

TRANSCRIPTION OF RECORDED MEETING

OF

OFFICE OF ADMINISTRATIVE HEARINGS

DDS ADVISORY COMMITTEE MEETING

APRIL 3, 2024

Committee Members Present:

NINA SPIEGELMAN

MARIA IRIARTE

YULAHLIA HERNANDEZ

DARLINE DUPREE

JENNIFER CUMMINGS

JESSE WELLER

BRIAN WEISEL

RYAN NELSON

OTTO LANA

ANTONY CHARLES MARRON

JESSICA QUESADA

MONICA BECERRA

BENITA SHAW

LILIAN ANSARI

TALEEN KHATCHADOURIAN

OAH Staff Present:

ZACHARY MORAZZINI

BOB VARMA

SUSAN FORMAKER

TZER LOR-SNYDER

MARYJOSEPHINE NORRINGTON

HEATHER ROWAN

SEAN GAVIN

ASL Interpreters:

ARTHUR COSENTINO

RICHARD HAFFNER

Spanish Interpreters:

ALEJANDRA SERRANO

ANAELVIA SANCHEZ

Transcribed by:

SHERRY MAINUS

NCCR

Sacramento, California

The record reflects all relevant statements and conversations occurring during the course of the meeting but is not verbatim. For clarity, superfluous words, phrases, verbal pauses and/or inaudible tones have been eliminated.

APRIL 3, 2024

DIVISION CHIEF ALJ FORMAKER:

Good afternoon, everyone.

INTERPRETER:

[In Spanish]

DIVISION CHIEF ALJ FORMAKER:

So, we'd like one of our Spanish interpreters to please give instructions on how to access the Spanish channel.

INTERPRETER:

[In Spanish].

DIVISION CHIEF ALJ FORMAKER:

Thank you.

INTERPRETER:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

All right, I'm going to share some slides to provide assistance to those who are accessing the meeting. Can you all hear me?

UNIDENTIFIED SPEAKER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

ASL INTERPRETER COSENTINO:

Yes.

CHIEF DEPUTY DIRECTOR CERVINKA:

Judge Formaker, can I stop you for a second?

DIVISION CHIEF ALJ FORMAKER:

Yes.

CHIEF DEPUTY DIRECTOR CERVINKA:

There is a message in the chat that somebody is hearing Spanish in the English-channel. And now my chat, of course, went away. So, I just wanted to alert our folks to that.

DIVISION CHIEF ALJ FORMAKER:

Is that still occurring?

CHIEF DEPUTY DIRECTOR CERVINKA:

They said they're still hearing Spanish in the English-channel.

ASL INTERPRETER COSENTINO:

Yes, when I clicked on -- the interpreter here. When I clicked on the English-channel I heard the Spanish interpreter voicing.

And so, when I went back to the original audio, I'm not able to hear the Spanish interpreter any longer and only hear English.

DIVISION CHIEF ALJ FORMAKER:

Okay.

CHIEF DEPUTY DIRECTOR CERVINKA:

Okay, thank you so much.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. So, for those who are listening and speaking in Spanish -- in English, I'm sorry, please click on the little globe. And make sure you are not in the English or Spanish channel.

All right, so I'm showing a slide. We have shown how to access the Spanish channel. Again, you would click on the little globe and choose Spanish. We do have ASL interpreters. They will be spotlighted. And they will be alternating between themselves in order to ensure that they can keep up the interpretation.

If you are speaking, please try to speak slowly so that the interpreters can get everything down. As I indicated at the outset, this meeting is being recorded.

Advisory Committee meeting materials are --

UNIDENTIFIED SPEAKER:

Susan, we're not hearing you.

COMMITTEE MEMBER B. SHAW:

Susan, we're not hearing you. I'm hearing all -- my whole thing is in Spanish.

DIVISION CHIEF ALJ FORMAKER:

Okay, you should --

COMMITTEE MEMBER B. SHAW:

I cannot hear you at all, Susan.

DIVISION CHIEF ALJ FORMAKER:

Okay.

UNIDENTIFIED SPEAKER:

And we don't hear the translation.

COMMITTEE MEMBER B. SHAW:

When I clicked on the interpretation, I clicked English. And my interpretation is all Spanish. This is Benita Shaw.

UNIDENTIFIED SPEAKER:

And when you go to Spanish there's nothing.

MS. LOR-SNYDER:

So, Spanish interpreters, you should be in the Spanish channel if -- and everyone else should be in the English-channel. Please make sure you hit the mute original audio so that you do not hear the feed -- the feedback.

CHIEF DEPUTY DIRECTOR CERVINKA:

Judge Formaker, did you want to test it out and see if everybody can --

DIVISION CHIEF ALJ FORMAKER:

Yes.

CHIEF DEPUTY DIRECTOR CERVINKA:

-- hear the proper channel?

DIVISION CHIEF ALJ FORMAKER:

Yes. Hang on one moment, please.

COMMITTEE MEMBER B. SHAW:

Susan, this is Benita. I can hear you, and I do not hear Spanish.

DIVISION CHIEF ALJ FORMAKER:

Okay. Did you change something?

COMMITTEE MEMBER B. SHAW:

No, I did not. Not from the first time I spoke. So, maybe it was the Spanish interpreter that needed to change something. But I did not.

DIVISION CHIEF ALJ FORMAKER:

Okay. So, the Spanish interpreters and those speaking Spanish should be in the Spanish channel.

For those who are not wishing to hear interpretation, they should be in original audio. Is that correct? Can people hear me?

COMMITTEE MEMBER B. SHAW:

Susan, it's Benita Shaw, I can hear you.

UNIDENTIFIED SPEAKER:

Yes.

ASL INTERPRETER CONSENTINO:

I can hear you. This is –

UNIDENTIFIED SPEAKER:

Yes, I can hear you.

DIVISION CHIEF ALJ FORMAKER:

All right.

ASL INTERPRETER CONSENTINO:

-- on the original audio, through the original audio.

DIVISION CHIEF ALJ FORMAKER:

Okay. So, again, if you are speaking or listening in English, click on original audio so that it shows interpretation off.

If you are speaking in Spanish or listening in Spanish, please click on the Spanish channel.

All right, I'm going to share my screen again so we can go back to the Power Point presentation.

I see that Monica Becerra has raised her hand. Ms. Becerra, do you have -- I see a number of raised hands. Are these all with respect to being able to hear or see?

Okay, I'm going to type instructions into the chat to try to help folks. For the public who may be listening, we are providing instructions in the chat to try and ensure that our Committee members can hear and see.

UNIDENTIFIED SPEAKER:

I have a question.

UNIDENTIFIED SPEAKER:

Susan, when we mute the original audio, we can't hear you.

DIVISION CHIEF ALJ FORMAKER:

You should be listening in original audio.

UNIDENTIFIED SPEAKER:

You said to mute original audio, to go to English and mute original audio.

DIVISION CHIEF ALJ FORMAKER:

No, go to original audio.

UNIDENTIFIED SPEAKER:

Then will we be able to hear the Spanish translations into English that way?

DIVISION CHIEF ALJ FORMAKER:

Yes, that's my understanding. Tzer and Maryjosephine is that correct?

MS. LOR-SNYDER:

No, so if you are wanting to listen to the webinar in English, you need to be in the English-channel with the mute original audio --

UNIDENTIFIED SPEAKER:

But if we mute original audio we don't hear Susan at all.

MS. LOR-SNYDER:

Right, because Susan also needs to be in the English-channel.

UNIDENTIFIED SPEAKER:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, that's what I had asked before. I apologize everybody. I am now in the English-channel. Can people hear me? Yes, okay.

I apologize for the confusion. There was -- there were conflicting instructions. Okay, let's get back to the meeting.

ALJ ROWAN:

Susan, before you start again, there's a comment from one of the interpreters wanting to be sure she's heard in the channel.

DIVISION CHIEF ALJ FORMAKER:

In the Spanish channel?

ALJ ROWAN:

She didn't say which channel. But if -- can we make sure that the Spanish interpretation is being heard? Ms. Khatchadourian, you are nodding your head. So, I think we're good. Thanks.

DIVISION CHIEF ALJ FORMAKER:

No, I --

ALJ ROWAN:

Sorry for the interruption.

DIVISION CHIEF ALJ FORMAKER:

-- I cannot hear the Spanish interpreter if she's saying anything in English.

CHIEF DEPUTY DIRECTOR CERVINKA:

No, they're saying

UNIDENTIFIED SPEAKER:

You might want to try that one last thing, is having her translate into English to make sure --

DIVISION CHIEF ALJ FORMAKER:

Correct.

UNIDENTIFIED SPEAKER:

-- the rest of us can hear her.

DIVISION CHIEF ALJ FORMAKER:

Yes. Okay.

UNIDENTIFIED SPEAKER:

We hear you in the English-channel right now. And if you go back to the Spanish I'll click over and check. Yes, we hear you.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. I think we've got it all set now. Thank you all.

I'm going to go ahead and share my screen again. All right, can you see that?

MS. LOR-SNYDER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right, as I was saying, we now -- we've gone through the interpretation feature. We've got the ASL interpreters spotlighted.

As I indicated before, this meeting is being recorded. All the Advisory Committee materials are available on the OAH website.

And I've put here the OAH website location where all of those materials are available. This was also listed on the publicly available agenda.

Now, for the Advisory Committee, when you are providing comments, you need to click on the raise hand to comment. You'll be called on in order. You should state your name.

And everyone, all Committee members, must have their cameras on throughout the meeting. That is different from our last set of instructions.

Under the amendments to the Bagley-Keene Act that were effective as of January 1st, all Advisory Committee members must keep their cameras on throughout the public meeting, unless they are having technical difficulties that make it impossible.

If it becomes impossible for you to keep your camera on, you need to let us know so that we can let the public know.

But again, you'll need to keep your cameras on throughout the public meeting, those of you who are on the Committee. Okay?

In terms of chat, we are only going to be using chat for an accommodation. We have one multimodality communicator. And he will be typing his comments into the chat. And then they will be read aloud.

The other reason we'll be using chat is, as we've seen during the course of this meeting, if there are issues with technology and you cannot be heard.

The other use of the chat will be if we receive public comments from a Spanish speaker. Those comments will be put into the chat so that our Spanish interpreters can then interpret them into English for our English speakers and for the public.

Depending on your version of Zoom, you may need to click on participants. And a new window will open where you can raise your hand.

Now, for public comment, and this is also a little bit different than our last meeting. For public comment that is spoken, you should unmute your mic only when it's your turn to speak during the public comment periods.

And you will raise your hand in order to show that you wish to speak. You'll be called on in order of the raised hands.

Again, the features will vary depending on your version of Zoom and the device you're using. Some Zoom features are not available for telephone only participants.

Telephone only participants can raise and lower their hands by pressing star-nine [*9] on their phone keypads. Telephone only participants can unmute themselves after they've been called on by pressing star-six [*6] on their phone keypads.

Each person's public comment will be limited to three minutes per agenda item, whether spoken or if written when read aloud. People communicating through interpreters will be given extra time.

Now, here's the difference from last time. Last time, we had enabled the Q and A function. That resulted in a lot of back and forth that created some issues under the Bagley-Keene Open Meetings Act.

So, for written public comment, members of the public should email any written public comment to the following email address, oahacomment@dgsc.ca.gov. Those written comments will then be read during the public comment period.

That is not for Advisory Committee members. It's only for written comments from the public.

So, this is what we've done so far on the agenda. We've explained the interpretation feature. And we've gotten the interpretation feature ironed out.

We've discussed ASL interpretation. And now I would like to introduce our interpreters.

Our Spanish interpreters today are Alejandra Serrano and Anaelvia Sanchez. Our ASL interpreters are Arthur Cosentino and Richard Haffner.

Thank you so much to our interpreters. It takes a lot of patience and a lot of work to do interpretation. And we really appreciate all your work.

As I indicated, this meeting is being recorded through Zoom. At the end of the meeting and before the next meeting, the recording will be posted on the OAH website.

In addition, the recording will be transcribed. And the transcription will be posted on the OAH website.

I did want to mention that we did not receive any requests for interpretation in other languages. And so, the only languages that this meeting will be provided in are English, Spanish, and ASL.

Again, Advisory Committee materials are available on the OAH website at <https://www.dgs.ca.gov/OAH/case-types/general-jurisdiction/services/page-content/general-jurisdiction-services-list-folder/access-dds-advisory-committee-meeting-information>.

So, I'd like to give an overview of the meeting process. As I indicated before, this meeting is subject to the Bagley-Keene Open Meeting Act, which was amended effective January 1st, 2024.

As I said, all Advisory Committee members have to keep their camera on throughout the meeting. If any Advisory Committee member cannot keep their camera on because it's technologically impossible, please let us know immediately so that we could announce that to the public again.

When you are on the Advisory Committee and you are going to be making any comments, please state your name so that that is recorded in the minutes.

In terms of -- I apologize. As we've said before in our other Advisory Committee meetings, the OAH Advisory Committee was created by Welfare and Institutions Code Section 4717.

And the mission of the OAH Advisory Committee is to assist the hearing office by providing non-binding recommendations for improvements to fair hearing and mediation operations. The Committee is required to meet at least two times a year.

One of the things that did change with the 2024 amendments to the Bagley-Keene Act, in addition to the requirement that all of our members keep their cameras on, is that we were required to provide 24-hour notice of all Advisory Committee members who would be participating from remote locations.

If any of our Committee members did not provide a response stating that they would be participating from a remote location, they are able to participate in the meeting not as a member. But rather as a member of the public.

The vast majority of our members did say that they were going to be participating remotely. And when I take a roll call in just a minute, we'll be noting that.

And so, again, in terms of expectations of our Committee members, I want to make sure that everybody understands that when we ask for your RSVP, if you will, as to whether or not you'll be attending, it's because we need to know so that we can provide public notice 24 hours ahead of the meeting.

All right, so what we are going to do next, before we take -- I'm sorry, we're going to go ahead and take roll call. And I will be calling on our Advisory Committee members alphabetically.

ALJ ROWAN:

Susan, let me interrupt real quick. When you're not using the slides actively, could you please bring them down so that the --

DIVISION CHIEF ALJ FORMAKER:

Yes.

