

TRANSCRIPTION OF RECORDED MEETING

OF

OFFICE OF ADMINISTRATIVE HEARINGS

DDS ADVISORY COMMITTEE MEETING

AUGUST 13, 2026

Committee Members Present:

MELISSA AMSTER

CHRISTOPHER ARROYO

REINA CANALE

JENNIFER CUMMINGS

WILLIAM DEL ROSARIO

FERNANDO GOMEZ

CAROLA CAMACHO MARANON

TRACEY MARQUART

MARTY OMOTO

RENEE RODRIGUEZ

BENITA SHAW

NINA SPIEGELMAN

AINI TJAUW

LEINANI WALTER

OAH Staff Present:

SUSAN FORMAKER

MATTHEW GOLDSBY

ZACKERY MORAZZINI

MARYJOSEPHINE NORRINGTON

TZER LOR-SNYDER

BOB VARMA

DDS Staff Present

KATIE HORNBERGER

MICHAEL MCNULTY

STEPHANIE SANTAMARIA

DENISE THORNQUEST

IAN WILSON

Accessibility Modified

Facilitator

KARIN BLOOMER

ASL Interpreters:

RICK HAFFNER

ELIZABETH VEGA

Spanish Interpreters:

MARC GUTIERREZ

ANAELVIA SANCHEZ

Transcribed by:

James Pupkies

Aberdeen Broadcast Services,

Sacramento, California

AUGUST 13, 2026

DIVISION CHIEF ALJ SUSAN FORMAKER:

Matthew, if you could -- yeah. Okay, ready to go.

FACILITATOR BLOOMER:

Wonderful. Great. Good afternoon, everyone. My name is Karin Bloomer, and I have the privilege of facilitating the OAH Advisory Committee meetings. I'm going to turn to our Spanish interpreters to explain how to access the language channels for interpretation during this meeting. Marc? And next slide, please.

SPANISH INTERPRETER GUTIERREZ:

Thank you, Karin. We'll provide that now. We'll start off for the benefit of those listening in Spanish. (In Spanish).

And for those listening in English, please be reminded that in the event we receive a Spanish comment or question, you can -- you can listen to a live interpretation of it as well. At the bottom of your screen, you'll find a globe icon that says interpretation. Please select it and then select your language, English, and you'll be able to hear a live rendering of that comment.

Thank you, Karin. Back to you.

FACILITATOR BLOOMER:

Thank you. All attendees, please select your language channel now. And as a reminder, please, let's all try to remember to speak at a moderate pace so that interpreters can track what we are saying.

Now I will review the other ways to participate in today's meeting. Thank you, Susan. Advisory Committee members, open meeting laws require that you have your cameras on at all times. If you're having technical difficulties with your camera, please let us know. Committee members, please use the raise hand feature if you would like

to make a comment. I will call on members in the order that hands are raised. When I call on you, please unmute and state your name if you could. That will help us with the transcript.

We are reserving the chat feature for use by Advisory Committee members who have requested chat as their mode of communication. So, for William Del Rosario and for Otto Lana, if he's able to join us, for you Advisory Committee members, if you could please enter -- once you enter a comment in chat, please raise your virtual hand, and that will help me notice to check the chat feature and read your comment aloud. Next slide, please.

Now I will explain how members of the public can provide public comment in today's meeting. Members of the public, during the public comment period, if you want to make a verbal comment, please use the raise hand feature to let us know that you'd like to speak. We will take speakers in the order that hands are raised. If you are calling into this meeting and want to make a verbal comment, please press star nine to raise your hand, then press star six to unmute. In all cases with verbal comments, you will have two minutes to provide comment. Next slide, please.

Members of the public, if you want to email your public comment during the meeting, you can email it to this email address: oahacomment@dgsc.ca.gov. Written comments that are received during the meeting will be read aloud for up to two minutes. If for some reason we are not able to read aloud a written comment received during the meeting, those comments will be posted on the Advisory Committee section of the OAH website. No other comments that are received before or after the meeting will be read aloud or posted. In order to enable as many comments as possible to be heard, we will not read emails aloud that repeat someone's verbal or chatted comments. Next slide, please.

Members of the public, we will also announce when we are reserving public comment for those who need to use the chat feature as an accommodation. At that time, we ask you that you raise your virtual hand to let us know you need to use the chat. Then, when we call on you, we will promote you to Zoom panelist status so that you can enter your comment in chat. We will then read your comment aloud. This will also be a two-minute time limit. I want to show one last slide, please.

This is for anyone who's seeking information from the Department of Developmental Services that includes information about the upcoming Federal Access Rule grievance process, self-determination process, and information on complaints and appeals. You can access information at www.dds.ca.gov. If you have concerns and/or would like to connect with the Ombudsperson Office at DDS, you can do so at ombudsperson@dds.ca.gov. If you have concerns and/or would like to connect with the Community Appeals and Resolutions Branch at DDS, you can do so at appeals@dds.ca.gov.

