

OFFICES OF THE OMBUDSPERSON REPORT

# ASSISTING PEOPLE SERVED UNDER THE LANTERMAN ACT AND IN THE SELF-DETERMINATION PROGRAM

January 2025



DEPARTMENT OF DEVELOPMENTAL SERVICES



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# OFFICES OF THE OMBUDSPERSON

## ABOUT THE OFFICES

The Office of the Self-Determination Program Ombudsperson (SDP Office) is an independent entity within the Department of Developmental Services (the Department) that helps individuals served by the regional center and their families fully participate in the Self-Determination Program (SDP) by:

- Providing information and assistance
- Facilitating solutions to disagreements

The SDP Office helps individuals served by the regional center and families understand their rights in the SDP, including the processes to resolve issues or complaints. If requested, the SDP Office can assist with the resolution process by connecting regional centers, financial management services (FMS) agencies, independent facilitators, and/or other entities. In some cases, the SDP Office also may connect individuals and families with other internal or external partners who can provide further support.

The SDP Office cannot decide disputes in favor of one party or another, represent someone in the appeal process, overturn a fair hearing decision or make a recommendation to a court.

- Compiling and reporting data to the Legislature
- Recommending changes to the Department and the Legislature

The SDP Office opened in October 2021, soon after it was established in law ([Welfare & Institutions Code section 4685.9](#)) in July 2021. The SDP Office can be contacted through a few different methods, including email, phone, and an online intake form. All contacts received by the SDP Office are confidential. Contact information, resources, and more information about the Office and its staff can be found on the Office's webpage:



<https://www.dds.ca.gov/initiatives/sdp/office-of-the-self-determination-ombudsperson/>

## ABOUT THE OFFICES (CONTINUED)

The Office of the Ombudsman (Office) is also an independent entity within the Department. The Office helps individuals served by the regional center and their families and people applying to access the services under the Lanterman Act by:

- Providing information and assistance

The Office helps people to understand the application process for regional center eligibility. If needed, the Office can assist callers by walking them through websites and explaining next steps. Callers are also provided with information about the regional center structure and available regional center services.

- Facilitating solutions to disagreements

The Office helps individuals served by the regional center and their families understand their rights, including the processes to resolve complaints or appeals. If requested, the Office can assist with the resolution process by connecting with regional centers. In some cases, the Office also may connect individuals and families with other internal or external partners who can provide further support.

The Office cannot decide disputes in favor of one party or another, represent someone in the appeal process, overturn a final hearing decision or make a recommendation to a court.

- Compiling and reporting data to the Legislature

- Recommending changes to the Department and the Legislature

The Office opened in December 2022. The Office can be contacted through a few different methods, including email, phone, and an online intake form. All contacts received by the Office are confidential. Contact information, resources, and more information about the Office and its staff can be found on the Office's webpage:



