

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

GOLDEN GATE REGIONAL CENTER,

Service Agency.

OAH No. 2017080054

DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on September 14, 2017, in San Mateo, California.

Claimant was represented by her mother. Claimant did not attend the hearing.

Lisa Rosene, Director, Regional Center Services, represented the Golden Gate Regional Center (GGRC), the service agency.

The record was left open until September 26, 2017, for the submission of closing written arguments. Claimant's written argument was received into evidence as exhibit B. GGRC's written argument was received into evidence as exhibit 9.

The record closed and the matter was submitted for decision on September 26, 2017.

ISSUE

Whether GGRC has failed to provide appropriate information regarding "Public Partnership"?

## FACTUAL FINDINGS

1. Claimant is a young adult who lives with her family. Claimant is a GGRC client based on a diagnosis of autism. Claimant's current social worker is Julie Gin.

2. Claimant is receiving services pursuant to a person-centered individual program plan (IPP) dated February 6, 2015. Annual reviews were performed in 2016 and 2017. Pursuant to an addendum created after the 2017 annual review, claimant is to receive transportation services. GGRC is to work with claimant's family to secure transportation services for claimant, including reimbursement to the family for transportation costs to drive claimant to programs and activities.

3. Prior to 2012, reimbursement for transportation was funded directly by GGRC. Due to changes in the law, reimbursement for transportation is now managed by Public Partnerships, LLC (PPL). PPL is a nationwide entity that performs fiscal management services for a number of agencies, including GGRC. There is a multi-step process for families to sign up with PPL for transportation reimbursement. First, a "worker application" form must be submitted with information regarding the individual who will be providing the transportation services. Second, a multi-page "transportation packet" must be submitted by the consumer's family, along with supporting documents.

4. PPL sent a blank worker application form to claimant's mother. Claimant's mother returned the form on February 10, 2017, but claimant's mother mistakenly wrote her date of birth as "2-07-17", the date she filled out the application. Because of this error, PPL could not process the form. PPL attempted to contact claimant's mother but was unsuccessful. In May 2017, claimant's mother contacted Gin and stated that she had attempted to sign up with PPL over the phone, but was told that because she is claimant's conservator, she could not sign up as both the employer and worker for PPL. Gin called PPL and determined that there was no impediment to claimant's mother signing up as both the employer and worker. Ultimately, Gin provided the correct date

of birth for claimant's mother, and PPL sent claimant's mother the transportation packet on July 20, 2017. As of the date of the hearing, claimant's mother had not returned this packet to PPL, and has not been receiving reimbursement for transportation.

5. GGRC is willing and eager to fund transportation expenses and is willing and eager to assist claimant's family in filling out the necessary paperwork. Gin acknowledged that the PPL application is "cumbersome," but she noted that other families have been able to complete it.

6. On July 31, 2017, GGRC received a Fair Hearing Request from claimant's mother, submitted on claimant's behalf. The Fair Hearing Request states the issue as: Whether GGRC failed to provide appropriate information regarding "Public Partnership", the vendor chosen by GGRC to provide transportation services, agreed on claimant's IPP addendum dated March 16, 2017. Claimant's mother asserted in the Fair Hearing Request that she had sent documents to PPL multiple times and had left multiple phone messages, and that she had "tried to obtain information about 'Public Partnership' from GGRC. No additional info to this day."

Claimant asked for the following resolution, "GGRC to provide accurate information re: transportation services/vendor."

7. In relation to the Fair Hearing Request, claimant served two subpoenas duces tecum on GGRC. One subpoena requested, "1) Vendor application of 'Public Partnerships, LLC.' 2) Vendorized authorization letter from GGRC, sent to 'Public Partnerships LLC.' The other subpoena requested, "1) Vendor application & letter of vendorization for 'Public Partnerships LLC' 2) Name of Director of 'Public Partnerships LLC.'" GGRC sent responsive documents on September 7, 2017. At the hearing, claimant's mother asserted that the documents had not been received. GGRC provided the documents to claimant's mother at the hearing, and these documents were also

entered into evidence as exhibit 8. These documents include PPL's vendor application, the provider agreement with PPL, ownership information, and the name of the director.