ALJ ROWAN:

-- ASL interpreter is more prominent. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right, I'm going to take roll call. And I'm going to start with Lillian Ansari. Can you please unmute yourself and say here if you're here?

COMMITTEE MEMBER ANSARI:

I'm here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Monica Becerra, can you please say if you're here? Unmute yourself. Okay, I am not hearing that Monica Becerra is here.

ALJ ROWAN:

Ms. Becerra has her hand raised.

DIVISION CHIEF ALJ FORMAKER:

Okay.

ALJ ROWAN:

Maybe she's having a problem with audio.

DIVISION CHIEF ALJ FORMAKER:

All right, but Ms. Becerra is here. Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Hello, I'm here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Darline Dupree.

COMMITTEE MEMBER DUPREE:

Hello, here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Mr. Gomez, we received notification of his desire to attend remotely after the 24-hour notice of remote attendance was provided.

As a result, Mr. Gomez will only be able to participate as a member of the public. And if he is attending as a member of the public, he will not be counted towards the quorum.

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Yes, I'm here, Yulahlia.

DIVISION CHIEF ALJ FORMAKER:

Thank you, I apologize. Maria Fernanda Iriarte?

COMMITTEE MEMBER IRIARTE:

Good afternoon everyone, here.

DIVISION CHIEF ALJ FORMAKER:

Good afternoon. Sherry Johnson? Sherry Johnson? Okay, Ms. Johnson had indicated that she was attending to appear remotely. But I'm not hearing that she is here.

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Otto Lana? Mr. Lana, can you please type? There you are. Mr. Lana is here.

ALJ ROWAN:

He typed it in the chat.

DIVISION CHIEF ALJ FORMAKER:

Yes, thank you. We received notice from Committee Member Carola Camacho Maranon, that though they intended to participate from a remote location, they no longer could participate today. Antony Marron?

COMMITTEE MEMBER MARRON:

Here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Ryan Nelson? Is Ryan Nelson here?

ALJ ROWAN:

Mr. Nelson?

COMMITTEE MEMBER NELSON:

Here.

ALJ ROWAN:

There he goes.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Jessica Quesada?

COMMITTEE MEMBER QUESADA:

Hi.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Benita Shaw?

COMMITTEE MEMBER B. SHAW:

I'm here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. We did not receive any response from Stacy Shaw.

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Here, I'm here, thanks.

DIVISION CHIEF ALJ FORMAKER:

Thank you. We received a response that Aina Tjauw was not -- was not able to attend. We are hearing some Spanish.

ALJ ROWAN:

I think that the interpreter might not be on the right channel.

SPANISH INTERPRETER SERRANO:

I'm in Spanish right now. Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

SPANISH INTERPRETER SERRANO:

Yeah, I am in Spanish. I don't know what's going on.

DIVISION CHIEF ALJ FORMAKER:

I'm just checking to make sure that you didn't get bumped into a different channel.

SPANISH INTERPRETER SERRANO:

Oh, you know what, I think I got kicked out of the interpreter channel, because I'm just listening in. I'm not assigned to the interpretation. I must've been kicked out.

DIVISION CHIEF ALJ FORMAKER:

Okay. Did you sign in again through the correct --

SPANISH INTERPRETER SERRANO:

Yes, I did. And I was fine when we were doing the checking at the beginning. We did the testing, and everything was fine. So, somehow within the last half an hour I got kicked out. Because I was assigned.

DIVISION CHIEF ALJ FORMAKER:

So, I'm showing both Spanish language interpreters as still being in Spanish. Can you click on your globe and make sure that you're in the Spanish channel?

SPANISH INTERPRETER SERRANO:

I am. But I am in as a listener. Somehow, originally I was a speaker, correct. And when we did the testing everything was fine. And somehow it got transferred to just listening in.

DIVISION CHIEF ALJ FORMAKER:

Okay. Why don't -- why don't you leave the Zoom meeting and join in the --

SPANISH INTERPRETER SERRANO:

Email.

DIVISION CHIEF ALJ FORMAKER:

-- in your invitation, yeah.

SPANISH INTERPRETER SERRANO:

Okay. I'll do that again.

DIVISION CHIEF ALJ FORMAKER:

Okay, we're going to take a pause so that one of our Spanish language interpreters can get back into the meeting. She appears to have been bumped out of the meeting. Yes.

SPANISH INTERPRETER SERRANO:

Hello, I just joined in. Perfect, I can go back to Spanish. Testing, 1, 2, 3, Spanish. I got out and joined, and it came out to go to the interpreters channel. And for some reason my interpreter -- it's off. I'm just in the listening. Can you hear me? I'm in Spanish right now.

DIVISION CHIEF ALJ FORMAKER:

Yeah, I'm hearing that the Spanish interpreter who was speaking, even though she's supposed to be in the Spanish channel.

CHIEF DEPUTY DIRECTOR CERVINKA:

Click on the mute or unmute original audio in the Spanish channel for the Spanish interpreter.

SPANISH INTERPRETER SERRANO:

I was unable to hear what they said.

DIVISION CHIEF ALJ FORMAKER:

I'm going to go into the original audio for you and then click into Spanish. And then I'm going to click myself into English.

Okay, did that fix it for the Spanish interpreter?

SPANISH INTERPRETER SERRANO:

I believe not. I'm still -- it seems like I'm not assigned to the interpretation. I'm just listening.

MS. LOR-SNYDER:

Susan, you may have to reassign her since she left and came back.

DIVISION CHIEF ALJ FORMAKER:

Which I did. Let me see if I have to do it again.

UNIDENTIFIED SPEAKER:

Yeah, it doesn't show.

DIVISION CHIEF ALJ FORMAKER:

So, I'm showing as both interpreters being in Spanish.

SPANISH INTERPRETER SERRANO:

I'm just in as a listener, not as an interpreter assigned.

DIVISION CHIEF ALJ FORMAKER:

Okay, I'm going to go --

COMMITTEE MEMBER SPIEGELMAN:

Wait, Susan, this is Nina Spiegelman from DVU. I just wanted to pass on that in webinars and events that we have interpretation, and we have a lot of them, you -- I think you can't assign an interpreter once the meeting has been done.

So, there might be some limitations there or another -- a way to do work around. But I know that has been an issue. So, I just --

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER SPIEGELMAN:

-- wanted to share that.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Let me try and mute the original audio and make sure that both of the Spanish interpreters are assigned as Spanish interpreters and have them switch to the Spanish channel. And then we'll go back.

All right, has that worked?

SPANISH INTERPRETER SERRANO:

I believe not. I'm still as listening in.

MS. LOR-SNYDER:

Susan, do you want to go ahead and give me the host rights. And then I can return them to you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. We're pausing, everyone, to try and get this fixed. We may be having more audio issues because of the need to keep more cameras on.

MS. LOR-SNYDER:

Alejandra, can you test now, do you have the toggle options as an interpreter? Okay, I'm in Spanish, and I hear you as well. Thank you. Okay, we are all set.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. I did want to note, Jessica Quesada, you need to keep your camera on, unless you are unable to use a camera. It does look like we've got the Spanish channels working again. Tzer can you make me a host?

MS. LOR-SNYDER:

Yes. Susan, you're now the host, you'll just have to give me co-host rights again.

DIVISION CHIEF ALJ FORMAKER:

Yeah, okay. All right, I was taking roll. We were almost done. All right, Brian Weisel.

COMMITTEE MEMBER WEISEL:

Yes, here.

DIVISION CHIEF ALJ FORMAKER:

Good afternoon. Jesse Weller?

COMMITTEE MEMBER WELLER:

Good afternoon, here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And Sylvia Yeh did not provide any response regarding her attendance. We do have a quorum. And so, we can proceed.

All right, moving on to the next agenda item. I've already been speaking about the expectations of members. We already discussed some of the changes on the Open Meeting Act.

So, we have a few announcements. First of all, we wanted to announce, and we've been given permission to do so, that Mr. Weisel is going to be joining OAH as an Administrative Law Judge in June. And we are excited to have him join us.

And so, the State Council on Developmental Disabilities, which is an entity that is required to have representation on our Advisory Committee, will need to appoint a new Advisory Committee member before our next meeting.

OAH also received its annual training by DDS on March 14th. It was a three hour training. And we are very, very happy with the training that they provided. And thank you so much.

Finally, we did also want to let you know that we posted and provided responses to the three recommendations made at the last Advisory Committee meeting.

The first recommendation was that the Advisory Committee meet on a quarterly basis instead of twice each year. And to possibly add another meeting in 2023.

The OAH response was that OAH has added a third meeting to occur in 2024. Scheduling will be revisited for 2025.

The next recommendation, which had been agenda item nine on the last agenda was that information be shared by DDS and/or OAH regarding the changes to the Lanterman Act. Specifically with respect to the appeal process in a form outside of the Advisory Committee meeting, and before the next Advisory Committee meeting.

The OAH response was that DDS has prepared a memorandum, including links to additional information regarding the changes to the Lanterman Act appeal process.

That memorandum was distributed to Advisory Committee members and was -- will be, and now it has, been posted on the OAH website.

The last recommendation from the last meeting was with respect to what was on the agenda as agenda item 10.

The recommendation was that the Advisory Committee receive feedback information or presentations from all community members who are stakeholders in this process with respect to their experiences, recommendations, and perspectives regarding the new appeal process.

The OAH response is that OAH provides hearing and mediation services in Lanterman Act matters. Discussions among Advisory Committee members during Advisory Committee meetings and to the public comment occurring during Advisory Committee meetings provide a way for the Committee to receive feedback and information from the community OAH serves.

All right, before we move on to our substantive items, I would like to belatedly introduce those of us from OAH who are participating in this meeting. As well as to introduce those from DDS who are also watching the meeting.

So, from OAH, may I introduce Zack Morazzini, who is our Director and Chief Administrative Law Judge.

CHIEF ADMINISTRATIVE LAW JUDGE MORAZZINI:

Good afternoon. Thank you, Susan.

DIVISION CHIEF ALJ FORMAKER:

We have our Deputy Director, Bob Varma.

DEPUTY DIRECTOR VARMA:

Good afternoon. Thank you so much.

DIVISION CHIEF ALJ FORMAKER:

And in the interest of time, assisting here today we have Presiding Administrative Law Judge Heather Rowan. We have Administrative Law Judge Sean Gavin.

And we have Maryjosephine Norrington, and Tzer Lor-Snyder. Our two General Jurisdiction Division Associate Governmental Program Analysts, who you may have already seen are indispensable to providing assistance during the course of this meeting.

From OAH, we have Pete Cervinka, Chief Deputy Data Analytics and Strategy. We also have Lawrence Cooper, an Analyst. And we have --

MS. LOR-SNYDER:

Susan, sorry to interrupt. I think you meant from DDS.

DIVISION CHIEF ALJ FORMAKER:

Oh, I'm sorry, I thought I said DDS. So, Pete Cervinka is Chief Deputy Data Analytics and Strategy from DDS. Lawrence Cooper is an Analyst from DDS. Denise Thornquest is the Chief of the Office of Community Appeals and Resolutions.

We have Sandra Sanchez, Manager, also at the Office of Community Appeals and Resolutions. We have Tom Blythe, Manager, also at the Office of Community Appeals and Resolutions.

We have Kayleigh Ross, an Analyst with the Office of Community Appeals and Resolutions. And Mark Teply, an Analyst at the Office of Community Appeals and Resolutions.

We work closely with all of those folks from DDS and meet with them on a constant basis.

All right, so now, we are going to move on to the next agenda item. And I'm going to share my screen so that you can see that agenda item.

ALJ ROWAN:

Susan, Ms. Spiegelman has her hand raised.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. Spiegelman, did you have a question?

COMMITTEE MEMBER SPIEGELMAN:

I did. I didn't know where to raise this. It's really connected with the new amendments to Bagley-Keene that, you know, it got implicated in the 24-hour notice and the notices we got about participating remotely.

I just, in terms of discussing the impact of that and the, you know, the clarity of the notices that we got. I just think, you know, given that for, you know, as an example, Mr. Gomez couldn't participate.

I just wanted to say that in the notices that we did get, it could've -- I could've so very easily, you know, missed the deadline for, you know, for notifying about the -- about participating through Zoom.

And I was -- I had thought to myself, wow, this could -- this could be quite confusing. So, I just wanted to put in a plug or ask about, you know, any efforts that might be in the works for maybe making like a complete separate standalone notice to be very, very clear about, you know, participating remotely, and the time, the deadline.

And maybe having, right at the end, a reminder go out just saying, if you don't like click on this right now saying you're, you know, you're going to be participating remotely, you will not be able to participate as a panelist.

I just feel strongly that so much -- I mean, the, you know, community involvement and engagement is so strong. But often, you know, those types of notices can -- just it's easy to get confused by them. It's easy to, you know, kind of, you know, not understand fully the process.

So, I know how much you have going on. I so much appreciate all the effort. But I just wanted to put in a plug for that. So, thanks.

DIVISION CHIEF ALJ FORMAKER:

Yeah, and I just -- I did want to mention, we did send out a number of reminders. And if people had said that they were going to be attending remotely we didn't send those additional reminders to them.

But we were providing a number of reminders for people to respond. And, you know, we'll continue to do that. And we also provided information about the changes to the Bagley-Keene Act to the Committee Members well ahead of the meeting so that folks would understand what's going on.

But I do understand Bagley-Keene is complicated.

So, I'm going to go ahead and share my screen so that folks can just see the next agenda item. And then I will take it down so that the ASL interpreters can be seen.

So, the next substantive agenda item is item number nine. And I did want to mention that the agenda that was sent to our Committee members listed this as item number 10.

When the agenda was transferred into an accessible format for posting on the internet website, it -- something happened with the numbering. And so, all of the substantive information is the same. The numbering is a little different.

And so, we are using the numbering that was provided on the notice that was posted on the website.

So, item number nine is whether the Advisory Committee should recommend that there be a way for community members to provide feedback to the Office of Administrative Hearings about their experiences in the mediation and hearing process.

Did any Committee members wish to discuss this item? Okay, I see Ms. Iriarte.

COMMITTEE MEMBER IRIARTE:

Yeah, I think -- hi. I think for the benefit of everyone here, it would be important to know in what ways currently can community members provide feedback to OAH about their experiences in the mediation and hearing process.