<https://www.dds.ca.gov/initiatives/office-of-the-ombudsman/>

# CONTACTS RECEIVED BY THE OFFICE

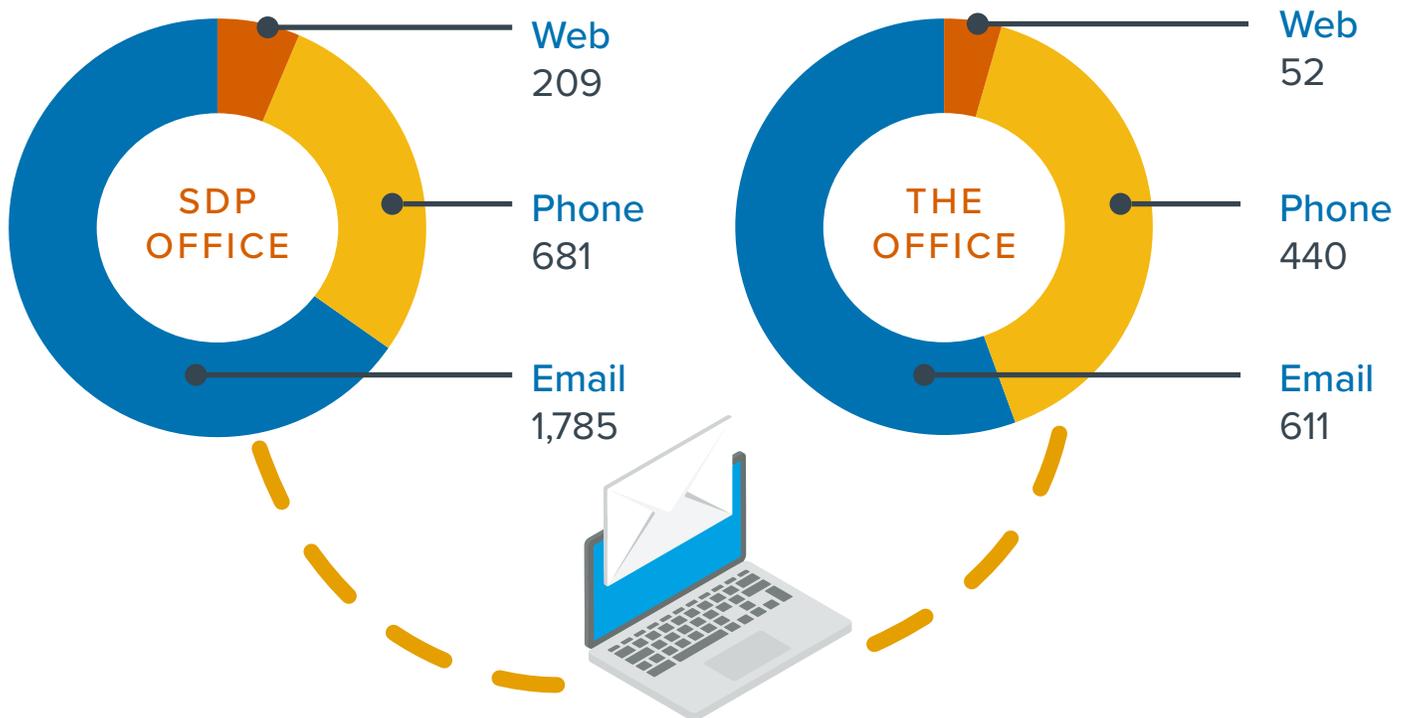
The data charts in this section provide a high-level overview of all the contacts received by both Offices as of June 30, 2024. Additionally, the Offices webpages include interactive dashboards with data related to contacts and resolutions:

 <https://www.dds.ca.gov/initiatives/office-of-the-ombudsperson/>

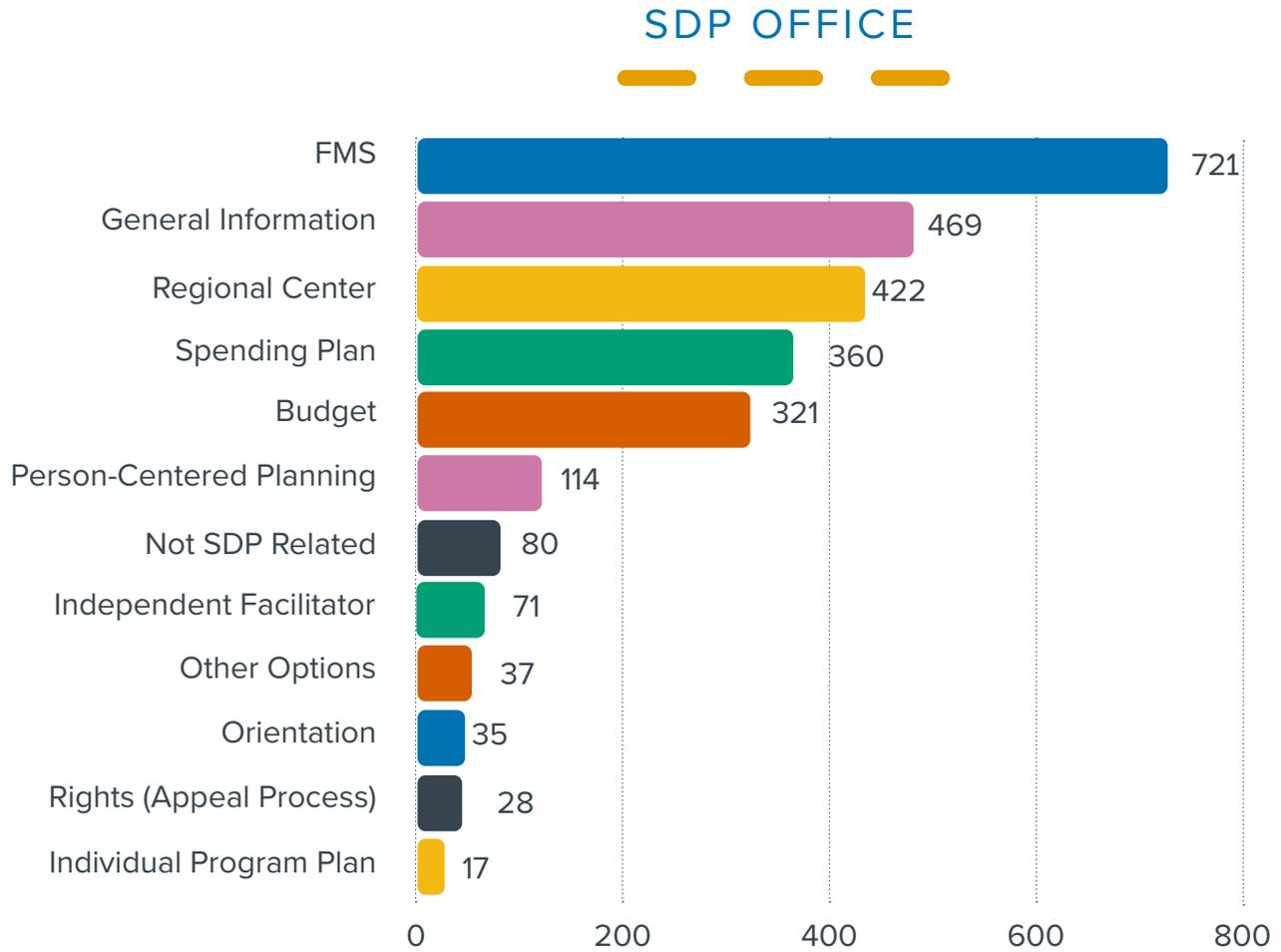
## CONTACTS BY COMMUNICATION TYPE

As of June 30, 2024, the SDP Office received **2,675** total contacts, most of which were received through email. Counts may include more than one contact from the same person.

Similarly, the Office received **1,103** total contacts, most of which also were received through email.



