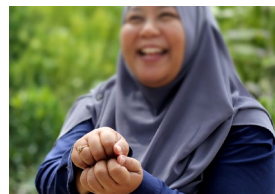


Appeals Process Changes

November 30, 2022



Thank you for sharing your experience, time and input with us:

- * Individuals with Developmental Disabilities
- * Families
- * Advocacy Organizations
- * Regional Centers (RC)



Agenda

- Overview of the Changes to the Appeals Process
- Gather Input for Informational Packets and Hearing Officer Training



Division of Community Assistance and Resolutions

- Handles appeals, complaints, risk management, quality assurance, liaison to DHCS, the SDP Ombudsperson, and the new Office of the Ombudsperson
- The Office of the Ombudsperson will provide information and help people understand their appeal rights
- Training for consumers, families and hearing officers



Changes to IPP Process and Agreement to IPP Services



IPP Consideration

If regional center uses an internal process to decide about your services, they must think about information from you and others around you. This should include:

- Your need for services
- Problems you have getting services
- Other information you tell them

IPP teams may continue to meet by remote electronic technology, like Zoom, if you want until June 30, 2023.



WIC –
4646.4(a)(5)



Effective
10/1/2022



Mutual Consent for IPP Decisions

If you and the regional center don't agree, they send you a Notice of Action.

An agreement means:

- You sign IPP with the proposed change or denial
- You sign a list of IPP services with proposed change or denial
- You sign a written document that says you agree with the proposed change or denial

OR

- The regional center believes that you agree with the proposed change or denial and then send you a confirming letter within 5 business days



WIC – 4701(k)



Effective
3/1/2023

Overview of Changes to Forms and Information Packets



Appeals Information Packets and Forms

Information Packets Specific to Appeals Processes

- With input from stakeholders DDS creates a standard appeals process information packet - one for Early Start and one for Lanterman
- Packets will include the appeal form and be translated
- Regional centers must provide the packet at IPP meetings, with all NOAs, and when asked
- DDS and RC must post a link to the packets on their webpage within 60 days from when it is complete
- Get ready to provide your input



WIC – 4708



Effective
3/1/2023

Appeals Information Packets and Forms |

Standard Notice of Action Form

- NOA should be plain, clear, and in non-technical language
- Translated into the preferred language of you and your authorized representative
- Must include all of the information in WIC 4701, which has been revised



WIC – 4701



Effective
3/1/2023

Appeals Information Packets and Forms

Standard Appeals Request Form

- The standard appeals request form lets you pick the parts of the appeal process you want to use
- You can pick one or more of these steps: informal meeting, mediation, and fair hearing
- You can pick one step and add more steps later
- The form will tell you how to submit your request and the contact information



WIC – 4707



Effective
3/1/2023

Appeals Information Packets and Forms

DDS to Receive Appeals Request Form, not RCs

- You will file all appeals with DDS
- DDS will send a copy of the appeal to the regional center
- DDS will send a copy to the appeal to the Office of Administrative Hearings if you requested mediation or a hearing



WIC –
4701(a)(7) &(b)
4710.5(d)



Effective
3/1/2023

Specific Changes to the Appeals Processes



Definition of Interpreter

“Interpreter” means a person that can interpret effectively, accurately, and impartially. The person can both understand and speak both languages.



WIC – 4701 (i)



Effective
Immediately



Appeal Timelines

If I disagree with a regional center decision, what timelines must I follow to appeal?

All appeal must be received by DDS within 60 days of the date you received the Notice of Action.

You can continue to receive your current services during the appeals process. This is called aid paid pending. To keep your current services during your appeal:

- Must be received within 30 days of the Notice of Action and
- Before the date the regional center told you your services will change



WIC –
4646.4(a)(5)



Effective
3/1/2023

Appeal Process Timelines

Regional Centers and the Hearing Office have timelines for each step of the appeal process

- The timelines start from the date your appeal was received
- Regional center must hold an informal meeting within 10 calendar days
- OAH must hold the mediation within 30 calendar days
- OAH must hold the hearing within 50 calendar days
- You must get your decision within 90 calendar days of when you asked for an appeal
- If you request a continuance, these timelines will be extended



WIC – 4707, 4710.6,
4512.5(a)(1), & 4715



Effective
3/1/2023

Mandatory Mediation if You Request It*



If you choose mediation, the regional center must take part in it.