DIVISION CHIEF ALJ FORMAKER:

So, briefly, people who are involved in hearings and mediations are able to complete surveys. Very few of those surveys are typically being completed and returned.

That is the most direct way that we get those kinds of feedback. Otherwise, we've got this Committee. And there may be other ways of communicating with the Department of Developmental Services.

But that is -- the surveys are the primary way of our getting any kind of feedback.

Are there other comments or?

COMMITTEE MEMBER HERNANDEZ:

I'm not sure if I was next or if Jesse was next.

ALJ ROWAN:

We've got a couple of hands raised.

COMMITTEE MEMBER HERNANDEZ:

Yeah, so this is Yulahlia Hernandez. And I wanted to follow up a little bit on Maria's questions.

How are the surveys provided to families? When are they provided to families? And could the Committee get a copy of the surveys so we could see them?

DIVISION CHIEF ALJ FORMAKER:

So, I'm going to let the Department of Developmental Services respond on this. Because it is the Department of Developmental Services that is providing those surveys.

CHIEF DEPUTY DIRECTOR CERVINKA:

Hi, thanks Susan. It's Pete Cervinka from the Department. We are happy to make copies of those surveys available. Sandra, volume down. Sorry, technical things on our side.

We're happy to make copies of those surveys available, blank for people. They are issued to people on an individual basis upon completion of their appeal request

and their versions for the informal hearing, the mediation, and the hearing. It steps up the process depending on where the matter concluded.

We are working to automate those surveys so that they will come electronically when the matter is closed.

At the moment, we've ceased mailing hardcopies until we're able to do that. But we hope to have that done in the next couple of months.

COMMITTEE MEMBER HERNANDEZ:

So just, so it sounds like at this time there's no surveys -- there's no surveys being sent out until the electronic surveys are available?

CHIEF DEPUTY DIRECTOR CERVINKA:

We can make them available after the meeting. We'll talk with OAH about the best way to circulate those to the members and the public.

COMMITTEE MEMBER HERNANDEZ:

I just -- I think I'm not -- I wasn't being clear, Pete. But for people currently going through the appeal process. They're not getting surveys right now until you -- until DDS has the electronic surveys?

CHIEF DEPUTY DIRECTOR CERVINKA:

That is correct.

COMMITTEE MEMBER HERNANDEZ:

And will DDS be kind of backfilling the surveys? Like sending it to all the folks who are going through hearing now and didn't get a survey? Is there a way to track that so that they can get a survey even if it's months later down the line?

CHIEF DEPUTY DIRECTOR CERVINKA:

We intend to do the surveys on a sampling basis, not 100 percent sample basis. Of the several hundred that we send out, we got a very low return rate back up to this point.

And given the level of manual effort involved, we've ceased that collection until an automated solution can be found for that.

COMMITTEE MEMBER HERNANDEZ:

Okay.

DIVISION CHIEF ALJ FORMAKER:

And Otto Lana typed --

CHIEF DEPUTY DIRECTOR CERVINKA:

We don't (inaudible) backwards to be explicit in answering your question.

DIVISION CHIEF ALJ FORMAKER:

Yeah, and Otto Lana asks, is there access to surveys on the DDS website? I don't know the answer to that question.

As I understand it, the surveys, as I understand it from Pete's response, the surveys are in the process of getting automated. And so, we will communicate with DDS about the best way to provide access to the surveys as they are currently in existence.

As I indicated before, the response rate has been exceedingly low.

All right, it looks like -- Ms. Hernandez, are you done with your question? Yes, okay.

Next, we have Jesse Weller. Please unmute yourself. Thank you.

COMMITTEE MEMBER WELLER:

Good afternoon. I think I was reflecting on the question around how the community can give feedback. I think some of the challenges here is that we've learned a lot of valuable lessons from working with different communities that this type of structure isn't effective for some communities. Which is the webinar format. Which is kind of showing up not being able to actively participate in those conversations through either chat, through providing feedback. Or through even being able to speak or to provide information in multiple ways, depending on somebody's comfort level.

And so, with that said, I understand the Bagley-Keene requirements. Since I understand how those lessons that we've learned and this isn't really matching up.

So, I think the question that we should be thinking about is what kinds of platforms and venues do we have where the community who have been impacted or had experiences can feel that they're part of the conversation. Because the feedback

that we often hear is that it doesn't feel good showing up and just listening to conversations being held about them or about their experiences.

And so, I'm trying to find a bridge between both worlds. And I think the surveys are important. I'm glad that we're having a conversation about surveys.

And I wonder if some of the conversation could be focused on what solutions are there, staying with the framework of Bagley-Keene and make sure that there's full compliance?

And also how do we engage the community where they feel that they actually can provide input in different ways and different mechanisms that work for people?

So, I think we can kind of think about that, focus groups or thinking of what happens where people have a digital divide that won't have access to surveys? Are we going to reach those individuals.

So, under a subcommittee that can do work with half of the group, I don't know what that criteria looks like.

So, anyways, I'll summarize, just thinking of different ways that we can build a bridge between the community who are here taking the time to listen, provide feedback, and for us as a Committee to do the work that we need to do with all of the requirements.

That's what I was thinking about. So, thank you for letting me speak.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Mr. Weller. Okay, Ms. Spiegelman.

COMMITTEE MEMBER SPIEGELMAN:

I just, you know, Mr. Weller basically --

DIVISION CHIEF ALJ FORMAKER:

Uh-huh.

COMMITTEE MEMBER SPIEGELMAN:

-- so well the points that, you know, came to mind for under this, you know, topic on the agenda.

With respect to the surveys that, you know, that had been getting issued. I know from, you know, our various contacts in the community, that whether or not you got a survey, not everybody, as Pete was saying, you know, not everybody did get a survey to respond to.

But also, there, you know, there are limits in kind of the efficacy of that as an information source. It can be super valuable. But it does come with a lot of process. And I just want to reiterate what Mr. Weller said about the community engagement, the desire for community engagement, and to weigh in here, even in a general way, there's got to be a way to do it that doesn't run a foul over the various and important, you know, Open Meetings Laws or all of that.

But even just a way to provide general, without getting specific to a, you know, the details of an individual hearing. But some way to provide, you know, input on the way the hearing process feels to the community out there as they are experiencing it and all the various aspects of it.

You know, to have that feedback to both DDS and OAH there's got to be a way. And also, I'll just reiterate one last thing that Mr. Weller mentioned, which is having the chat function made useable. It's so, again, so important for community engagement.

But, you know, we do eagerly await the time when there's at least, you know, more broad-based use of the surveys. But I hope we can keep our minds open for other forms of engagement on this. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana has typed in a comment saying, maybe the low return rate is an access issue. And it looks like Ms. Becerra, well, actually I'm not sure who typed in. Someone else typed in a message, but the chat is for Mr. Lana.

So, if those who are typing their messages could speak. Ms. Torres, it looks like you wanted to speak? Monica Becerra, sorry. Ms. Becerra, can you say your comments? Can you unmute yourself and say your comments?

COMMITTEE MEMBER BECERRA:

Yeah.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

COMMITTEE MEMBER BECERRA:

Hello?

DIVISION CHIEF ALJ FORMAKER:

Yes, we can hear you. Did you have a comment?

COMMITTEE MEMBER BECERRA:

Yeah, I have a question --

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER BECERRA:

-- for DDS. Because I -- yeah, a question, yes. The DDS has been sending the surveys to my grandma's house. And I don't live there no more.

There's no way I could go get it, because I don't drive. And I've been asking my family members to do the survey for me, because I don't live there with my grandma.

DIVISION CHIEF ALJ FORMAKER:

Okay, so --

COMMITTEE MEMBER BECERRA:

Is there any way I could change the address?

DIVISION CHIEF ALJ FORMAKER:

So, Ms. Becerra, it sounds like you're asking a personal question about how to change the address for your survey. That's something that you should communicate with DDS about outside of this meeting, okay?

COMMITTEE MEMBER BECERRA:

Okay, thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Ms. Iriarte, it looked like you had a comment that you wanted to make?

COMMITTEE MEMBER IRIARTE:

Sure. It's about changing the timing of when surveys are provided. Surveys are currently provided at the end of, for example, a mediation or a hearing.

This is just a thought, and it's not my original thought, of providing the surveys of a mediation, the beginning of a hearing.

And let the Administrative Law Judge or the Mediator explain the survey, the importance of the survey, provide the survey. And along the way, remind people of the importance of the survey.

Another thought that I had is, we're talking about surveys. But what about other ways of doing this? And this is what Mr. Weller had brought up.

So, have somewhere where people could go easily to provide that kind of input. So, it doesn't, you know, it doesn't have to be the survey. But go on DDS or OAH website to provide that kind of input.

And I'm sure there other ways to get input. But maybe, you know, we've been talking surveys. But maybe there are other ways to do this. And I like what Mr. Weller said.

ALJ ROWAN:

There's another comment from Mr. Lana on the chat.

DIVISION CHIEF ALJ FORMAKER:

Okay. Oh, Mr. Lana typed in a comment saying, perfect example of issues in access, a change of address. I think he was referring to Ms. Becerra's comment.

Are there any other comments? Any motions?

COMMITTEE MEMBER CUMMINGS:

Hi, this is Jennifer Cummings (inaudible).

DIVISION CHIEF ALJ FORMAKER:

Okay, it sounds like Jennifer Cummings, you're making some comments. It's hard to hear you.

COMMITTEE MEMBER CUMMINGS:

Does this sound better?

DIVISION CHIEF ALJ FORMAKER:

Yes.

COMMITTEE MEMBER CUMMINGS:

Okay, great. Sorry about that. It's been my experience that Regional Centers will receive surveys from OAH regarding the hearings and mediations that we've

individually participated in. But not all Regional Centers are receiving those surveys consistently.

And it is my understanding that they are also sent to the claimants that participated in the process as well.

DIVISION CHIEF ALJ FORMAKER:

Okay, are there any other comments? Or does anyone wish to make a motion?

COMMITTEE MEMBER IRIARTE:

I need to -- this is Maria. I just want to understand what number nine really means. Let me just -- I need to bring it up, because I -- so, item number nine says whether the Advisory Committee should recommend that there be a way for community members to provide feedback.

So, a way other than what is currently being done? Is that what this is?

DIVISION CHIEF ALJ FORMAKER:

So, this is one of the agenda items that came from the last agenda that -- and this item didn't get fully discussed, if at all.

And most of the agenda items, except for the last two substantive ones, came from the prior agenda. And those had been created from the initial Advisory Committee meeting when the Advisory Committee was just talking about different issues and exchanging ideas. And we did the best we could to identify the areas of discussion.

Since the last meeting, Advisory Committee member Jennifer Cummings did provide suggestions for two different agendas items. And those are numbers 15 and 16 on the public agenda. And I think for the agenda that was sent to Advisory Committee members that's number 16 and 17.

So, if you have any motions or any suggestions that you'd like the Committee to discuss with respect to providing feedback, this is the time to talk about those. Or we can move on to the next agenda item if you'd like to facilitate further discussion.

I would mention that it is 2:09. And our first break is set for 2:10. And it just became 2:10. So, why don't we take our first 10 minute break. And you all can think about what you want to do in terms of the agenda items.

And we are going to stop the recording and take a 10 minute break. We will be back at 2:10 (sic). Thank you.

(Off the Record)

DIVISION CHIEF ALJ FORMAKER:

All right, it's 2:20. All of the Committee members should be -- have their cameras back on. Again, this meeting is being recorded. I see that Mr. Lana wrote a comment that says, "and I move that OAH provide surveys to all individuals who are involved in this process, instead of only a random sampling?"

Does anyone second that motion? Okay, I see Ms. Khatchadourian's hand up.

COMMITTEE MEMBER KHATCHADOURIAN:

I would like to second that actually. However, I have a question regarding this same issue. Can I bring it up now? Because it goes into discussion after that, right?

DIVISION CHIEF ALJ FORMAKER:

Yes. If you have discussion about this item, sure.

COMMITTEE MEMBER KHATCHADOURIAN:

Yeah, and this is exactly what I was going to suggest. However, my question in relation to this is that the way that it's worded makes it sound like the sampling would go out only once they start doing surveys again. Whereas, I would like to find a way for us to do this sooner rather than later.

With all due respect, we all know how long it takes to set up anything automated. We've all been in, you know, involved in different websites and so on. And it could take six weeks, it could take six years.

Can we -- I don't know what capability everybody has at, you know, at DDS. Or is there any kind of way that we can go back to what Mr. Weller was saying -- Dr. Weller was saying about possibly putting a subcommittee together to work with DDS to find a more immediate solution?

DIVISION CHIEF ALJ FORMAKER:

So, we can have discussion about that. You have seconded a motion to provide surveys to all individuals who are involved in the process instead of only a random sampling.

COMMITTEE MEMBER KHATCHADOURIAN:

And I'm adding on --

DIVISION CHIEF ALJ FORMAKER:

And --

COMMITTEE MEMBER KHATCHADOURIAN:

-- is finding a way to do that more immediately.

DIVISION CHIEF ALJ FORMAKER:

--and are you talking about a subcommittee? Or just finding a way to have it more immediate?

COMMITTEE MEMBER KHATCHADOURIAN:

I guess that's where the discussion is. I don't know enough about the inner workings for me to be able to answer that question.

Maybe Dr. Weller or maybe Ms. Iriarte could comment on that, if they know a little bit more than I do?

DIVISION CHIEF ALJ FORMAKER:

All right, so right now we have a motion that OAH provide surveys to all individuals who are involved in the process instead of only a random sampling. And Ms. Khatchadourian is suggesting that any such process be made more immediate. Is there any discussion? Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

So, I just need to be reminded. Prior to stop -- the surveys were being sent out, then that stopped so that this could all be automated.

Why not go back to, in the meantime go back to sending out the surveys by mail or email or however the person wants to receive it?

mean, I think that would be a quick solution to the concern of the time it's taking to get the process automated. And it also addresses the concern of those people who don't really use computers or -- computers, you know, getting something in the mail is preferred for some people rather than having to use a computer to communicate.