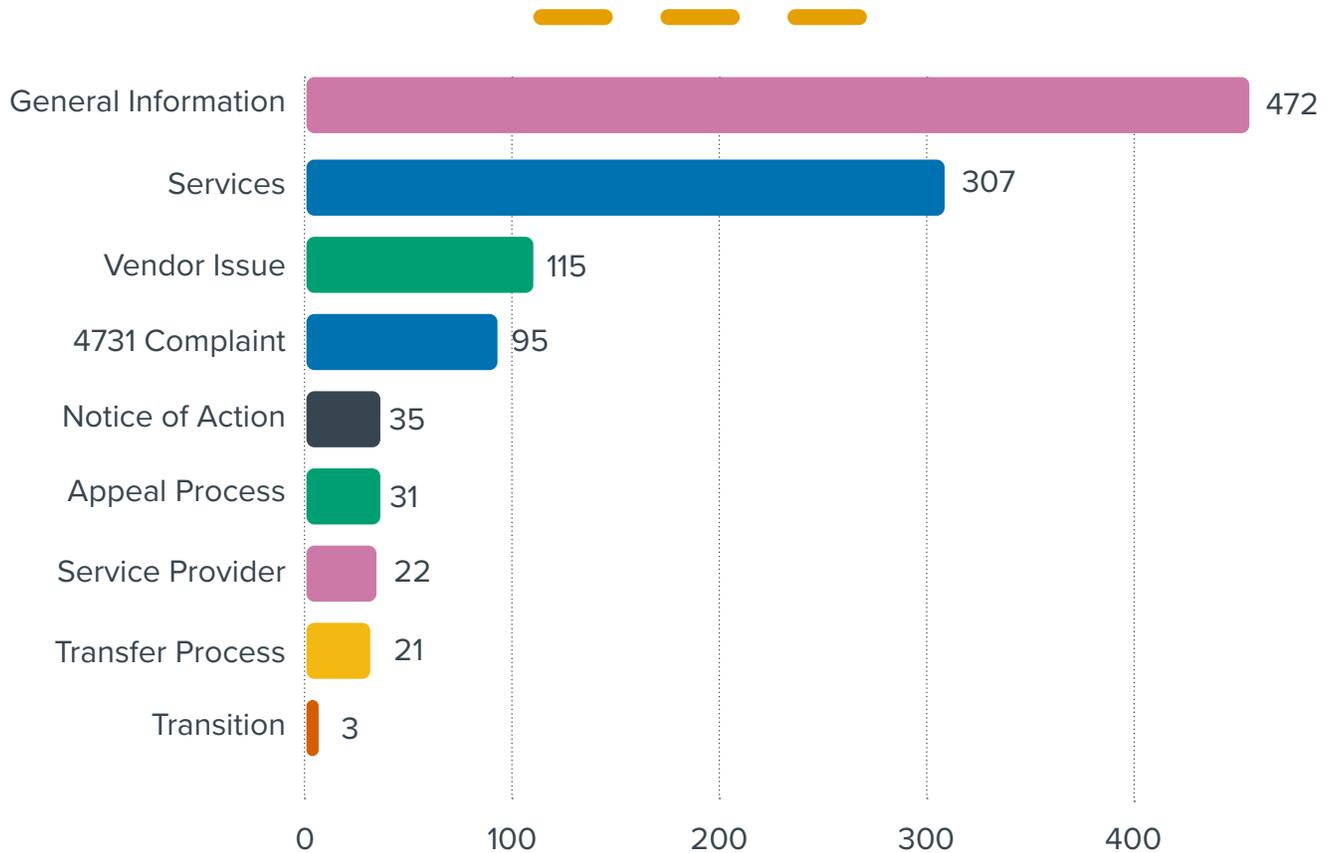
## CONTACTS BY CATEGORY



- The chart above shows a breakout of the total SDP Office contacts received, by category. When the SDP Office receives a contact, it is categorized in the database based on the person’s primary concern. Most contacts concern FMS agencies. These contacts can include questions or issues about payments, onboarding, FMS availability, or communication with FMS agencies.
- The second-largest category is General Information which can include questions about what the SDP is, how it works, and the steps to join.

## CONTACTS BY CATEGORY

### THE OFFICE



- The chart above shows a breakout of the total contacts received by the Office, by Category. When the Office receives a contact, it is categorized in the database based on the person's primary concern. Most contacts concern general information. These calls concern understanding the process for eligibility, the timelines for an eligibility determination, and what to do if they are denied eligibility.

The second largest category is Services. These can include questions about availability of services or accessing services.

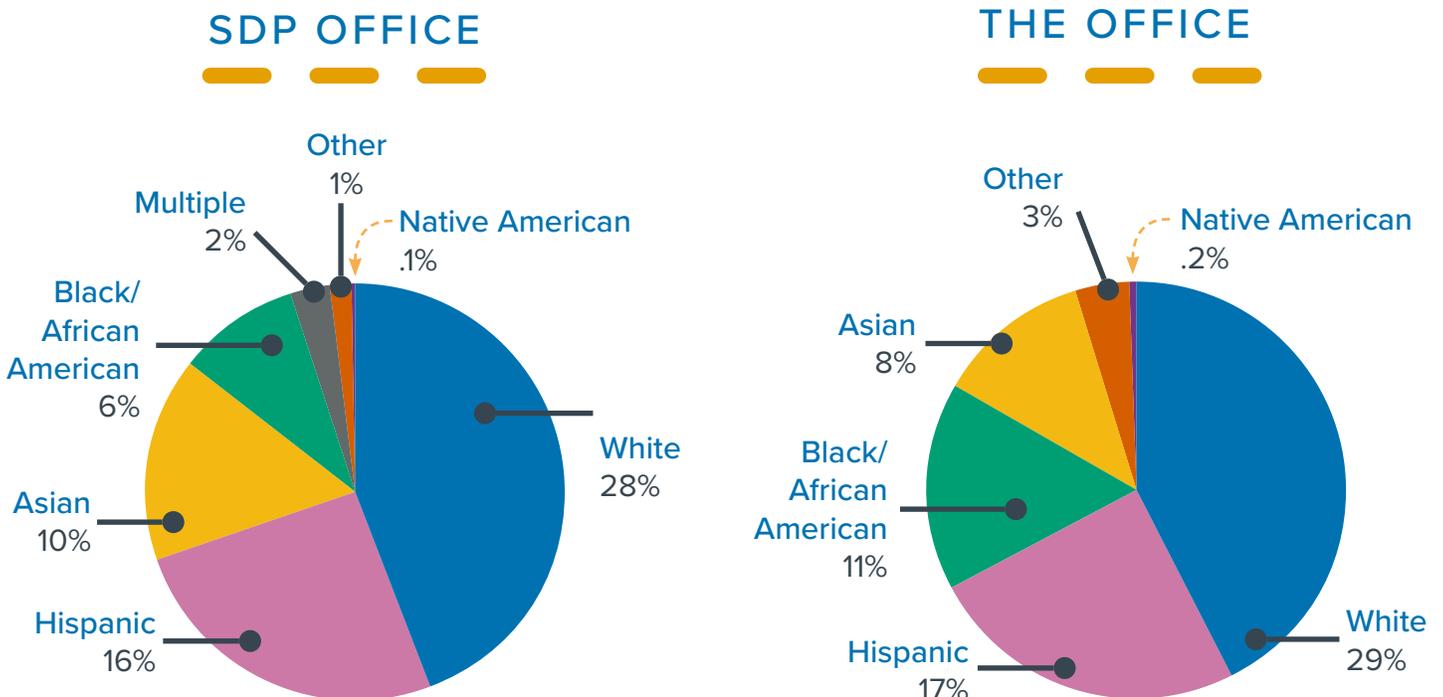
## CONTACTS BY STATUS

The charts below show a breakout of total contacts by open or closed status. When a contact is marked “closed”, this means the question or issue has been addressed. When a contact is marked “open”, this means the appropriate office actively is providing necessary information or support to the requestor. For both offices, almost all the contacts through June 30, 2024 now are closed.