8. In her closing written argument, claimant contends that GGRC "retaliated against Claimant by playing dumb; denying and delaying services; even attempted to deceive Claimant at the beginning of this Fair Hearing ... GGRC failed to provide appropriate information regarding 'Public Partnership' (PPL) the vendor chosen by GGRC to provide transportation services, agreed on Claimant's IPP addendum dated March 16, 2017."

## LEGAL CONCLUSIONS

1. Claimant cites to Welfare and Institutions Code section 4629.5, which provides:

- (a) In addition to the requirements set forth in Section 4629, the department's contract with a regional center shall require the regional center to adopt, maintain, and post on its Internet Web site a board-approved policy regarding transparency and access to public information. The transparency and public information policy shall provide for timely public access to information, including, but not limited to, information regarding requests for proposals and contract awards, service provider rates, documentation related to establishment of negotiated rates, audits, and IRS Form 990. The transparency and public information policy shall be in compliance with applicable law relating to the confidentiality of consumer service information and records, including, but not limited to, Section 4514.
- (b) To promote transparency, each regional center shall include on its Internet Web site, as expeditiously as possible, at least all of the following:
  - (1) Regional center annual independent audits.
  - (2) Biannual fiscal audits conducted by the department.

- (3) Regional center annual reports pursuant to Section 4639.5.
- (4) Contract awards, including the organization or entity awarded the contract, and the amount and purpose of the award.
- (5) Purchase of service policies.
- (6) The names, types of service, and contact information of all vendors, except consumers or family members of consumers.
- (7) Board meeting agendas and approved minutes of open meetings of the board and all committees of the board.
- (8) Bylaws of the regional center governing board.
- (9) The annual performance contract and year-end performance contract entered into with the department pursuant to this division.
- (10) The biannual Home and Community-based Services Waiver program review conducted by the department and the State Department of Health Care Services.
- (11) The board-approved transparency and public information policy.
- (12) The board-approved conflict-of-interest policy.
- (13) Reports required pursuant to Section 4639.5.
- (c) The department shall establish and maintain a transparency portal on its Internet Web site that allows consumers, families, advocates, and others to access provider and regional center information. Posted information on the department's Internet Web site transparency portal shall include, but need not be limited to, all of the following:
  - (1) A link to each regional center's Internet Web site information referenced in subdivision (b).
  - (2) Biannual fiscal audits conducted by the department.
  - (3) Vendor audits.

- (4) Biannual Home and Community-based Services Waiver program reviews conducted by the department and the State Department of Health Care Services.
- (5) Biannual targeted case management program and federal nursing home reform program reviews conducted by the department.
- (6) Early Start Program reviews conducted by the department.
- (7) Annual performance contract and year-end performance contract reports.

Claimant failed to explain how she believes GGRC has violated Welfare and Institutions Code section 4629.5. The evidence did not establish that GGRC has violated this statute.

2. The Fair Hearing Request alleges that GGRC has failed to provide requested information regarding PPL. However, no evidence was presented to establish that any request for information was made prior to the filing of the Fair Hearing Request. Subsequent to the scheduling of the hearing in this matter, claimant served two subpoenas duces tecum on GGRC. The requested documents were mailed to claimant, but apparently were not received. The documents were then provided at hearing. Claimant has failed to identify what specific information regarding PPL she has requested that has not been provided.

It was not established that GGRC failed to provide claimant with requested information regarding PPL, the fiscal management service used by GGRC to provide transportation reimbursement.

3. To the extent that claimant contends that GGRC has denied and delayed funding transportation services, this contention is rejected. GGRC has attempted to assist claimant in procuring transportation reimbursement and will begin funding as soon as the appropriate paperwork is submitted and processed by PPL.

## ORDER

Claimant's appeal is denied.

DATED: September 28, 2017

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KAREN REICHMANN

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 ninety (90) days.