DIVISION CHIEF ALJ FORMAKER:

So, Mr. Lana, it sounds as if the -- there's a suggestion to modify your motion so that you would be moving that OAH provide surveys to all individuals who are involved in the process, instead of only a random sampling. With those surveys being sent out either by mail or email until the process can be fully automated.

Do you accept that modification to your motion? Mr. Lana says, yes he does. He typed in, "Yes, I do."

All right, is there further discussion of this motion? Ms. Iriarte, do you still have further comments?

COMMITTEE MEMBER IRIARTE:

Yes. Oh, I'm sorry, I had my hand up, sorry.

DIVISION CHIEF ALJ FORMAKER:

That's okay. Is there any further discussion?

COMMITTEE MEMBER IRIARTE:

I do have a question. Are we going back to number nine? Because this seems to be part of number nine. But are we going back to see if anyone wants to make a motion, second a motion?

DIVISION CHIEF ALJ FORMAKER:

Well a motion has been made. And it's been seconded by Ms. Khatchadourian. And there was a friendly amendment.

And so, the motion is that OAH would provide surveys to all individuals who are involved in the process, instead of only a random sampling. And that those surveys be sent out by email or mail until the process can be fully automated. This is sort of a subset of number nine on the agenda.

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Yes, I guess just wanting a little clarification. Because I want to make sure that I'm not confusing that there's two separate processes instead of one.

There was discussion earlier about OAH sending surveys out and some Regional Centers were getting them. Some of them were not.

And then there was a sample size of surveys that are going out to families. But it sounds like those were going out through -- out from DDS.

So, just clarification on are we referring to surveys -- is there one stream or one system that is sending out the surveys? Or are there surveys coming from OAH, as well as from DDS?

DIVISION CHIEF ALJ FORMAKER:

The former process was that OAH sent surveys. And then DDS began sending the surveys.

COMMITTEE MEMBER DUPREE:

Okay, and then that is the process that DDS is currently in the process of trying to automate from --

DIVISION CHIEF ALJ FORMAKER:

As I understand it, yes.

COMMITTEE MEMBER DUPREE:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Is there any other discussion on this motion with the Committee? All right, we're going to take public comment before we have the Committee vote. Are there any public comments with respect to this motion?

MS. NORRINGTON:

We have three public comments. One, and it's not with respect to the motion.

So, it's, "Hello, is there a way for ASL interprets to be under speaker view instead of gallery view? The interpreter is too small and hard to see. There is no options where I can pin the interpreter myself or change view. Thank you." And that came from Diane Olafson, O-L-A-F-S-O-N.

The next comment, "Hello, I would like to comment that participants who use AAC or are multimodal communicators, it is difficult to access the meeting or submit public comments without chat. There was a lot of time spent on Spanish interpretation, but accessibility for AAC users is overlooked. Thank you." That came from William Del Rosario, R-O-S-A-R-I-O.

And also from William Del Rosario, "Consumers who are multimodal communicators or who need communication support partners may benefit from both written and electronic surveys. Some consumers are appealing for these very services and aren't awarded them or don't have staffing. So, they can't access their preferred communication to complete the services or provide input. And that is all for our public comments."

DIVISION CHIEF ALJ FORMAKER:

All right, any other public comments on this motion? All right, I'm not seeing or hearing any other public comments.

So, we have a motion pending. That motion is for OAH to provide surveys to all individuals who are involved in the process instead of only a random sampling. And that they be sent out or emailed, as the preferred mode of communication is for the claimant, until the process can be automated.

I'm going to take a roll call vote. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana? He votes aye. Mr. Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Weisel?

COMMITTEE MEMBER WEISEL:

I abstain.

DIVISION CHIEF ALJ FORMAKER:

Sorry, I couldn't understand what you said.

COMMITTEE MEMBER WEISEL:

I abstain.

DIVISION CHIEF ALJ FORMAKER:

Mr. Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

All right, the motion passes. And OAH will provide its response prior to the next meeting. Is there --

ALJ ROWAN:

Before you move on -- I'm sorry, Susan, before you move on, there are a couple of comments from Mr. Lana in the chat. They're a little stale. But if you want to get them in the record. It starts with are there email comments.

DIVISION CHIEF ALJ FORMAKER:

Okay, I'm sorry.

ALJ ROWAN:

It's okay, do you want me to read them?

DIVISION CHIEF ALJ FORMAKER:

Yes, because I'm having trouble finding them.

ALJ ROWAN:

Okay. Mr. Lana says, "Are there email comments?" William Del Rosario emailed comments, "Thank you for reading his email." That was the end, thanks.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. All right, with respect to number nine on the agenda, I believe this was the main method of providing feedback that was discussed among the Committee members.

I'm going to have us move on to agenda item number 10. And to the extent that any members of the Committee wish to suggest other ways of providing feedback to the Office of Administrative Hearings from members of the community, that's something that can be suggested as an agenda item for the next meeting when we are soliciting agenda items.

So, the next agenda item is number 10. Whether the Advisory Committee should recommend that the Administrative Law Judges provide the Committee with feedback about their experiences in mediations and hearings.

So, this is for the Administrative Law Judges to be providing feedback. Is there any discussion about this agenda item? Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yeah, I guess to the extent I don't know -- I don't know procedurally how it happens. But we have this Committee. And, you know, there have been these, you know, the revisions to the hearings and the appeals process.

And to me, I think it's always great for the community at large to hear from the ALJs themselves. Not about -- not about any specific, you know, the specifics of an individual hearing or revealing anything like that.

But if there is, you know, just to hear from them, the community to hear, like what their side of the experience is, I think that would be extremely valuable.

I don't, again, I don't know what the -- if there are procedural restrictions on that. But anything that promotes, you know, again community engagement and understanding of everybody's perspective, I think it's worth, you know, thinking about.

DIVISION CHIEF ALJ FORMAKER:

Does anyone else wish to discuss this agenda item? Okay, Mr. Lana typed -- I'm sorry, I think Ms. Khatchadourian had her hand up next.

COMMITTEE MEMBER KHATCHADOURIAN:

I was just going to second what she was saying. Because we are always interested in the family's perspective. Which I think is very important.

But I do believe that our Judges have insight that they could share. Especially if they can do so away from a particular case. So, they may even be able to be a little more open with their insight if they're not talking about a specific case.

So, having their opinion would be very helpful. I trust that they are in it for the right reasons and that they're looking at it from all perspectives.

They know how the laws are impacting their ability to do their job. They know how the procedures -- policies and procedures are impacting how they do their job. And they may be able to speak on behalf of some of the families who aren't necessarily filling out the surveys.

They, hopefully, are looking at it from all sides. And it would be very beneficial for us if we're going to be objective in this process, to understand and hear all sides as well.

DIVISION CHIEF ALJ FORMAKER:

All right, I see comments from Mr. Lana saying, "Can you explain how it happens? How they provide input, the lawyers?" And then, I think, Ms. Iriarte, you had your hand up next. You should unmute yourself.

COMMITTEE MEMBER IRIARTE:

I thought we were going to wait for a response to Mr. Lana. Is it -- are we envisioning this to be mandatory or optional?

DIVISION CHIEF ALJ FORMAKER:

This is a discussion amongst the --

COMMITTEE MEMBER IRIARTE:

Yeah.

DIVISION CHIEF ALJ FORMAKER:

-- Committee, so.

COMMITTEE MEMBER IRIARTE:

Yeah, so.

DIVISION CHIEF ALJ FORMAKER:

Did anyone on the Committee wish to address that? I see Mr. Lana wrote, "I often feel bullied if I don't know the jargon. The legal jargon simplified could be very helpful." Do any other Committee members want to address this? Mr. Weller?

COMMITTEE MEMBER WELLER:

Comments quick. I just think it's important if we're looking at feedback, as we would in any other situation with all the stakeholders involved, any platform that the Judges can give their perspective, their experiences.

I'm assuming when we hear the feedback, collectively it might be to potential training areas or information or resources that could help them make more informed decisions.

So, I think anybody involved in this process should be able to have a platform to come forward. So, I just wanted to share my thoughts with everybody.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Does anyone else on the Committee wish to provide any comment or to make a motion?

COMMITTEE MEMBER DUPREE:

Make a motion.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree.

COMMITTEE MEMBER DUPREE:

I just think it's important to define the type of feedback this group would be looking for and with ways we envision it helping us in the overall mission to recommend -- or make nonbinary recommendations for improvement of process.

So, not against having the Administrative Law Judges come and provide feedback. I just think it's important to define the type of feedback that we're looking for.

DIVISION CHIEF ALJ FORMAKER:

Any other comments or anyone making a motion?

COMMITTEE MEMBER ANSARI:

I'll make a motion. This is Lilian Ansari.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER IRIARTE:

Maria Iriarte seconds the motion.

DIVISION CHIEF ALJ FORMAKER:

I'm sorry, can you state what your motion is?

COMMITTEE MEMBER ANSARI:

Motion to pass this item.

DIVISION CHIEF ALJ FORMAKER:

So, number 10 just as it's worded?

COMMITTEE MEMBER ANSARI:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. So, the motion as it's worded is whether the Advisory -- or that the Advisory Committee should recommend that the Administrative Law Judges provide the Committee with feedback about their experiences in mediations and hearings.

COMMITTEE MEMBER ANSARI:

That's correct.

DIVISION CHIEF ALJ FORMAKER:

Is there a second?

COMMITTEE MEMBER IRIARTE:

I'll second the motion, Maria Iriarte. Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes. Is there any more discussion about the motion? Okay, let's go to public comment. Is there any public comment on the pending motion? Which is that the Advisory Committee should recommend that the Administrative Law Judges provide the Committee with feedback about their experiences in mediations and hearings.

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

And is there anyone in the public who wishes to provide any oral comments? Please put your hand up if you do. Okay, I'm not seeing any comments from the public.

So, we're going to go ahead and vote on the motion that the Advisory Committee should – that the Advisory Committee should recommend that the

Administrative Law Judges provide the Committee with feedback about their experiences in mediations and hearings.

We'll take a roll call vote again. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Johnson? I'm sorry, she's not here. Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana? Okay, and Mr. Lana had also said, "Are there email comments?" And there were no written comments from the public, just to answer his question. So, Mr. Lana voted aye. Mr. Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Weisel?

COMMITTEE MEMBER WEISEL:

I abstain.

DIVISION CHIEF ALJ FORMAKER:

Okay. And Mr. Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Okay, so that motion passed. And again, we'll provide the response before the next Advisory Committee meeting.

The next item on the agenda is number 11. Whether the Advisory Committee should recommend additional changes to the Lanterman Act mediation and hearing process to make the appeal process more accessible and understandable to consumers and advocates through plain language or otherwise.

Okay, does anyone wish to discuss this agenda item? Ms. Iriarte? We can't hear you. You need to unmute yourself.

COMMITTEE MEMBER IRIARTE:

Okay, thank you. There certainly isn't any harm in the Advisory Committee recommending additional changes to the Lanterman Act mediation and hearing process.

We can only make recommendations. We can't actually make the changes ourselves to make it more accessible to consumers and advocates.

I mean, so this is talking about, you know, maybe the language that comes – goes out to consumers who have filed for a hearing could be easier to understand. That's what I'm understanding from this, number 11.

Make it easier for people to access the hearing process, the mediation process. So, I mean, I don't – I don't see any harm in this.

DIVISION CHIEF ALJ FORMAKER:

Okay, any other discussion? Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yeah, I'm not sure whether – first of all, I agree with Ms. Iriarte's comment, I don't see any harm in it either. I was just a little confused between the kinds of things that fall within this item, 11 versus 12.

And the point that I know is of importance to a lot of families are the accessibility of the OAH website and some of the materials there. Especially around certain forms and translation and things like that.

So, is this something that falls within 11 or 12? That sort of thing, on accessibility of the OAH website materials.

DIVISION CHIEF ALJ FORMAKER:

So, just let me read number 12 for everyone's benefit. Number 12 is whether the Advisory Committee should recommend that information about the hearing process should be made more accessible to consumers. Such as through plain language materials, video information about the hearing process, or other ways.

Number 11 is whether the Advisory Committee should recommend additional changes to the Lanterman Act mediation and hearing process to make the appeal process more accessible and understandable to consumers and advocates through plain language or otherwise.

As I'm reading number 11, it sounds like it's focused more on the appeal process itself. Number 12 is focused on information. Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Well, I can just share my own personal experience. I understand that the new appeals procedure was to make the process easier and more accessible for appellants.

But there are certain sections of the revised procedure that I've had to read and reread and reread to try to understand it so that we can explain it to families.

And just to give you an example. The section that talks about appellants having up to – this is what we tell them in our informal meeting letter. And it's based on Sections 4710.9I(3) and 4715(a).

But we let them know that if they want to – if it's – if they're receiving aid paid pending services during the appeal process we let them know if they want to continue services during the rest of the appeal, after the informal meeting, they need to update their appeal request within three days from them receiving our informal meeting decision.

And if they do not update the appeal request within three days, to indicate if they want to go to mediation or hearing, their aid paid pending ends 10 days after they receive the decision.

They have, you know, just that whole timeline and explanation to them, it's very complicated. There's a lot of timeframes. And it can be confusing.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. –

COMMITTEE MEMBER CUMMINGS:

Three days to do this thing, 10 days to do something else, 60 days. And I don't have a suggestion on how to make that more simplified. But it would be nice to see if it could be.

DIVISION CHIEF ALJ FORMAKER:

All right, Ms. Dupree.

COMMITTEE MEMBER DUPREE:

I think to Jennifer's point, identifying, maybe it should read that the Advisory Committee would recommend reviewing, you know, sections of the Lanterman Act to identify areas that could be clarified further so it's easily understandable.

The way that this reads is so broad. It's not really specific as much as it's kind of like doing a – like if there are changes that, I mean that we shouldn't make changes. But we have not identified that if there are areas that would benefit from being revised. Or making recommendations for it to be revised.

I think Jennifer did a good job of highlighting key sections that may be a bit confusing. So, to that end, I think it would be better worded that we would review aspects of the Lanterman Act to determine if there are areas that need to be recommended for revision.

DIVISION CHIEF ALJ FORMAKER:

So, one thing that I just – I want us to stay focused on what the mission of this Advisory Committee is. Understanding that OAH is not a legislative body.

