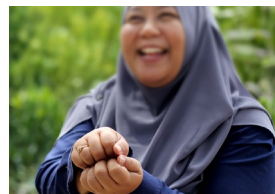


Appeals Process Changes

November 15, 2022



Thank you

- * Self-Advocates
- * Families
- * Advocacy Organizations
- * Regional Centers (RC)

For sharing your
experience, time and
input with us.



Agenda

- Overview of the Changes to the Appeals Process
- Gather Input for Informational Packets and Forms
- Gather Input for 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



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

- How long should the packet be?
- What are the most user -friendly formats?
- What is the best way to get information out to people?



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 your and your authorized representative
- Must include all of the information in WIC 4701, which has been revised
- What could make the form easy to use?
- Where would you go for help understanding the form?



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
-
- What could make the form easy to use?
 - Where would you go for help to fill out the form?



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



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

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

Attendance 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

Changes to OAH and Hearing Officer Responsibility at Hearings



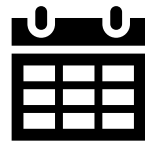
Engaged Neutrality

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.

What do you think they should know?



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

Additional Thoughts

What if you think of things later?

- Email us at katie.Hornberger@dds.ca.gov



Thank you

