix A for detailed description of subjects. Complaints may contain more than one subject. In FY 2021-22, 32 complaint appeals included 85 subjects.

**Table 10. Resolution of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2021-22, 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	0	0
CVRC	2	0	2
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	0	0	0
HRC	4	5	9
IRC	8	3	11
KRC	2	0	2
NBRC	2	0	2
NLACRC	19	0	19
RCRC	0	0	0
RCEB	2	7	9
RCOC	10	4	14
SARC	0	0	0
SCLARC	4	0	4
SDRC	0	0	0
SG/PRC	0	0	0
TCRC	0	0	0
VMRC	0	0	0
WRC	9	4	13
Total	62	23	85

Note: There may be more than one resolution per complaint appeal or subject. In FY 2021-22, there were 85 resolutions for 32 complaint appeals.

**Table 11. Timeframe of Written Administrative Decisions Issued by the Department for W&I Code Section 4731 Complaint Appeals in FY 2021-22, by Regional Center**

Regional Center	Within 45 Days	Greater than 45 Days	Total
ACRC	0	0	0
CVRC	1	0	1
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	0	0	0
HRC	4	0	4
IRC	4	0	4
KRC	1	0	1
NBRC	1	0	1
NLACRC	4	0	4
RCRC	0	0	0
RCEB	6	1	7
RCOC	3	2	5
SARC	0	0	0
SCLARC	0	1	1
SDRC	0	0	0
SG/PRC	0	0	0
TCRC	0	0	0
VMRC	0	0	0
WRC	4	0	4
Total	28	4	32

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 2021-22, by Regional Center and Consumers' Ethnicity/Race**

Regional Center	Asian	Black/African American	Hispanic	White	Other Ethnicity/Race	Total
ACRC	0	0	0	0	0	0
CVRC	0	0	0	1	0	1
ELARC	0	0	0	0	0	0
FDLRC	0	0	0	0	0	0
FNRC	0	0	0	0	0	0
GGRC	0	0	0	0	0	0
HRC	1	0	0	1	0	2
IRC	1	0	0	3	0	4
KRC	0	0	0	1	0	1
NBRC	0	1	0	0	0	1
NLACRC	1	0	1	2	0	4
RCRC	0	0	0	0	0	0
RCEB	0	1	0	2	0	3
RCOC	0	0	2	2	1	5
SARC	0	0	0	0	0	0
SCLARC	0	0	1	0	0	1
SDRC	0	0	0	0	0	0
SG/PRC	0	0	0	0	0	0
TCRC	0	0	0	0	0	0
VMRC	0	0	0	0	0	0
WRC	0	0	3	0	1	4
Total	3	2	7	12	2	26

Note: An individual or representative may file more than one appeal. In FY 2021-22, however, 32 appeals were filed by 26 individuals or representatives. The Other Ethnicity/Race category includes American Indian or Alaskan Native and no Ethnicity/Race listed.

**Table 13. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2021-22, by Regional Center and Consumers' Primary Language**

Regional Center	English	Spanish	Other	Total
ACRC	0	0	0	0
CVRC	1	0	0	1
ELARC	0	0	0	0
FDLRC	0	0	0	0
FNRC	0	0	0	0
GGRC	0	0	0	0
HRC	1	0	1	2
IRC	3	1	0	4
KRC	1	0	0	1
NBRC	1	0	0	1
NLACRC	2	1	1	4
RCRC	0	0	0	0
RCEB	3	0	0	3
RCOC	3	2	0	5
SARC	0	0	0	0
SCLARC	0	1	0	1
SDRC	0	0	0	0
SG/PRC	0	0	0	0
TCRC	0	0	0	0
VMRC	0	0	0	0
WRC	1	3	0	4
Total	16	8	2	26

Note: An individual or representative may file more than one appeal. In FY 2021-22, however, 32 appeals were filed by 26 individuals or representatives.

**Table 14. Number of W&I Code Section 4731 Complaint Appeals Filed with the Department in FY 2021-22, by Regional Center and Consumers' Age**

Regional Center	3 through 17 years	18 years and older	Total
ACRC	0	0	0
CVRC	0	1	1
ELARC	0	0	0
FDLRC	0	0	0
FNRC	0	0	0
GGRC	0	0	0
HRC	0	2	2
IRC	1	3	4
KRC	1	0	1
NBRC	0	1	1
NLACRC	1	3	4
RCRC	0	0	0
RCEB	0	3	3
RCOC	1	4	5
SARC	0	0	0
SCLARC	1	0	1
SDRC	0	0	0
SG/PRC	0	0	0
TCRC	0	0	0
VMRC	0	0	0
WRC	2	2	4
Total	7	19	26

Note: An individual or representative may file more than one appeal. In FY 2021-22, however, 32 appeals were filed by 26 individuals or representatives. Although W&I Code Section 4731, is a mechanism to be used for individuals three years of age or older, some complaints are filed on behalf of individuals under three. There were no appeals filed for individuals from 0 to 3 years of age.

## 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.”