And again, the Advisory Committee was created by Welfare and Institutions Code Section 4717 to assist the hearing office by providing non-binding recommendations for improvements to fair hearing and mediation operations.

And so, the focus is to assist OAH in improving the operations, rather than legislative recommendations. Given the fact that OAH is not a legislative body.

COMMITTEE MEMBER DUPREE:

Totally agree. So, to that end, that question right there, I think it would not necessarily be beneficial for this group or appropriate, rather, for this group to make recommendations on.

Because it sounds like should we recommend additional changes be made to the Lanterman Act mediation and the process to make the process better, make it more accessible.

So, any changes to the Lanterman Act, like you said, because this group is not focused on the legislative process.

If we're looking at materials and documents that go along with the process that would be beneficial to make changes to those kind of accompany documents as it relates to that process, then maybe that would be appropriate.

DIVISION CHIEF ALJ FORMAKER:

And I just wanted to add that, there is a comment from Mr. Lana. "Yes, agreed, timelines are so stressful."

So, given the comments that have been made, does anyone wish to make any motion with respect to item 11 on the agenda?

UNIDENTIFIED SPEAKER:

Well, within that scope it doesn't sound like that item could be voted on if it's outside of the scope of the Committee.

DIVISION CHIEF ALJ FORMAKER:

Okay. Does anyone wish to make any motion on number 11?

COMMITTEE MEMBER DUPREE:

I make a motion for it to be removed from the recommendations.

DIVISION CHIEF ALJ FORMAKER:

From the agenda?

COMMITTEE MEMBER DUPREE:

From the agenda, yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. Does anyone second that?

COMMITTEE MEMBER BECERRA:

I second it.

DIVISION CHIEF ALJ FORMAKER:

Okay. And that was, was that Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And who had moved that it be removed from the agenda?

COMMITTEE MEMBER DUPREE:

Darline Dupree.

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right, I'm going to see if there is any other discussion amongst the Advisory Committee members on that item. And then we'll see if there's any public comment.

Okay, I'm not seeing any more discussion amongst the Advisory Committee members. Is there any public comment with respect to removing number 11 on the agenda from the agenda? Okay, I see Claudia Menjivar (phonetic).

MS. MENJIVAR:

Yes, can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

MS. MENJIVAR:

Thank you. Yes, my name is Claudia Mejivar. And I'm with Disability Rights California. Just in regards to the removal of that agenda item. It's just a little unclear to me, because I understand that we -- that this may be outside of the purview of the Committee.

But in terms of just recommendations to improve or to increase access. I mean, I think that is within the -- what the Advisory Committee can accomplish or recommend.

And then, the question of what is within, you know, the Committee's, I guess priorities or purposes, how those changes are implemented, I think that's what's unclear or where -- it depends on whether you're talking about improving forms or talking about improving Lanterman Act or something.

So, just I guess I'm a little unclear on how removing this -- it still seems like a priority to recommend these kinds of improvements in accessibility.

DIVISION CHIEF ALJ FORMAKER:

Okay. It looks like we've got some comments from our Committee members. But before we go back to our Committee, are there any other public comments?

MS. LOR-SNYDER:

We do have two written comments.

DIVISION CHIEF ALJ FORMAKER:

Okay.

MS. LOR-SNYDER:

The first one is regarding the appeals process and IPPs in general. "For consumers who require communication or personal assistant support, are there considerations for additional support, staff hours, either in the traditional or SDP process so that they can access and participate? If not, perhaps a recommendation for

these hours should be made. Non-English speakers or ASL communicators get interpretations. But AAC users do not."

The second comment is, "I just filed and lost a hearing at OMHA. I did not receive a survey. I found the system to be loading my documents extremely cumbersome. Some items I wanted to later delete or update. But I couldn't do it."

DIVISION CHIEF ALJ FORMAKER:

Okay. And then we have -- oh, it looked like there was one other person who had their hand up. But it came down again.

Okay, are there any other public comments on this? Okay, we're going to go back to the Committee. Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

I think the language that's a little troubling in number 11 is whether the Advisory Committee should recommend additional changes to the Lanterman Act mediation and hearing process.

But I agree with Claudia that making that process more accessible through plain language and otherwise is really important. So, maybe -- it just feels like 11 and 12 should be somehow put into one.

We can't make changes to the Lanterman Act. That's just not for us to do. But certainly, making the information more accessible through different ways is important.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yeah, I just wanted to also say that I agreed with Claudia's comment. And I don't -- and I guess I'm troubled by just removing 11 altogether. I like the idea of combining it with 12.

But I don't think it's outside of the purview of this Committee to identify potential, you know, areas that could be, you know, eventually changed in the Lanterman Act.

We realize we can't make changes. I know this isn't -- this and OAH is not the legislature, and we're not a legislative body. But I don't think it is entirely outside the purview to identify areas to focus on for improvements. That's what we're here to do.

So, just wanted to mention that. And I do appreciate -- very much appreciate the comment from Claudia, thanks.

DIVISION CHIEF ALJ FORMAKER:

All right, Ms. Dupree.

COMMITTEE MEMBER DUPREE:

I actually was going to go -- double back to with Maria had mentioned in reading number 11. I think it is the second part behind the first one we were talking about.

In reading that, it refers more to information, making things accessible. It's just the tricky, the language to Nina's point, I believe it was Nina, that first sentence of that part makes it seem like we're referring to making additional changes to the Lanterman Act as it relates to the mediation and hearing process.

So, if we could just clear up the language to make it clearer. And it's okay, maybe, if merging those two together or even, you know, keeping the -- whether the Advisory Committee should recommend that information about the hearing process, should be made more accessible. Maybe that language is more important.

I do agree that it's important to have things in plain language and make things accessible. I just want to -- it to be made clear that it wouldn't be making recommendations to change anything in that Lanterman Act, per se. As we haven't, you know, identified what that would even be.

DIVISION CHIEF ALJ FORMAKER:

All right, any other comment from the Advisory Committee members?

COMMITTEE MEMBER IRIARTE:

I do. So, Maria again.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

COMMITTEE MEMBER IRIARTE:

Okay, so maybe 11 should be whether the Advisory Committee should make recommendations about additional changes to the Lanterman Act mediation and hearing process period, right?

We should be able to make recommendations. You know, and maybe down the line those changes can be made. And maybe 12 should be whether the Advisory

Committee should recommend that -- make this whole process more accessible by using plain language and materials and videos, et cetera.

So, 11 would be --

DIVISION CHIEF ALJ FORMAKER:

So --

COMMITTEE MEMBER IRIARTE:

-- 11 would be whether the Advisory Committee should make recommendations without additional changes to the Lanterman Act mediation and hearing process period.

And then the second one really goes to making all of this, the mediation and hearing process accessible.

DIVISION CHIEF ALJ FORMAKER:

So, right now we have a motion pending to remove number 11 from the agenda. Unless that motion is being retracted by the person who made the motion, we should take a vote on that motion.

COMMITTEE MEMBER DUPREE:

I'm okay with retracting it for better language.

DIVISION CHIEF ALJ FORMAKER:

And can the person who just said that identify themselves for the record, please?

COMMITTEE MEMBER DUPREE:

Yes, this is Darline Dupree.

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right, and Ms. Becerra, you had seconded the motion. Are you okay with it being retracted?

COMMITTEE MEMBER BECERRA:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. All right, so it sounds like the discussion with number 11 is to modify the language a little bit to read whether the Advisory Committee should make recommendations for additional changes to the Lanterman Act mediation and hearing process.

Is there discussion about that proposed motion? Or discussion about that proposal that hasn't been made into a motion yet.

UNIDENTIFIED SPEAKER:

Would you read that back just so I can hear it one more time?

DIVISION CHIEF ALJ FORMAKER:

Yes. Whether the Advisory Committee should make recommendations for additional changes to the Lanterman Act mediation and hearing process.

UNIDENTIFIED SPEAKER:

I don't know if that reads any differently to me.

DIVISION CHIEF ALJ FORMAKER:

Is there any further discussion? Does anyone wish to make a motion on that?

COMMITTEE MEMBER IRIARTE:

I'll make the motion on that, Maria.

DIVISION CHIEF ALJ FORMAKER:

And is there any second?

COMMITTEE MEMBER HERNANDEZ:

This is Yulahlia, I'll second the motion.

DIVISION CHIEF ALJ FORMAKER:

Okay, any further discussion of the motion? Okay, we're going to see if there's any discussion from public comment. I'm not seeing any members of the public with their virtual hands up. Are there any written comments from the public?

MS. NORRINGTON:

Yes, we have a written comment.

DIVISION CHIEF ALJ FORMAKER:

Can you please read that?

MS. NORRINGTON:

"My comment has to do with the process relating to withdrawing from a hearing. Families, individuals find it necessary to withdraw from OAH hearings for a variety of reasons, including emotional, financial, and health-related issues.

When withdrawing from a hearing, no matter what the reason, the form provided is DS-1804, notification of resolution. This form leads to false data reporting, as no matter what the reason checked, including other, it falls under the heading satisfactory resolved.

Satisfactory resolved does not apply to every case in which a party finds it necessary to withdraw from hearing. Yet, that is how it ends up being reported out by Regional Centers.

I actually heard a Regional Center Director report to the Board that all OAH cases had been satisfactorily resolved during a given -- during a given time period, when I personally knew that was not the case.

However, form DS-1804 allow for that misinformation to be reported. The form used to withdraw from OAH special education hearings is formatted differently and allows for checking a box about not wishing to continue the hearing at this time. It is not reported under satisfactorily resolved.

Please discuss revising form DS-1804, so that data about parties withdrawing from Lanterman OAH hearings is accurately reported and understood. Withdrawal from hearings does not always equate to satisfactorily resolution of issues. Thank you Janelle Lewis" (phonetic).

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right, I see Mr. Gabriel Baca (phonetic) also has a hand up. Please unmute yourself, thank you.

MR. BACA:

Good afternoon. I know that this is not directly related to the discussion around item 11. But I would like to mention that I know of at least two individuals or members of the public who are in the system right now and are unable to write or leave a written comment.

I do not think that might be an error on the end of Zoom or due to internet connection. I am asking for someone from this meeting to please look into that to see if there's a way to activate chats so members can leave their comments when they have them.

And perhaps I should've said this sooner. But I found this to be the best time to say it. Thank you for your time.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Any other comments from the public with respect? Okay, it looks like Lisa Walker.

MS. WALKER:

Good afternoon. Thank you for letting me speak in this open space. I'm not sure if I'm talking about the same thing for OAH hearing.

How do we make sure that during the hearing the Hearing Officer really understands the Lanterman? My previous experience is that hearing office doesn't really have a whole lot of experience or understand the Lanterman Act. And also, the other party can bring in the witness who has specialty. And when parents go to the hearing and they don't have resources or economic sufficient to hire specialists, come and become a witness. So, I'm not sure we need to talk about it, or I think something needs to be done about this. Because it is a barrier for the parents to be fully engaged in the -- at the hearing. Because parents do not have resource to hire a specialist when other party have resources. I'm not sure how they're funding the resources for a specialist to appear at the hearing. But the parents do not have that resources. So, I just want to mention that to you all. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Any other public comment?

MS. NORRINGTON:

Yes, there's one written. "I agree with previous -- with the previous comment about withdrawal forms being misled to show satisfactorily resolved." William Del Rosario.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. Any other public comment? All right, let's go back to the Committee.

And again, what the motion is, is whether the Advisory Committee should make recommendations for additional changes to the Lanterman Act mediation and hearing process. And just to confirm, who made that motion again?

COMMITTEE MEMBER IRIARTE:

Maria did. Maria Iriarte.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And then the second was from Ms. Hernandez, correct?

COMMITTEE MEMBER HERNANDEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. Let's take a vote on the pending motion then. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana? He votes aye. Mr. Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Okay, the motion passes. All right, let's move on to item 12 on the agenda.

That is whether the Advisory Committee should recommend that information about the hearing process should be made more accessible to consumers. Such as

through plain language materials, video information about the hearing process, or other ways.

Is there any discussion on this item? Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes. As I mentioned earlier, I definitely think that the Committee should recommend that information from any source, particularly the key websites of OAH and DDS, but especially OAH, have, you know, have the information be more accessible.

We have heard a lot of issues surrounding ordering transcripts, especially in Spanish. And just the many steps that people are finding, difficulties going through on the OAH website.

And also, the ability to have the Zoom recording so the video be accessible or available. As well as the audio.

So, those are the kinds of issues that I have heard a lot of -- a lot of concerns about. And so, that's why I do think this is an important item. So, thank you.

DIVISION CHIEF ALJ FORMAKER:

All right, are there any other -- okay, any other comments from our Committee members? Any other discussion from our Committee members?

All right, and I'm not seeing any. Let's see if there's any public comment on this particular item.

And again, it's whether the Advisory Committee should recommend that information about the hearing process should be made more accessible to consumers. Such as through plain language materials, video information about the hearing process, or other ways.

I'm not seeing any comments. Going back to our Committee. Does anyone wish to make this into a motion?

COMMITTEE MEMBER SPIEGELMAN:

I would, it's Nina.

DIVISION CHIEF ALJ FORMAKER:

Okay. Ms. Spiegelman, so you're moving for number 12 to be voted on by the Committee.

COMMITTEE MEMBER SPIEGELMAN:

Yeah.

DIVISION CHIEF ALJ FORMAKER:

Is there a second?

COMMITTEE MEMBER DUPREE:

I second, Darline Dupree.

DIVISION CHIEF ALJ FORMAKER:

So, Ms. Dupree seconds. Any more discussion? Any more discussion from the public?

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

Okay, and I'm not seeing any hands up. All right, let's go back to the Committee. We're going to take a roll call vote.

The motion is whether the Advisory Committee should recommend that information about the hearing process should be made more accessible to consumers, such as through plain language materials, video information about the hearing process, or other ways.

We'll take a roll call vote. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana? He votes aye. Mr. Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Mr. Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Okay, the motion passes. All right, let's move on to item 13 on the agenda. Just so that everybody is aware of the time. It is 3:22. And our next break will start at 3:35.

All right, number 13, is whether the Advisory Committee should recommend ways to make interpretations and translations more accessible, more culturally sensitive, and more accurate.