## CONTACTS BY RACE

Providing race or ethnicity information is optional when contacting the offices. The chart below shows the percentage share of each race for contacts that chose to report this information. Race was not reported for **37%** of SDP Office contacts and **30%** of Office contacts.

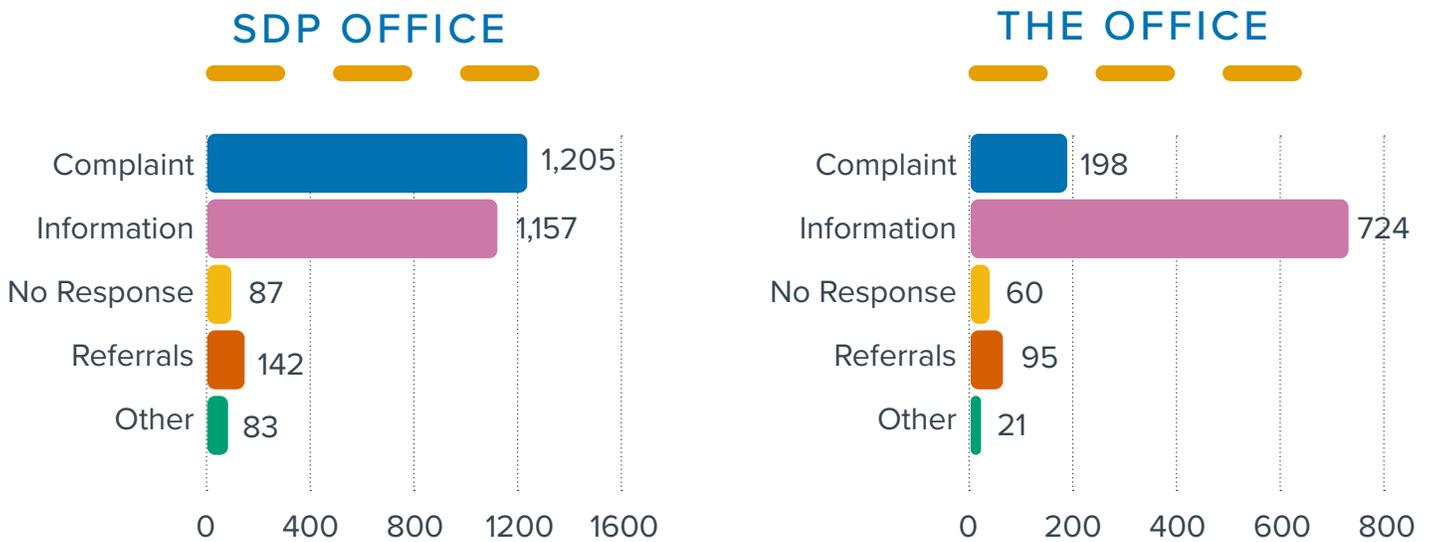


## CLOSED CONTACTS BY RESOLUTION CODE

When a contact is closed, it is considered resolved under one of the following resolution codes:

- **Information:** The person was provided with information to answer a question and/or clarify how to access a resource.
- **Complaint:** The person reached out regarding an unresolved issue or an issue resolved unsatisfactorily. The offices may have connected the person to other parties involved to resolve the issue or may have simply tracked that the issue occurred.
- **Referral:** The person was referred to a more appropriate entity for information or conflict resolution.
- **Other:** The contact was not resolved under any of the resolution codes above.
- **No Response:** The person did not respond to three outreach attempts by the Offices.

The charts below show the total contacts closed by resolution code.



## COMMUNITY OUTREACH & ASSISTANCE

Both Offices are active partners in the intellectual and developmental disability community and have participated in over **160** outreach events throughout the State since opening. This includes participation in meetings, conferences, presentations, or trainings for groups such as, but not limited to:

- Parent and Family Support Groups
- Advocacy and Awareness Groups
- Family Resource Centers
- Independent Facilitators
- Statewide and Local Advisory Committees
- The Association of Regional Center Agencies
- Regional Centers
- Participant Choice Specialists
- The State Council on Developmental Disabilities
- FMS Agencies
- The Department of Developmental Services

The Offices coordinate meetings with community groups and stakeholders to gather feedback on lived experiences, identify areas for continued improvement, and collaborate on solutions to common issues. These outreach efforts are key in informing the recommendations the Offices present to the Department and the Legislature to inform policies and changes to improve the SDP and Lanterman Act.



