

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

REDWOOD COAST REGIONAL CENTER,

Service Agency.

OAH No. 2016030591

DECISION

Administrative Law Judge David L. Benjamin, State of California, Office of Administrative Hearings, heard this matter telephonically on June 7 and 13, 2016.

Lauren Gardner, Attorney at Law, represented Redwood Coast Regional Center, the service agency (RCRC).

Claimant represented himself.

The record closed and the matter was submitted on June 13, 2016.

ISSUE PRESENTED

Whether RCRC has complied with the Order in OAH Case No. 2015070399, directing RCRC to complete the Supported Living Services standardized assessment questionnaire.

FACTUAL FINDINGS

1. Claimant, a 35-year-old man, is eligible for regional center services due to autism. He lives in his own home and receives supported living services (SLS). There is an individual program plan (IPP) in place that was signed on June 22, 2015.

2. Welfare and Institutions Code section 4689, subdivision (p)(1), states:

To ensure that consumers in or entering into supported living arrangements receive the appropriate amount and type of supports to meet the person's choice and needs as determined by the IPP team, and that generic resources are utilized to the fullest extent possible, the IPP team shall complete a standardized assessment questionnaire at the time of development, review, or modification of a consumer's IPP. The questionnaire shall be used during the individual program plan meetings, in addition to the provider's assessment, to assist in determining whether the services provided or recommended are necessary and sufficient and that the most cost-effective methods of supported living services are utilized. With input from stakeholders, including regional centers, the [Department of Developmental Services] shall develop and post the questionnaire on its Internet Web site, and, by June 30, 2012, shall provide it to the regional centers.

3. The Department of Developmental Services has developed and published a Supported Living Services standardized assessment questionnaire as directed by section 4689, subdivision (p)(1). The questionnaire poses 23 questions, a column in

which to answer each question “yes” or “no,” and a column in which to insert comments regarding each question. After the questions, the questionnaire provides a blank space for “Summary of Recommendation.” The questionnaire does not call for anyone’s signature.

4. In OAH Case No. 2015070399, claimant asserted that when his IPP was completed, RCRC did not complete the standardized assessment questionnaire. RCRC acknowledged that the questionnaire had not been completed, and agreed to complete it when claimant’s IPP was reviewed or modified. Case No. 2015070399 was decided on September 2, 2015, and the following Order was issued:

Claimant’s appeal is granted. RCRC shall complete the standardized assessment questionnaire with respect to claimant’s current IPP, and it shall also complete the assessment in the future whenever claimant’s IPP is reviewed or modified.

5. In his March 14, 2016, request for hearing, claimant asserts that RCRC has not complied with this order, and seeks an order directing RCRC to “complete the assessment properly and in conjunction to the SLS comprehensive assessment.”

6. Rob Enge is a Senior Service Coordinator for RCRC, and the team leader of the regional center’s adult unit. Enge is claimant’s service coordinator.

7. At the end of 2015, Enge began a review of claimant’s IPP. In the six months since then, he has exchanged numerous emails with claimant, spoken to him on the telephone, and met with claimant and his SLS service provider, Dan White, in a face-to-face meeting. Claimant prefers to communicate via email, an arrangement that Enge has found to work well.

8. When he first began the IPP review, Enge obtained a copy of the standardized assessment questionnaire from the department website and prepared draft answers and comments for claimant's review. Enge and claimant have exchanged drafts of the questionnaire by email many times. Enge also brought the questionnaire to a face-to-face meeting with claimant and White in March 2016, and to a full IPP team meeting in April 2016. Claimant has commented on the questionnaire, and continues to comment on it, and Enge has taken claimant's comments into account. For example, question 4 asks, "Does the individual require the personal care, transfers, toileting, and/or feeding as detailed in the support plan?" Under "Comments," Enge wrote "Most provided by natural support (girlfriend). SLS assists with prompts for dental care." Recently, claimant informed Enge that SLS did not provide him with prompts for dental care, so Enge removed that entry. RCRC has used the questionnaire in the course of its review of claimant's IPP, and has produced a draft IPP for claimant's review.

9. RCRC has completed the standardized assessment questionnaire and is using it in its review of claimant's IPP, as it is required to do by the Order in OAH Case No. 2015070399.

10. Claimant's arguments are not entirely clear. He appears to argue that RCRC has never completed the standardized questionnaire, because he has never signed it. The questionnaire, however, does not call for signatures: the statute requires the regional center to complete the questionnaire and to use it to assist in determining whether recommended SLS services are necessary, sufficient, and cost-effective. RCRC has done that. Claimant also appears to argue that RCRC has not completed the questionnaire, because only recently the regional center removed a comment concerning the use of SLS to provide him with prompts for dental care. RCRC, however, removed that comment at claimant's request; RCRC did not fail to complete the questionnaire.

LEGAL CONCLUSION

The evidence does not establish that RCRC has failed to comply with the September 2, 2015 Order in OAH Case No. 2015070399.

ORDER

Claimant's request for an order directing Redwood Coast Regional Center to complete the Supported Living Services standardized assessment questionnaire is denied.

DATED: June 20, 2016

DAVID L. BENJAMIN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Judicial review of this decision may be sought in a court of competent jurisdiction within 90 days.