Any discussion? Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yeah, once again I'm, you know, we are hearing from the community that interpretation during the hearing process is, you know, is at best inconsistent and can also be very problematic.

And I think at a minimum there should be some kind of recommendation to at least have a procedure, at least have everyone know what to do when an interpretation problem arises during the hearing.

And maybe even consider having, you know, providing time for the interpreter and the claimant, the party seeking the hearing, prior to, you know, being interpreted by them.

So, I just think that it's such a -- it's such a critical element of the hearing process, that I think we have to recognize it's an ongoing problem. And one that probably the Committee could really do some good in making recommendations for improvement.

DIVISION CHIEF ALJ FORMAKER:

Okay. Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

I can't say it any better than Ms. Spiegelman did. So, I mean, I've been in hearings where interpretation was -- it was really a problem. So, very important.

DIVISION CHIEF ALJ FORMAKER:

Okay. Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

I just had another -- I know that we've assisted self-advocates when they were representing themselves in asking for like a plain language interpreter and the response that was basically the Regional Center will explain things at the hearing.

So, I think I, you know, I just want the Committee to think about also having that wrapped in here.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte, did you wish to speak again? You still have your hand up. And I can't hear you because you're on mute.

COMMITTEE MEMBER IRIARTE:

Sorry, I keep on forgetting to lower my hand.

DIVISION CHIEF ALJ FORMAKER:

That's okay. Any other comments from the Committee? Any suggestions for making things more concrete.

Does any Committee member wish to make a motion with respect to number 13? Or any portion of number 13?

COMMITTEE MEMBER IRIARTE:

I'll make a motion, Maria.

COMMITTEE MEMBER BECERRA:

Second the motion.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. Iriarte, you're making the motion to vote on number 13, on whether the Advisory Committee should recommend ways to make interpretations and translations more accessible, more culturally sensitive, and more accurate.

And I believe that was Ms. Becerra seconding?

COMMITTEE MEMBER BECERRA:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. All right, let's see if there's any public comment on this motion. There's a Sonja M.

MS. SONJA M.:

Hello?

DIVISION CHIEF ALJ FORMAKER:

Yes.

MS. SONJA M.:

Yes, I just want to say, like I totally agree with Nina, and as a parent one time I went to a court hearing. And I tried to explain myself in English. English is my second language. And I got very emotional. And I felt so bad, and I had to use an interpreter to express how I really was feeling at the moment with the frustration and sadness.

And it is very important that we can have an interpreter that can understand how we speak Spanish. You know, because we're coming from Mexico, other people are from Brazil, other parts of South America. And we have so many different words, like that can be misunderstood by some interpreters. And it's very important to -- well, you know, they can say whatever we are trying to say. That's all, thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Are there other comments from the public? Yes, Mr. Baca.

MR. BACA:

Hello, thank you for having me on again. With respect to the interpretation offered for hearings. I think that it is important that DDS and the OAH continue to find ways to make the interpretation more accurate and respectful of the content within.

I do know that for some individuals, a sort of simple or easy fix would be to simply implement automatic translation via translation websites and the likes or machine learning.

I think that that were to be taken seriously as a consideration would be a very bad one. Because there are nuances that cannot be explained clearly through machine learning and automatic translation. And so, it is crucial that if any attempt or consideration is made to switch over from human interpretation to machine interpretation that it be rejected outright.

And I would say that this comment also serves in a way to support that comment made by Sonja M., who just spoke. Thank you for your time.

DIVISION CHIEF ALJ FORMAKER:

Thank you. It looks like Maribel O. would like to make a comment. Please unmute yourself.

MS. MARIBEL O.:

[In Spanish].

TRANSLATER FOR MS. MARIBEL O:

Very frustrating. I went through the process when I was pregnant. And when you go to a hearing, they're waiting for you as if you're, you know, expected to be an attorney.

In my experience, they say that they're fair hearings. But in my experience, it was not like that. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. It looks like we have another person who called in. There's nothing identifying them. It just says a call in. It says call in user 2. Is that someone --

ALJ ROWAN:

Did you say hand up on that one?

DIVISION CHIEF ALJ FORMAKER:

I wasn't sure.

ALJ ROWAN:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right, it doesn't look like the hand was up. Is there anyone else who wanted to provide public comment?

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

Okay. Coming back to our Committee. Ms. Khatchadourian, you've got your hand up.

COMMITTEE MEMBER KHATCHADOURIAN:

I appreciate the comments that were made, because it really got me thinking about an issue that we have faced in the Armenian community when it comes to translations.

Again, the same issue with the dialect. Different people, different places, different dialects. But there's one more thing. When we've had interpretation, the interpreters are not necessarily trained in our industry.

So, when we use certain terminology, they might be translating it more literally. And it doesn't come across the same way. Or a word that they're used to using.

So, I think that type of making sure that these interpreters, again, it comes back to the translations and interpretations, yes culturally sensitive. But also the terminology needs to be vetted in some way so that if something is printed it's printed using the terminology that's appropriate for the industry, right?

I don't know how else to explain that. Does that make sense? Because a court interpreter listening to a fair hearing is going to interpret some of the language differently for us as they would for somebody else. I've run into this at IEPs as well.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Thank you, Ms. Khatchadourian. I kind of wanted to mention that the flip-side of that is also true when there are interpreters that are perhaps too familiar or very

familiar with the language, will insert opinions at times and not just stick to strict interpretation.

So, I think there's a lot of room for improvement. My personal experience has been, like I've attended IEPs or meetings with families that are from Afghanistan. And they're assigned an Iranian interpreter. And not understanding that it's a very different dialect.

It probably, I'm guessing has happened to Armenian's also. We speak a similar language. But not the same. And it's really a barrier to access. So, I think there's a lot of room for improvement here.

DIVISION CHIEF ALJ FORMAKER:

Okay. It is 3:35. And so, when -- we're going to take our break. And when we come back we'll see if there's any other comment about this particular item. And then we can take a vote, all right.

So, we are on break until 3:45. Thank you.

(Off the Record)

DIVISION CHIEF ALJ FORMAKER:

All right, just a reminder, all of the Advisory Committee members should turn their cameras back on.

All right, we've been discussing item number 13 on the agenda. Which is whether the Advisory Committee should recommend ways to make interpretations

and translations more accessible, more culturally sensitive, and more accurate. And I just wanted to confirm, did we have a motion on that?

UNIDENTIFIED SPEAKER:

I don't think we did.

DIVISION CHIEF ALJ FORMAKER:

Okay. Does anyone want to make a motion on number 13?

COMMITTEE MEMBER DUPREE:

I make the motion, Darline Dupree.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. Dupree, thank you. Any second.

COMMITTEE MEMBER ANSARI:

Lilian, I'll second that, Lilian Ansari.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you Ms. Ansari. All right, let's take a roll call vote. Ms. Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Mr. Lana? He votes aye. Ms. Marron -- Mr. Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. The motion passes. All right, moving on to the next agenda item.

Number 14, is whether the Advisory Committee should recommend that it should be provided a summary of what has been done to implement the changes to the Lanterman Act, as well as a summary of the training received by the ALJs on those changes. Including any training on engaged neutrality.

Do I have any discussion among our Advisory Committee members?

Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Thank you. I would just include what has been done by DDS and OAH to implement the changes. So, I'm making a suggested amendment to 14, just to be clear.

DIVISION CHIEF ALJ FORMAKER:

So, to take out the part that reads as well as a summary of the training received by the ALJs?

COMMITTEE MEMBER IRIARTE:

Oh no, sorry, no. It would go on to say the rest. But, you know what, and I would even include, if possible, so it would read like this. Whether the Advisory

Committee should recommend that it should be provided a summary of what has been done by DDS, OAH, and Regional Center to implement the changes to the Lanterman Act, as well as a summary of the training -- as well as -- well, Regional Centers may not be able to do this, but the training received by ALJs on those changes.

DIVISION CHIEF ALJ FORMAKER:

Okay. So, I think what you were doing was inserting, after --

COMMITTEE MEMBER IRIARTE:

Done by -- so after done and before to on the third line. Just so that we're clear who we're talking about. Who's going to give us the summaries?

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER IRIARTE:

By DDS, OAH, and Regional Centers.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. Ms. Iriarte, you have your hand up.

COMMITTEE MEMBER IRIARTE:

I just spoke, so I'm going to.

DIVISION CHIEF ALJ FORMAKER:

Okay, sorry. Does anyone else wish to discuss this item? Ms. Spiegelman?

ALJ ROWAN:

Lana commented, "Can you repeat it?"

DIVISION CHIEF ALJ FORMAKER:

Yes. So, with respect to the amended reading of this with Ms. -- which incorporates the changes that Ms. Iriarte was discussing, it's whether the Advisory Committee should recommend that it should be provided a summary of what has been done by DDS, OAH, and Regional Centers to implement the changes to the Lanterman Act.

As well as a summary of the training received by the ALJs on those changes, including any training on engaged neutrality.

Ms. Spiegelman, did you want to address that any further?

COMMITTEE MEMBER SPIEGELMAN:

I just wanted to say that I completely agree with those changes that Maria suggested to the language in 14. I think it would be incredibly helpful for the Committee to have like a, you know, a compilation of the changes and just to keep track of what, you know, of what implementation activities have been going on.

I think it would be a big help. So, I agree with the changes.

ALJ ROWAN:

Mr. Lana added, "Can I add in plain language?"

DIVISION CHIEF ALJ FORMAKER:

And Mr. Lana would -- are you suggesting that in plain language be inserted after provided? So it would read it should be provided in plain language a summary, et cetera? "Yes, please," he says.

UNIDENTIFIED SPEAKER:

Can I just suggest a little change to that? So, my change would be provided a summary in plain language of what has been done. It's the same thing, it's just different.

DIVISION CHIEF ALJ FORMAKER:

Okay, Mr. Lana, does that address your concern? He says, "Yes, even better." Okay. Ms. Ansari, you have your hand raised.

COMMITTEE MEMBER ANSARI:

I agree with the plain language part. Considering we just had to read this item four times for all of us to understand it.

I'm just wondering if there is another system in place for accountability and follow-up. Is there, besides reporting our Committee, how else, do we know, how else are these changes tracked? Or is there another system in place for accountability and follow-up that we know of?

DIVISION CHIEF ALJ FORMAKER:

Any discussion from other Committee members?

COMMITTEE MEMBER IRIARTE:

It's Maria. And I think we would -- it would be good to hear from DDS and OAH about that and Regional Centers.

MR. CERVINKA:

(Inaudible).

DIVISION CHIEF ALJ FORMAKER:

Was someone speaking just now?

MR. CERVINKA:

Yes, hi Susan, technical difficulties. This is Pete Cervinka from the Department of Developmental Services.

And just to answer that question, you know, I'd like to point out for Committee members that in the information they received about the meeting, which is also posted on the OAH Advisory Committee's website. There is a summary of the changes both in detail and in plain language of the changes that were implemented as a result of the reforms.

We also have an online data collection. And I can ask OAH to share that link, it's from the Department's main website for appeals and complaints. There's an

accordion with a dashboard of the complaints -- appeal request information that had been filed since March of 2023.

It shows 1440 appeal requests since that date. And it also includes additional tabs for the archival information prior to the implementation of the reforms.

So, there is a fairly high degree of visibility into the appeal process and the types of issues that are being raised by people. And the steps that they are being resolved at. As well as the length of time it takes to resolve issues at various steps, average length of time.

So, there is quite a wealth of information available. Of course, we're happy to provide more with specifics. But wanted to just contribute what's out there and respond to the -- in terms of monitoring the changes and what's happening.

We've seen about a 50 percent increase in requests. And the number of mediations and hearings is relatively flat compared to historical levels. Meaning that a higher percentage of issues are being resolved at informal meetings, at or before informal meetings.

So, that's a brief summary of the data that is available. I would encourage folks to take a look at that dashboard.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Are there any other comments from the Committee with respect to number 14? Does anyone wish to make a motion with respect to number 14?

Ms. Iriarte, I think you're speaking. But you're on mute.

COMMITTEE MEMBER IRIARTE:

Yes, I'll make the motion, thank you.

DIVISION CHIEF ALJ FORMAKER:

All right. And is the motion including all of the changes that we're --

COMMITTEE MEMBER IRIARTE:

Yes, the changes. Do you want to read it again for everybody?

DIVISION CHIEF ALJ FORMAKER:

Yes, I'm going to read it for everyone.

COMMITTEE MEMBER IRIARTE:

Okay.

DIVISION CHIEF ALJ FORMAKER:

So you can confirm that is your motion. And then we can see if there is a second.

Whether the Advisory Committee should recommend that it should be provided a summary in plain language of what has been done by DDS, OAH, and Regional Centers to implement the changes to the Lanterman Act. As well as a summary of the training received by the ALJs on those changes, including any training on engaged neutrality. Is that your motion?

COMMITTEE MEMBER IRIARTE:

Yes, that's my motion, thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you, Ms. Iriarte. Is there a second?

COMMITTEE MEMBER SPIEGELMAN:

I'll second, it's Nina Spiegelman.

DIVISION CHIEF ALJ FORMAKER:

Okay, any further discussion from the Committee? Okay, any public comment on this motion?

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

I am not seeing anyone with their hands up. All right, let's go ahead and take a vote.

And again, the motion is whether the Advisory Committee should recommend that it should be provided a summary in plain language of what has been done by DDS, OAH, and Regional Centers to implement the changes to the Lanterman Act. As well as a summary of the training received by the ALJs on those changes, including any training on engaged neutrality.

All right, we're going to take a roll call vote. Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra?

COMMITTEE MEMBER BECERRA:

Yeah, aye.

DIVISION CHIEF ALJ FORMAKER:

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Was that abstain, Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. Darline Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Maria Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana? He votes aye. Mr. Marron, Antony Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Mr. Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller? Jesse Weller?

COMMITTEE MEMBER WELLER:

(Inaudible) too, but I'm abstaining.

DIVISION CHIEF ALJ FORMAKER:

Okay, you're abstaining. Okay, thank you. The motion passes.

All right, let's move on to agenda item number 15. And this was one of the agenda items that was suggested by Ms. Cummings.