# POSITIVE OUTCOMES



*“All of our providers have been paid and we finally can close out [the year]... Thank you for working hand-in-hand with us all to remedy this matter.”*

## MISSING PAYMENTS IN THE SELF-DETERMINATION PROGRAM

A parent reached out to the SDP Office to report 3 months of missing payments to the communication support. The parent requested to reallocate funds to communication support on the spending plan to ensure her vendor could be paid. She couldn't get confirmation from the regional center that the [spending plan](#) change has been completed nor was she able to get a response from the [financial management services \(FMS\)](#) vendor regarding the missing payments. The Office suggested she send one more email and add the Office to it. She did. The FMS vendor replied to the parent and worked with the regional center to ensure the authorization was updated and the communication support was paid.

## COMMUNICATION IN THE PREFERRED LANGUAGE

A Spanish-speaking parent reached out to the SDP Office because she did not have a budget from the regional center despite her requests. She wanted to start making the spending plan to transition her child into the Self Determination Program. The parent forwarded a series of emails written in English to the Office. SDP Office staff translated the emails into Spanish for the family. The SDP Office, with permission of the family, requested the regional center correspond in Spanish in the future. SDP Office staff then helped the family understand the initial budget and the next steps to take.

## BACKGROUND CHECK EXEMPTION

The SDP Office received an urgent email just before a long weekend. The person was concerned because their worker had been suspended when they were arrested. Staff who provide direct personal services must pass a [background check](#) before they can provide services in SDP. If the worker is subsequently arrested the clearance is revoked and they cannot work until it is resolved. In this case, the worker was not charged with a crime following their arrest. They had submitted documentation to have their clearance reinstated. With a holiday weekend coming up, they were eagerly awaiting a response because they did not have a backup worker for the weekend. The SDP Office reached out to DDS' Office of Protective Services who were able to expedite the clearance request and get the employee reinstated in time for the long weekend.



*“The information [provided by the Office] is golden...”*



## LEARNED ABOUT REGIONAL CENTER SERVICE

A family contacted the SDP Office to inquire about services in Self-Determination. The family had just finished Orientation and weren't sure of the next step. Through discussion, the staff member realized that the client was only receiving a day program from the regional center. It was also determined that the family didn't know about the In-Home Supportive Services (IHSS) Program. The staff member had them go to the regional center website while on the phone. Together they navigated the page and learned about services such as Respite, Personal Attendant, and Independent Living Services. They also looked at the local parent support groups available at that regional center. They also went on the SDP page to view the information about the next Local Volunteer Advisory Committee meeting. They also looked at the IHSS page to show the parents how to apply. Lastly, they went on the DDS webpage to look at service definitions and codes in SDP. The family was then ready to access additional services in the traditional system and possible SDP in the future.

## BACK TO DAY PROGRAM TO SEE THEIR FRIENDS

When the pandemic restrictions started to lift, many individuals went back to their [day program](#) in-person instead of continuing hybrid virtual programs, except for this family who contacted the Office. The individual wanted to go back to full-time at their day program not just the 3 days they were attending. The parent also was concerned that the day program was requiring their adult child to use his wheelchair, not his walker. Not using the walker daily had inhibited both their interest in using it and their abilities overall.

The Office reached out to the Service Coordinator to inquire about the status of increasing the individual's attendance to full-time, 5 days per week again. The Service Coordinator shared that one barrier was the lack of staff at the program to achieve the needed staffing ratio. The Service Coordinator also shared that the wheelchair was being used for fall prevention and with increasing the staff, there could be more support in the future for using the walker. An IPP meeting occurred, and the parent was happy to report that the day program would be available 4 days per week, then would progress to 5 days per week the next month. The individual is very happy to be able to see their day program friends again.



*“I wanted to express my heartfelt appreciation for your invaluable assistance. Without your input, I would not have made the significant progress I have achieved. Thank you very much for your time and advice.”*

## ACCESSING APPEAL RIGHTS

A monolingual Spanish-speaking family contacted the Office requesting information on how to appeal a service denial. The family shared that they had not received a Notice of Action (NOA) but were informed about the denial through a phone call with the Service Coordinator. The Service Coordinator sent an [appeal information packet](#) through email but no NOA explaining the reason for the denial. Furthermore, the family called the Service Coordinator several times and was not receiving any information. The Office shared information about the appeal process with the family and explained they could appeal without an NOA through the [online appeal form](#). The parent requested printed information from the Office to read. The parent was pleased with receiving printed information on Appeal Rights, Appeals Timeline Information, and also the form to file a [4731 Complaint](#) about not receiving an NOA.