That concludes our slides now. Now, I'm going to take a roll call. So, the way this works is when I call your name, please let us know you're present. Please unmute and say that you're here. In the case of our Advisory Committee members who use the chat, of course, I will be looking to the chat feature for that.

Okay. I will begin naming names. Melissa Amster?

COMMITTEE MEMBER AMSTER:

Melissa Amster's here.

FACILITATOR BLOOMER:

Welcome, Melissa Amster. Christopher Arroyo? Okay, I'm not hearing Christopher is here. Reina Canale?

COMMITTEE MEMBER CANALE:

Reina Canale, present.

FACILITATOR BLOOMER:

Thank you, Reina. Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Hello; here.

FACILITATOR BLOOMER:

Thanks, Jennifer. William Del Rosario?

COMMITTEE MEMBER DEL ROSARIO:

William Del Rosario, present.

FACILITATOR BLOOMER:

Thank you. Good to see you, William. Fernando Gomez.

COMMITTEE MEMBER GOMEZ:

Fernando Gomez present.

FACILITATOR BLOOMER:

Thank you, Fernando. Sherry Johnson. Okay, not hearing Sherry. Otto Lana. I understood Mr. Lana may not be able to attend, and if he does, he may be late, so okay. We'll keep an eye out for him. Carola Camacho Maranon.

COMMITTEE MEMBER CAMACHO MARANON:

Carola Maranon here.

FACILITATOR BLOOMER:

Thank you. Tracey Marquart. Okay, not hearing Tracey. Again, we'll keep an eye out for her. Antony Marron. Okay, marking absent. Marty Omoto. I know Marty is here. Marty, did you unmute and say that you're here? Oh, I see you, but I didn't hear you. Suddenly, you have no sound.

COMMITTEE MEMBER OMOTO:

Can you hear me now?

FACILITATOR BLOOMER:

Oh, okay, faintly.

COMMITTEE MEMBER OMOTO:

Okay.

FACILITATOR BLOOMER:

Okay. Maybe closer to the mic.

DIVISION CHIEF ALJ FORMAKER:

So, Marty Omoto is here.

FACILITATOR BLOOMER:

Thank you. Glad to have you here.

DIVISION CHIEF ALJ FORMAKER:

Yeah.

FACILITATOR BLOOMER:

Yes, Marty Omoto is here. Jeanette Picasso-Arguello. Marking absent. Renee Rodriguez.

COMMITTEE MEMBER RODRIGUEZ:

Here.

FACILITATOR BLOOMER:

Renee, thank you. Gabriel Rogan? Absent. Benita Shaw?

COMMITTEE MEMBER SHAW:

Here.

FACILITATOR BLOOMER:

Thank you, Benita. Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Here.

FACILITATOR BLOOMER:

Thank you, Nina. Robert Taylor? Absent. Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Here.

FACILITATOR BLOOMER:

Thank you, Amy. Leinani Walter.

COMMITTEE MEMBER WALTER:

Leinani Walter here.

FACILITATOR BLOOMER:

Thank you, Leinani. And Sylvia Yeh. Okay, not hearing Sylvia. Okay.

Matthew, I think I'll just check with you to see if we have a quorum for if -- in case there are any votes being considered.

PRESIDING ALJ GOLDSBY:

We have 12 reported present, so we have a quorum.

FACILITATOR BLOOMER:

Okay. Thank you so much. Okay. Now, I'd like to introduce members of the DGS Office of Administrative Hearings who are in attendance. We have Zackery Morazzini, Director and Chief Administrative Law Judge of the Office of Administrative Hearings.

DIRECTOR MORAZZINI:

Good afternoon.

FACILITATOR BLOOMER:

Welcome. Bob Varma, Deputy Director, Office of Administrative Hearings.

DEPUTY DIRECTOR VARMA:

Good afternoon.

FACILITATOR BLOOMER:

Susan Formaker, Division Chief Administrative Law Judge, General Jurisdiction Division.

DIVISION CHIEF ALJ FORMAKER:

Good afternoon, everyone.

FACILITATOR BLOOMER:

Matthew Goldsby, Presiding Administrative Law Judge, Los Angeles General Jurisdiction Division.

PRESIDING ALJ GOLDSBY:

Good afternoon.

FACILITATOR BLOOMER:

Maryjosephine Norrington, Supervisor I with the General Jurisdiction Division. You know, she's here. And Tzer Lor-Snyder, Supervisor I with the Administrative Division.

All right, and from DDS, I believe we have in attendance Katie Hornberger, Deputy Director for the Community Assistance and Resolutions Division. Hello. We have Michael McNulty, Chief of the Community Appeals and Resolutions Branch.

DEPUTY DIRECTOR HORNBERGER:

He's coming from another meeting, but he'll be here.