Whether the Advisory Committee should recommend that for remote mediations, mediation agreements be circulated for signature in a different way than by OAH serving them on the Regional Center through OAHs secure e-file SFT system for the Regional Center to obtain signatures so that mediation resolutions can be reached more quickly.

Any discussion on this item? Ms. Iriarte?

COMMITTEE MEMBER SHAW:

Can you please read it again before Ms. Iriarte speaks? Can you please read that again?

DIVISION CHIEF ALJ FORMAKER:

Yes.

COMMITTEE MEMBER SHAW:

Sorry, this is Benita Shaw.

DIVISION CHIEF ALJ FORMAKER:

Yes. Whether the Advisory Committee should recommend that for remote mediations, mediation agreements be circulated for signature in a different way than by OAH serving them on the Regional Center through OAHs secure e-file transfer SFT system for the Regional Center to obtain signatures so that mediation resolutions can be reached more quickly. Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

I just had a question for Jennifer Cummings, if that's possible. I'm not aware of the system. So, Jennifer, can you give us a little bit more detail? How long is it taking? I just -- I need to know a little bit about this in order for me to make an informed decision.

COMMITTEE MEMBER CUMMINGS:

So, right now, the mediation agreements have been circulated in a couple of different ways. But it seems that the primary procedure is we review terms of an agreement and agree to resolve. And the Office of Administrative Hearings will draft the resolution. And then post it to the secure file transfer system. So, then we need to download it and circulate it.

And it has been problematic because it takes additional time. Sometimes we don't get them back, even though we've had a verbal agreement. So, then we are left with whether we can implement the change that's been verbally agreed upon without having the written agreement. Or whether we need to hold off.

Some claimants want to add and/or revise the agreement after we've met and talked about it, you know, at length. Which is okay. But when we're in person, you know, the mediation is done. We all meet, we do it all in person right there at the time. And it's over with.

When it's circulated, the responsibility is put on the Regional Center to circulate it, obtain the signatures, and then file it with OAH. And we may not get them back. They may not -- they may want to hold another mediation.

It can just prolong the process. And sometimes it's a little open-ended. And leaving us with, you know, having to do additional follow-up.

COMMITTEE MEMBER IRIARTE:

And I have a question for OAH. Is there a good reason for the process the way it is now, how Jennifer has described it?

DIVISION CHIEF ALJ FORMAKER:

And that was Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

It is a security issue with respect to the private information.

COMMITTEE MEMBER IRIARTE:

That it be through the secure e-file transfer system?

DIVISION CHIEF ALJ FORMAKER:

Correct.

COMMITTEE MEMBER IRIARTE:

What about, that the agreement have to go to OAH first? Because as it's described here, it says the agreements are circulated for signature by way of OAH serving them.

So, it seems like OAH is it important to have -- I guess my question is, is it important to have OAH involved in this?

DIVISION CHIEF ALJ FORMAKER:

So, this is with respect to remote mediations?

COMMITTEE MEMBER IRIARTE:

Uh-huh.

DIVISION CHIEF ALJ FORMAKER:

And the mediator assists the parties in the phrasing of the mediation agreement in most instances.

COMMITTEE MEMBER CUMMINGS:

Yeah, under the code section it said that the mediator needs to forward a copy of the written resolution. So, they are the ones that draft it.

If the parties drafted it and circulated it, that might forego having to go through the secure file transfer system and that additional time.

COMMITTEE MEMBER IRIARTE:

But it --

COMMITTEE MEMBER CUMMINGS:

The security issue stays the same whether IRC is distributing it, or another agency is distributing it.

COMMITTEE MEMBER IRIARTE:

But it also sounds to me that it may benefit the consumer to have that additional time to think about things and maybe come back to the Regional Center with something, with an amendment to the mediation agreement.

DIVISION CHIEF ALJ FORMAKER:

And that comment was from Ms. Iriarte.

COMMITTEE MEMBER CUMMINGS:

Yeah, and there's no obligation to come to an agreement. There never had been. They can always choose not to come to an agreement.

But when we do have an agreement, it would be helpful if we could have it concluded in one day rather than having to do additional follow-up or a second day of mediation.

Sometimes a hearing is on calendar. And they're asking, you know, have to ask where is this mediation agreement.

COMMITTEE MEMBER IRIARTE:

I see the -- this is Marie speaking. I see the --

DIVISION CHIEF ALJ FORMAKER:

Hang on one second. That was Ms. Cummings. Okay, now it's Ms. Iriarte.

COMMITTEE MEMBER IRIARTE:

Iriarte. I see the benefit to that in certain circumstances. But I also see the benefit in having a time lapse if there, you know, when the consumer comes and says, well wait a minute, I thought about it. This is -- I want to amend the agreement in some way. And so, you've got that additional time.

So, anyway, those are my thoughts. And thank you for describing in further detail.

DIVISION CHIEF ALJ FORMAKER:

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Excuse me. I'm a little bit confused between the sentence that I'm reading and what Ms. Cummings is stating.

The sentence actually says that they were asking for OAH to distribute them in a different way other than the Regional Centers. Which means, to me, that you're asking OAH to send it directly to the families, bypassing the Regional Center and the e-file system.

Well, that's what -- did I misunderstand what this is stating? It says, agreements to be circulated for signatures in a different way than by OAH serving them on the Regional Center through OAH's secure file transfer system.

COMMITTEE MEMBER CUMMINGS:

Yeah it's -- the question is open to any other way other than.

DIVISION CHIEF ALJ FORMAKER:

That --

COMMITTEE MEMBER KHATCHADOURIAN:

But still through the Regional --

DIVISION CHIEF ALJ FORMAKER:

Hang on.

COMMITTEE MEMBER KHATCHADOURIAN:

-- Center?

DIVISION CHIEF ALJ FORMAKER:

Hang on one second. That was Ms. Cummings. Remember, everyone should say who they are before they start speaking so we can have a clear transcript.

COMMITTEE MEMBER KHATCHADOURIAN:

My apologies, I'm sorry.

DIVISION CHIEF ALJ FORMAKER:

That's okay.

COMMITTEE MEMBER KHATCHADOURIAN:

I'm trying to clarify so I understand what is being requested.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER KHATCHADOURIAN:

So, this is Ms. Khatchadourian again. So, are we stating that you don't want to go through the file transfer system? Is that the issue? No. Okay, maybe I'm misunderstanding that. If someone can clarify that I would appreciate it.

COMMITTEE MEMBER IRIARTE:

This is Maria. And I guess, Jennifer, you might want to answer the question. But the way I see it or I read it is that it'll go through the security file system. It'll be secure, but not to go through OAH. Because that takes time.

And so, I think what Jennifer is suggesting is something very quick at the mediation. You know, something quick that can be signed on the same day rather than having to wait for the document to be completed later. And Jennifer, you can --

DIVISION CHIEF ALJ FORMAKER:

Hang on one second. Let me -- let me just clarify so people understand what's happening.

So, when it is an in-person mediation, the ALJ can get everybody's signatures and input on the agreement right there, okay?

When it's a remote mediation, the ALJ does their best to get everybody's input on the agreement. But because people are not physically in the same room, the document needs to be circulated in some way for signature.

And so, presently, the ALJ has the draft agreement provided to the Regional Center through the secure e-file system, so that the Regional Center can then obtain signatures.

Okay, Benita Shaw had her hand up.

COMMITTEE MEMBER SHAW:

My question or thought would be, and this is kind of in a different ballgame but similar. It's similar to, in my own experience, as in helping families when they're in -- have been in a hearing relating to the School District, and it was all remotely.

So, we've all been in the pandemic and what have you. So, what usually happened is, and I don't know if this is the same setting.

Sometimes the attorneys on both sides are available to have that document ready. And they're in separate rooms via Zoom rooms. And that agreement comes in to as a solid agreement that's verbal. We've agreed, we're done.

And then the attorneys on both sides are responsible for getting that. It happens pretty rapidly because there has been no change. Because it sounds to me, the change is coming after the fact?

And the other thought would be is that when you're in there, and if you're -- to Susan's point, if you're in-person, then you can immediately get that to sign, what is different than having it immediately ready virtually, or the people who are on the Zoom or whatever the case may be, to send that information out while they're there.

Because as I'm hearing, if I'm hearing this wrong from all these people, because I'm kind of like the other panelists were. I'm trying to grasp the question, is when it's virtual and when it's not. And to me, it's just a matter if we can have one signed in person, as Susan stated.

Why can't we do the same where they have it, it's virtually ready for them to sign in the process? Because you know you're coming to that agreement. There is always a time that I've experienced you're sitting either in Zip and Zooms or whatever, waiting for the agreement. And it's send out at that time to get it sent out.

That would be my thought process to make it to where, to Jennifer's point, that it's happening as it's saying, to Susan's point, as if it was in-person. I hope that makes sense. Because I'm really trying to follow this question or this was opposed.

So, that's my thought is, if that it could happen in person, it should be able to happen in Zoom in the same fashion of time.

COMMITTEE MEMBER CUMMINGS:

Yes, thank you. This is Jennifer Cummings, and that is the goal of number 15 is so that the process would be similar to an in-person meeting.

COMMITTEE MEMBER SHAW:

So, this is Benita. So, with the next step, are we looking, Susan, for recommendation as another way to do that? Is that the purpose for what was being opposed to the Committee, Susan?

DIVISION CHIEF ALJ FORMAKER:

Well, that's up to Ms. Cummings, as it was her agenda item.

COMMITTEE MEMBER CUMMINGS:

And I can make --

COMMITTEE MEMBER SHAW:

And in the beginning, so Jennifer --

COMMITTEE MEMBER CUMMINGS:

I'm sorry. This is Jennifer Cummings. I can make an amendment to the motion to clarify, to read whether the Advisory Committee should recommend that for remote mediations, mediation agreements be circulated for signature in a, maybe in a different way other than.

COMMITTEE MEMBER KHATCHADOURIAN:

This is Taleen Khatchadourian. I just wanted to say, if you could literally go straight into a format that would allow for mediation resolutions to be reached during the meeting. I think that's what you're trying to get to, right?

COMMITTEE MEMBER CUMMINGS:

Yes.

COMMITTEE MEMBER SHAW:

This is Benita again. So, Jennifer, can we repeat what we're so called wanting the Committee to recommend, I guess?

COMMITTEE MEMBER CUMMINGS:

Just thinking about changing the wording. Anyone else have a suggestion?
Taleen?

COMMITTEE MEMBER IRIARTE:

This is Maria. I mean, we're not as far -- so, if we were to say for 15, whether the Advisory Committee should recommend that for remote mediations, mediation agreements be circulated for signature, and I like Jennifer, that language, other than by OAH serving them on the Regional Center through the OAH security transfer system for Regional Center to obtain, blah, blah, blah, all of the rest.

It's just in other than, I think, that other than language would work. We're not - - we're not here to decide what way it will be. But other than the way it currently is being done.

DIVISION CHIEF ALJ FORMAKER:

So, as I understand it, what you're suggesting, Ms. Iriarte, is to change number 15 to read, whether the Advisory Committee should recommend that for remote mediations, mediation agreements be circulated for signature in a way other than by OAH serving them on the Regional Center through OAH's secure e-file transfer SFT system for the Regional Center to obtain signatures so that mediation resolutions can be reached more quickly?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. And Ms. Cummings, do you accept that amendment to number 15?

COMMITTEE MEMBER CUMMINGS:

I do.

DIVISION CHIEF ALJ FORMAKER:

Okay. Is there any further discussion from the Committee on number 15?

All right, let's go to our public comment. Is there anyone who would like to make public comment on this?

Oh, before we go there, I see that we've got a comment, I believe, from Ms. Becerra. "I have a meeting CRVC on May 2nd, 1979, 10:00 a.m. to 12:00 p.m. Client CRVC client."

Okay, let's see if there's any public comment. Is there any public comment with respect to this agenda item? I'm not seeing any hands up. Is there any written public comment?

MS. LOR-SNYDER:

There is one written comment. But it's not related to this agenda item. It's from DDS just as a follow-up. "The online dashboard for the appeal process is found here, <https://www.DDS.ca.gov/rc/dashboard/appeals-data/>.

DIVISION CHIEF ALJ FORMAKER:

Okay. I think that was responding to a prior suggestion, okay. Any other comment?

All right, let's go back to the Committee. Do we have a second on the motion as re-worded?

COMMITTEE MEMBER IRIARTE:

I'll second -- Maria Iriarte, I'll second the motion.

DIVISION CHIEF ALJ FORMAKER:

Okay, and Ms. Cummings, were you the maker of the motion?

COMMITTEE MEMBER CUMMINGS:

Yes, please.

DIVISION CHIEF ALJ FORMAKER:

Okay. I just wanted to clarify that. All right, let's take a roll call vote then. Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra?

COMMITTEE MEMBER BECERRA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Maria Iriarte? Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Oh, aye, yes, sorry.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana? He votes aye. Antony Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Okay, the motion passes. Okay, believe it or not we are on our last substantive agenda item.

All right, number 16. Whether the Advisory Committee should recommend that parties be notified when proposed decisions are submitted to DDS.

This was from Ms. Cummings. Ms. Cummings, did you want to provide some background on that? You need to unmute yourself.

COMMITTEE MEMBER CUMMINGS:

Sorry about that. It would just be helpful for everyone involved to know where we are in the process with having the decision being proposed. And then when it is with DDS so that then we would know that we have another 30 days to wait for the decision.

Sometimes we get questions from families. And, you know, we're not too sure where OAH or DDS may be in the process. Because we don't know when that proposed decision is completed and sent to DDS.

We had a case that was consolidated in multiple issues. And we received a decision. And I didn't realize at that time that there was part of, you know, that a portion of it had been sent to DDS. Because we didn't know. So, I thought until we received that final decision that, you know, we had received everything.

So, I think it could help, especially when there's multiple issues on a case. And help us for tracking timelines and things.

DIVISION CHIEF ALJ FORMAKER:

Any discussion? Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

Hi, this is Maria. And so, Jennifer, in that case where there were multiple issues and one of those issues had to go to DDS. Because there are only three issues that are -- that go to DDS.

Do you have to -- the entire -- the other issues have to wait until the proposed -- until the -- you hear from DDS?

COMMITTEE MEMBER CUMMINGS:

(Inaudible).

COMMITTEE MEMBER IRIARTE:

So how does that work?