## REGIONAL CENTER ELIGIBILITY

A parent contacted the Office early in July to learn about their Regional Center's intake process. The parent explained she started the [intake process](#) for her child back in November of the year prior and had not received any notification about whether he was eligible or ineligible for regional center services. The parent stated she was not upset, rather she just wanted to know the status of his application and if any additional assessments were required or if he is eligible. The Office reached out to the Regional Center to inquire on the status of the application. The Regional Center confirmed they received the application and were reviewing it to determine eligibility. On July 20th, the Office shared with the family information received from the Regional Center that their son was determined to be eligible, and that a Service Coordinator would be assigned shortly to conduct the [Individual Program Plan](#) meeting. The parent thanked the Office for the good news.

*"I appreciate you reaching out to me with all the information regarding SDP. After speaking with you I want to look into other programs on the vendor list. I also will be looking into finding my daughter another case manager. Once again, I am extremely grateful for your service and your help."*  

# IMPROVEMENTS TO THE SDP

The SDP Office strives to be an effective, accessible, and purposeful part of the successful path forward for the SDP. One of its primary functions is to assist individuals served by regional centers and their families with participation in the SDP and address any issues or barriers they are experiencing. Below are some of the efforts the Office has been closely involved in to improve the participant experience, along with recommendations from the SDP Ombudsperson to the Department to further improve in these areas:

## FMS

### Payments to FMS Agencies

Many participants reported having problems getting timely payments issued by FMS agencies. The SDP Office worked with the Department to increase the frequency with which the regional center reimbursed FMS agencies to create additional cash flow. The Department issued directives requiring regional centers to pay FMS agencies weekly, which can be found at the following links:



[https://www.dds.ca.gov/wp-content/uploads/2022/09/Self\\_Determination\\_Program\\_FMS\\_Services\\_Payments\\_Notifications\\_09122022.pdf](https://www.dds.ca.gov/wp-content/uploads/2022/09/Self_Determination_Program_FMS_Services_Payments_Notifications_09122022.pdf)



<https://www.dds.ca.gov/wp-content/uploads/2023/10/Self-Determination-Program-Financial-Management-Services-Payments.pdf>



[https://www.dds.ca.gov/wp-content/uploads/2024/12/SDP\\_FinancialManagementServicesPayments.pdf](https://www.dds.ca.gov/wp-content/uploads/2024/12/SDP_FinancialManagementServicesPayments.pdf)

During the COVID-19 pandemic, the FMS fees in the participant's budget could be reallocated towards needed services and the regional center would pay the fees outside of the budget. When the State of Emergency ended, this option was no longer available. However, the statute (Welfare and Institutions Code section 4685(c)(1)) was amended to have regional centers pay FMS agency fees outside of the budget permanently. This gave participants additional money to purchase needed goods and services. The Department's directive regarding these changes can be found here



[https://www.dds.ca.gov/wp-content/uploads/2022/07/Regional\\_Center\\_Payment\\_of\\_Financial\\_Management\\_Services\\_for\\_SDP\\_Participants.pdf](https://www.dds.ca.gov/wp-content/uploads/2022/07/Regional_Center_Payment_of_Financial_Management_Services_for_SDP_Participants.pdf)

The SDP Office received concerns related to payments for services and supports, setting up initial services and staff, general availability of FMS agencies, and communication. The SDP Ombudsperson recommended that the Department evaluate monthly rates for FMS agencies. After conducting an evaluation as recommended, the Department revised the FMS rates. More information on these rate revisions can be found in the Department's directive linked here:

 <https://www.dds.ca.gov/wp-content/uploads/2023/04/SDP-FMS-Revised-Rates-FINAL.pdf>

## INDIVIDUAL BUDGETS & SPENDING PLANS

### Continuing the Individual Budget and Spending Plan

Some program participants are faced with an interruption of services moving from one budget year to the next due to disagreements concerning individual budgets/spending plans or scheduling conflicts with the Individualized Program Plan (IPP) team. The SDP Office assisted the Department with the development of a directive that allows the regional center to identify which of two methodologies best fits that participant's situation and to determine whether to extend the existing funds or renew while the existing budget and spending plan is certified:

 [https://www.dds.ca.gov/wp-content/uploads/2023/01/SDP\\_Continuing\\_the\\_Individual\\_Budget\\_12302022.pdf](https://www.dds.ca.gov/wp-content/uploads/2023/01/SDP_Continuing_the_Individual_Budget_12302022.pdf)

### Billing System Improvements and Spending Plan Resources

Due to concerns that the billing system is resulting in errors, delays in financial transactions, and administrative work, and at the recommendation of the SDP Ombudsperson, the Department made backend improvements to the billing system to reduce these issues. These improvements include the ability to: edit the budget end date, invoice beyond 12 months, bulk upload, and mass transfer within UCI numbers. Additionally, the SDP Ombudsperson recommended establishing clear guidelines for the review of spending plans, to reduce confusion about what is allowable and whether services should be purchased based on price versus preference. A spending plan template may be useful for SDP participants to better understand what information regional centers and FMS agencies need to logistically process a spending plan, which the Department is considering.