**Also applies to state-operated facility directors and representative.*



WIC – 4711.5



Effective
3/1/2023

Appeal Process Timelines

Regional Centers and the Hearing Office have timelines for each step of the appeal process.

The appeal process has two new steps:

- The DDS Director may review some decisions
 - The Directors decision is made within 90 days of the date your appeal was received
- You can ask for reconsideration if you think a decision has a legal, factual, or clerical error. You must ask for a reconsideration within 15 days of the decision
 - A decision to grant or deny your request for a reconsideration will be made within 15 days
- You must appeal to a court within 180 days



WIC – 4707, 4710.6,
4512.5(a)(1), & 4715



Effective
3/1/2023

Appearance of Counsel

- Regional center cannot have a lawyer at an informal meeting, mediation, or hearing unless you are a lawyer or have a lawyer with you
- You must tell regional center if you are bringing a lawyer 5 days before mediation and 15 days before a hearing
- DDS sent out instructions to regional centers, [Appearance of Attorneys in the Appeal Process \(ca.gov\)](#)



WIC – 4705.5



Effective
10/1/2022

Continuances



- Claimant's first request for continuance prior to hearing shall be granted without a good cause showing
- More requests shall be made with a good cause showing
- Regional centers can also request a continuance for good cause



WIC – 4712(a)(1)



Effective
3/1/2023

Position Statements Timelines and Translation



The position statement is sent to you and the hearing office 2 business days before the hearing.

It must be in your preferred language.

- If not translated the regional center can ask for a continuance for 10 days
- You will receive the translated position statement two business days before the hearing

Information Shared with the Regional Center and Hearing Office

If you do not have an attorney, you must give the regional center and the hearing office:

- A list of witnesses and how they know you
- A copy of any professional assessments or reports about eligibility or services that you are using at hearing
- At or before the hearing, you must also give all other intended documentary evidence

If you are or are represented by a lawyer, they must prepare a position statement and provide it 2 business days before hearing. The statement must have a list of witnesses, what they will talk about, and all documentary evidence.



WIC – 4712(d)(2) & (3)



Effective
3/1/2023

Implementation of Hearing Decisions

- RC must carry out the final hearing decision within 30 days of the decision or corrected decision. Or RC must tell you, the authorized representative, and DDS as to the exact reasons that make it impossible and when it will be carried out in writing.
- If you are unhappy with how RC is carrying out the decision, you may contact DDS who will take proper action.



WIC – 4713.5



Effective Immediately

Changes to OAH and Hearing Officer Responsibility at Hearings



Engaged Neutrality

Engaged neutrality is when a hearing officer makes the hearing environment comfortable for sharing information and helps the important facts come out. The hearing officer may:

- ask questions
- call someone to testify at hearing
- give time for someone to get the needed testimony or documents



WIC – 4712(i)



Effective
3/1/2023

Hearing Officer Training

Trainings include how to create a good hearing environment, how to help people without lawyers, disabilities, how disabilities make it hard to take part in a hearing, and ways to make that better. The training materials will be made with help from stakeholders.



WIC – 4712(b)(2) & (3)



Effective
3/1/2023

OAH Advisory Group

The hearing office with DDS must form an advisory committee with stakeholders in it. The committee must meet 2 times per year. The members will give nonbinding recommendations for improvements to hearings and mediations.



WIC – 4717



Effective Immediately

Informational Packets and Hearing Officer Training

What is most important to include in the packet?

What isn't important to include?

Do you know of other helpful materials for us to look at?

Do you have ideas for how to best get these into the community?

What is the most important thing for hearing officers to know?

What if you think of things later?

- Email us at AppealsInput@DDS.CA.GOV



Thank you