COMMITTEE MEMBER CUMMINGS:

So, this is Jennifer Cummings. And we -- there were different case numbers heard at the same time. And we received, I'm trying to remember now. But we received a decision on issues.

And if I recall, I thought it had both case numbers. But I'm not positive on that. And it wasn't too clear in hearing whether the Judge was looking at an issue of self-determination or not. So, that played a part, too.

COMMITTEE MEMBER IRIARTE:

Okay. I was just curious as to how the issues are treated. And whether you have to wait for that proposed -- whether you have to wait on those three issues for

DDS to render a decision before you send the, you know, the decision out on other issues that don't involve the three issues that are --

COMMITTEE MEMBER CUMMINGS:

Yeah.

COMMITTEE MEMBER IRIARTE:

-- part of the proposed decision issues. Sorry, this -- that sounded confusing, but anyway.

COMMITTEE MEMBER CUMMINGS:

I might not have explained it --

COMMITTEE MEMBER IRIARTE:

Don't ask me to repeat it, I wouldn't be able to.

Well, I think it would be important as a claimant, someone, you know, who's waiting for that decision to know that it's been sent to -- the proposed decision has been sent to DDS. Because then there's a timeline. I would welcome that as a claimant.

DIVISION CHIEF ALJ FORMAKER:

Is there further discussion? Any other Committee members have any input on whether the Advisory Committee should recommend that parties be notified when proposed decisions are submitted to DDS?

And just to clarify, with the amended Lanterman Act, instead of all decisions being final, most of them are final. But there are three areas where there are proposed decisions.

All right, I'm going to go to public comment. Is there any public comment with respect to item number 16? Okay, Mr. Baca?

MR. BACA:

Yes, thank you. I would simply like to say that for what it is worth, as a member of the public, I do support the decision of the Advisory Committee to recommend that parties be notified when proposed decisions are submitted to DDS.

So, I guess, and another way to say it, I am in favor of this item. Thank you for your time.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. And that was from Gabriel Baca.

Okay, are there any other comments from the public on this item?

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And I'm not seeing any more members of the public with their virtual hands up.

Okay, let's go back to the Committee. Ms. Cummings, are you moving number 16 on the agenda?

COMMITTEE MEMBER CUMMINGS:

Yes, I would like to move for the Committee to consider the motion as stated.

DIVISION CHIEF ALJ FORMAKER:

All right, is there a second?

COMMITTEE MEMBER IRIARTE:

Maria Iriarte will second that one.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. Let's take a roll call vote. All right, Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra?

COMMITTEE MEMBER BECERRA:

Yes, aye.

DIVISION CHIEF ALJ FORMAKER:

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Maria Iriarte?

COMMITTEE MEMBER IRIARTE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana?

UNIDENTIFIED SPEAKER:

It looks like he says aye.

DIVISION CHIEF ALJ FORMAKER:

Is that from this vote?

ALJ ROWAN:

Yes, it just came in right now.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you, he votes aye. Antony Marron?

COMMITTEE MEMBER MARRON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada?

COMMITTEE MEMBER QUESADA:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Benita Shaw?

COMMITTEE MEMBER SHAW:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Abstain.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Okay, the motion passes. All right, we've gotten through all of the items on the agenda.

Before our next meeting, our Advisory Committee members will be provided an opportunity to suggest additional agenda items for the next meeting. And we will provide our responses to the recommendations.

At this point, it is the opportunity for the members of the public to make public comment on any issue. And so, I'd like to open it up to the public.

Okay, I have a hand up from Bobbie Rufus.

MS. RUFUS:

Hi, this is my first time participating in anything like this. But I live in Kern County. And I've identified an issue that is affecting the ability for clients to get services when they're requested. Because they have a thing they called case consult.

Which from what I understand it's the -- goes to one person. Which I think is the client -- the Director of Client Services. And one person has to finally approve any requests that are made. Which creates a backlog of requests being either denied.

And then I recently read an article in Disability Scoop, where it says the new trend for Regional Center's is called trend -- it's a trend called denial by delay.

And I recently had a request -- give you a little background. I have two clients that I've had in my home since 2008. They're two sisters with severe disabilities.

And I've had to file eight appeals. And I've had to file four 4731 complaints in order to get services that are outlined in the Lanterman Act. And I've only lost one.

And I'm pretty proficient at looking up the Welfare and Institutions Code and Title 17 and all of that. So, I've been able to advocate for my girls. But all clients or all family members are not that good at that.

And recently, I had requested, one of my girls had emergency gallbladder surgery. She weighs 239 pounds. I weigh 152.

I had asked for an attendant to be in the home to help me. Because she overheard the hospital staff saying they were going to send her -- she overheard rest home. But actually it was a rehabilitation center.

She called me really upset because she didn't want to go there. She said, I want to come home so you can take care of me. So, I asked for an attendant to help me. It was never approved.

She was released home. I had to take care of her. She was cut from up under her breasts all the way to her naval. I could not lift her. And the doctor said, make sure she stays clean so she won't get infected and all that.

And I expressed all of this to the Regional Center. It was never approved. That was September of 2023. Still, no one has said anything.

ALJ GAVIN:

I'm sorry to interrupt. Ms. Rufus, public comments are limited to three minutes. And I just wanted to butt in to let you know you have about 30 seconds left.

I'm sorry to interrupt. Please continue.

MS. RUFUS:

Okay, well anyway, the problem is a lot -- case consults is that a lot of the requests are backed up because they have to go through one person. And this recent complaint, it was backed up for two months. And it still has not been finalized.

I made this request in November of 2023. And the reason it hasn't been, from what I'm told, approved, is because the difficulty getting into the person that has final approval.

And I've talked to Grace Huerta (phonetic), which is the daughter-in-law of Dolores Huerta that has a place right across the street, to see if that's just me or if it's other clients.

And she said it's in the Hispanic population, it's in the black population. Getting approvals because of this case consult problem is a real issue.

And matter of fact, one of the --

ALJ GAVIN:

I'm sorry -- I'm sorry to interrupt you. Your three minutes are up. I apologize --

MS. RUFUS:

Okay.

ALJ GAVIN:

-- for cutting you off. But we do have to limit public comment to three minutes. Just so we can make sure that every member of the public who wishes to comment has time.

MS. RUFUS:

Okay.

ALJ GAVIN:

So, we thank you for your comments.

MS. RUFUS:

All right.

DIVISION CHIEF ALJ FORMAKER: Thank you, Ms. Rufus.

MS. RUFUS:

You're welcome.

DIVISION CHIEF ALJ FORMAKER:

All right, do we have other public comments? So, we're hearing some sound.
Do we have other public comments?

ALJ GAVIN:

I see, Susan, someone with the screen name 825346 guest. That person is now invited to speak. Please keep in mind you have three minutes. And I will warn you when you have 30 seconds remaining.

MS WEIL:

Thank you. My name's Wendy Weil. I'm the Executive Director of Arm In Arm Supported Living Services. I'm also a parent.

I was reading your attachment on the history of decisions, appeal process decisions, and noticed on page 2, there's a highlighted sentence that ends in the word topics. And when I clicked on that, it references exceptions to final decisions of appeals. And what I'd like to say is that I think DDS should have full authority to help families.

And at a hearing, if a Judge were to decide in favor of a family, DDS should not have the authority to overturn that Judge's decision. That would be the opposite of helpful. That would be penalizing.

That's what I wanted to say.

DIVISION CHIEF ALJ FORMAKER:

Okay.

ALJ GAVIN:

All right, thank you very much for that comment. Any other members of the public wish to comment? I see Mr. Baca. Mr. Baca, you can unmute and begin whenever you're ready.

MR. BACA:

Thank you, Sean. I would like to thank the OAH AC for being here present to discuss this. Surprising to say that the community has many concerns. Some that are more pressing than others. And the work that is being done right now will probably never be enough to solve the issues that we face in a timely manner.

But we have to continue working on these, nonetheless. Because many families are struggling with the system the way that it currently is. And many people do have hopes that it will get better within their lifetimes. Some of those concerns may not be addressed by then. But nonetheless, it is something that we will continue working on.

And I look forward to being able to provide more meaningful commentary in the future, in future meetings.

I guess to wary a concern that I have, and maybe this was a deliberate choice. I do not know, I was not present at the beginning. But if chat is disabled, it does make it a little bit harder for the community to express its concerns or ask its questions.

So, I ask that this be looked into in the future, just to make offer a possible solution to that. And I, perhaps this is not something that is allowed. But if there was a way to donate the remainder of my time to the first woman that was given the comment, I think she had a lot to say. That would be fine by me. And if not thank you all for having me. And have a wonderful afternoon.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Mr. Baca. Are there additional public comments?

MS. LOR-SNYDER:

There are no written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

If we don't have any additional comments from anyone else. Bobby Rufus, you can finish speaking for a few more minutes if you have more to say.

MS. RUFUS:

Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

MS. RUFUS:

Hello? Oh, okay.

DIVISION CHIEF ALJ FORMAKER:

Yes.

MS. RUFUS:

I've talked to quite a few other family members in my area, which is Kern County. And they are also having the same issue.

And this article that I was referring to, it's not just a Kern County issue, it's a state wide issue of getting services that are outlined in the Regional Centers, the Lanterman Act, outlined there, getting Regional Center to approve it, deny it, or just even act on it.

And in our case, it's the case consult. I've talked to some of the other service coordinators and other families. And they agree that that is a problem. One person that has to approve everything. That's impossible. It's going to create a backlog.

And in the meantime, the clients and consumers are going without the services that's outlined in the Lanterman Act. Because they can't get a meeting. They can't get anyone to respond unless -- the only reason I got my county to respond, I had to finally file the 4731 complaint.

And like I said, I've had to file eight fair hearings in order to get the services my clients are entitled to. And it shouldn't take all that. But I was able to research and find the codes and everything that says, yes they're entitled to this. The law says this, this, or that.

DIVISION CHIEF ALJ FORMAKER:

Okay, please try to slow down. We're getting requests from the interpreters for you to slow down a little bit.

MS. RUFUS:

Okay. And it's been an ongoing issue. And I've talked, like I said, I've talked to an organization that's mainly Latino. And it seems like the black consumers and the Hispanic population, they're the worst -- the disparity is greater in those two populations.

And we plan to get together and try to meet with someone to get these concerns addressed. But the case consult, that's a real issue. It creates such a backlog.

Because one service coordinator told me she has 72 clients. I can imagine how many service coordinators there are, the number of clients they have, if they all have to wait in line to get one person to approve requested services. That's a problem. And it needs to be addressed.

And I didn't -- I read this in these articles I get from Marty Amato (phonetic). That's how I knew about this meeting. And I thought, well, I'm going to get on there and just express that something needs to be done.

And I recently heard one of the service coordinators quit her job. She wrote this long email and sent it over there. That was one of her major complaints is the case consult problem.

So, it's not just a problem for the consumers, it's a problem for the service coordinators. Because they can't move until the people above them move. And in my experience, that's a problem, not getting emergency help for someone that's having emergency gallbladder surgery because they can't get it approved by the person that's supposed to approve it. That's a problem.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you, Ms. Rufus.

MS. RUFUS:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Is there any other public comment? Any other public comment?

ALJ GAVIN:

Elizabeth Hernandez raised her hand. Ms. Hernandez, you can unmute and begin your three minutes whenever you're ready.

MS. HERNANDEZ:

I just want to say that the person that just spoke hit a lot of major points. And I completely agree. My experience has been similar. And when I first started and I had to go through 15 due process hearings. Even though, you know, my child was eligible for services.

And I know of another child that I tried to help. And he just keeps blocked and was not being provided services. And that child is now severely impacted and struggling, where he could've received services immediately at an earlier stage in life.

But yeah, I don't know, are you guys allowed to respond to our issues? Or are we just going to voice our opinions or our situations?

DIVISION CHIEF ALJ FORMAKER:

This is a time for public comment.

MS. HERNANDEZ:

Okay. Well, I completely agree with what the lady said, you know, before me. And that's it, thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. Any other public comments? It looks like -- do we have anyone else with their hands up?

ALJ GAVIN:

I don't see anyone else, Susan. I do see Ms. Becerra, as a Committee member, though.

DIVISION CHIEF ALJ FORMAKER:

Okay. Well, let's try and finish with public comment. Is there any other public comment or any written comment?

MS. LOR-SNYDER:

No written comments at this time.

DIVISION CHIEF ALJ FORMAKER:

Okay. Ms. Becerra, one of our Advisory Committee members has her hand up. Although we don't have any other matters on the agenda. Ms. Becerra did you have a question?

COMMITTEE MEMBER BECERRA:

Yeah, my concern is that I'm a CVRC client. And I understand what those persons were talking about. Because I try to help other people get services, as my nephew or friends that need it.

And they go through an application at CVRC if you want to be -- have services for them. And for me, when I started as a client, it was not that easy to get in the system.

I had to do a lot of medical stuff through the program. And then that's how I got in. So, yeah. I'm a client of the advice of the advice of CDC and vice president. And I go to the meeting. I have a meeting next month with the CVRC on the 2nd from 10:00 to 2:00.

And they do talk about who needs help.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. All right, well, we are done with public comment. And we've gone through the agenda.

So, at this point, I want to thank our Advisory Committee members for all their work today.

I also want to thank your interpreters for all of their work today, for helping to ensure that this meeting was successful to as many of our public members as possible.

And I also want to thank DDS and my colleagues at OAH for all of your help in putting this meeting together and assisting and facilitating the meeting while it was occurring.

And with that, it is 4:47 p.m. on April 3rd, 2024. And this Advisory Committee meeting is adjourned.

CHIEF DEPUTY DIRECTOR CERVINKA:

Thank you, Susan, for all your help today.

ADVISORY COMMITTEE MEETING CONCLUDED

CERTIFICATE OF TRANSCRIPT

I, Sherry L. Mainus, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the DDS Advisory Committee meeting that took place on April 3, 2024, Office of Administrative Hearings, via Zoom videoconference. This is the corrected original transcript and the statements that appear in this transcript were transcribed by me to the best of my ability. Executed under penalty of perjury in Sacramento, California on the 8th day of April, 2024.

Sherry L. Mainus

Transcriber

Northern California Court Reporters