## REGIONAL CENTERS

### Funding to Support Transitions Into the SDP

The SDP Office learned that participants were experiencing challenges with the person-centered planning process, which led to some participants not having enough funds to support them with the transition into the SDP. To address this issue, the SDP Office assisted with developing a payment structure with caps and guardrails so individuals can receive the support they need when entering the SDP. More information can be found in the the Department's directive linked here:



<https://www.dds.ca.gov/wp-content/uploads/2023/07/Self-Determination-Program-Final-Extension-of-Initial-Person-Centered-Plan-Pre-Enrollment-T.pdf>

### Extension and Development of Standardized Vendorization Packets

The SDP Office presented concerns expressed by independent facilitators and others in the self-determination community regarding the cumbersome process to become a regional center vendor to the Department. In response to these concerns, the Department released a standardized vendorization packet for Self-Directed Supports as a solution:



<https://www.dds.ca.gov/wp-content/uploads/2023/03/SDP-Standardized-Vendorization-Packet-for-Pre-Enrollment-Services.pdf>

In accordance with SB 138 (Chapter 192, Statutes of 2023), the Department is establishing standardized vendorization procedures for other regional center services in the developmental disabilities services system.

### Clarity on Who Can Be a Service Provider

The SDP Office discovered that regional centers and FMS agencies had different viewpoints on who could be a service provider. Some allowed a conservator to be a service provider, while other centers did not. Working with the Department, the frequently asked questions (FAQs) on the website were updated to clarify that a conservator could be a service provider on the spending plan:



<https://www.dds.ca.gov/initiatives/sdp/frequently-asked-questions/>

## LOCAL VOLUNTEER ADVISORY COMMITTEES (LVAC)

### Meeting Structure and Best Practices

The end of the COVID-19 state of emergency meant that the Bagley-Keene Open Meeting Act's in-person meeting requirements resumed. This would have required LVACs to hold meetings in person. The Office worked with the Department to re-analyze whether Bagley-Keene applies to them. The Department released a directive that clarified Bagley-Keene does not apply to LVAC meetings and gave best practices for the committees to follow:



<https://www.dds.ca.gov/wp-content/uploads/2023/07/Self-Determination-Program-Meetings-of-the-Local-Volunteer-Advisory-Committee.pdf>

Of note, SB 143 and SB 544 both were enacted in September 2023, allowing remote meetings to continue even for Bagley-Keene entities, if following specified procedures.

## IMPROVEMENTS TO THE REGIONAL CENTER SYSTEM

### ASSISTANCE FOR INDIVIDUALS CONSERVED BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES

The Department is the conservator for a number of people. An expert panel was convened to review the Department's conservatorship program. The Department delegates its power to the local regional centers for administration of the bulk of the needed decisions. There is a potential conflict of interest in this arrangement. Out of an abundance of concern for the conservatees, the Department asked the Office to visit or arrange visits to each conservatee, itself or by the California Department of Social Services (CDSS) or the California Department of Public Health (CDPH). The Ombudsperson coordinated with other departments and also personally conducted visits. These visits have been completed for all conservatees of the Department, and led to referrals for additional action in 61 situations. The Ombudsperson's visits led to referrals for additional services and supports in 53 instances. Of those, 28 were concerning day activities. This included attending a day program more days per week, changing day programs, or engaging in work activity. The Department now has a contract with Disability Rights California's Office of Client's' Rights Advocacy to visit all new conservatees on an ongoing basis.

## PRIORITIES FOR 2025

In the year ahead, the Offices will continue to prioritize community outreach and engagement, especially to diverse communities, to share information, improve understanding of the service system, and maintain visibility of any issues raised by the community that need to be addressed. The Offices are committed to facilitating both immediate and longer-term solutions to support the individuals and families it serves. The Offices send a feedback survey to all contacts. This survey collects information about the community's experience and satisfaction in contacting the offices so it can best serve them.

The Offices also will be observing hearings for Lanterman Act eligibility and service appeals in order to better support individuals who may have questions or need help with the process in the future, and will provide feedback to the Department regarding the process.

Additionally, the Offices will focus on improving data collection and sharing information on its webpages to provide insight into its community contacts and trends. The interactive data dashboards are at:



<https://www.dds.ca.gov/initiatives/office-of-the-ombudsperson/>

The Offices track data and trends gathered through community contacts to identify issues that may need to be addressed or investigated. The Offices will continue to meet regularly with groups such as FMS agencies, local advisory committees, parent support groups, regional center staff, and participant choice specialist teams to gather feedback, discuss and present issues, and develop best practices or program policies.