FACILITATOR BLOOMER:

All right, wonderful, wonderful. Denise Thornquest, Supervisor II in the Community Appeals and Resolutions Branch. Got Denise. Ian Wilson, Supervisor I in the Community Appeals and Resolutions Branch.

MR. WILSON:

Good afternoon.

FACILITATOR BLOOMER:

And I see we have Stephanie Santamaria as well. Welcome, Stephanie.

MS. SANTAMARIA:

Thank you.

FACILITATOR BLOOMER:

Okay. So, before we move on, you all may have noticed we do have new Advisory Committee members as we begin a new cycle and set of terms for the Committee. So, I'm sort of springing this on you, new Advisory Committee members, but I'm wondering if when I call your name, if you could unmute, introduce yourself, you know, your name and your affiliation if you have one, and very briefly why you wanted to be on the committee.

And so, you know, one minute or less. Just really want to welcome you to the committee. Okay? If you're comfortable, and if not, just (inaudible) again. So, I want to invite Melissa Amster. Welcome.

COMMITTEE MEMBER AMSTER:

Hi, thank you. I am Melissa Amster. I run Amster Law Firm. I represent clients in special education, Regional Center including self-determination independent facilitator, IHSS. And I do handle a number of cases in front of OAH.

And one thing that I wanted to come on here and hopefully work on is the calendaring system. I find that a bit challenging -- to be able to represent my clients timely.

FACILITATOR BLOOMER:

Thank you, Melissa. Appreciate it. Tracey Marquart, could you go next? Oh, I think Tracey was one of our new members who wasn't here yet. Okay. Okay. Renee Rodriguez, would you like to introduce yourself and say a little bit about yourself?

COMMITTEE MEMBER RODRIGUEZ:

Hi, this is Renee Rodriguez. I am from San Diego, California, from the San Diego Regional Center. I entered to this -- to this board to try to improve and self-advocate for other people who cannot talk. And -- oh, and I study a diploma in paralegal. Thank you.

FACILITATOR BLOOMER:

Thank you, Renee. Thank you so much. Welcome to the committee. Leinani Walter, maybe you could close this out for us. Welcome.

COMMITTEE MEMBER WALTER:

Hi. Hi, thank you. I'm Leinani Walter. I'm the Executive Director of Valley Mountain Regional Center. I come to this space having worked at the Department of Developmental Services formally as the Chief Equity Officer, working with all 21 of our Regional Centers and our diverse populations across the state.

Prior to that time, I worked for the Association of Regional Centers as Director of Operations for a number of years. And then prior to that, I spent 18 years at the Office of Clients' Rights for Disability Rights California, representing families that we serve and individuals.

And I myself am part of a family. My brother is served by the Regional Center system and has been for 46 years of his life. And I feel the personal need, but always as an advocate now leading a Regional Center to ensure that the families that we serve and the individuals served have a voice and have access.

And one of the things in particular that I like to see at our center is that we make sure that every tool that we can possibly offer for the individual that is advocating for themselves, that we do our best as an agency to make sure it's accessible. And I do feel that our shift to electronic, you know, submission of evidence, for example, that's challenging for individuals served and families, and it's often a step that's missed along the way.

And even for when we want to advocate for our families, we want to make sure that they have a fair opportunity to share information. So, that's one area that I can see from feedback from my staff that we can make easier for our individuals that we serve.

So, thanks for having me, and I hope to learn a lot from all of you. Thank you.

FACILITATOR BLOOMER:

Thank you, Leinani. And for our other new members who couldn't be here today, of course, we will welcome them and learn more about them at the next meeting, I hope. We also have Advisory Committee members who have renewed their terms, so we're so pleased to have them back. And just to acknowledge, as we did at the end of the last meeting, the Advisory Committee members who no longer serve on the committee who obviously dedicated a great deal of time and appreciate that service.

Okay. Next on the agenda, a update on subcommittee members. So, I just want to acknowledge that with Jesse Weller cycling off of the Advisory Committee, he was a subcommittee member along with Fernando Gomez, and Jennifer Cummings graciously accepted to join the subcommittee and join Fernando Gomez. And we'll talk more about the scope of that subcommittee later but just wanted to make sure everyone's aware of that update.

And then next, I'm going to turn to Susan Formaker in regard to OAH's response to the Advisory Committee's recommendations from the May 14th Committee meeting.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Karin. So, at the last Advisory Committee meeting there was a recommendation that came out of agenda item number six. So, I'm going to read aloud what the recommendations were. And then just bear with me. I'm going to read aloud the written recommendation that we posted on our website and provided to all of the Committee members as well. So, bear with me again as I read aloud.

The recommendations were for OAH to explain in writing and at the August 13th Advisory Committee meeting what OAH must do and what it has permission to do in mediations and hearings in regard to the following four scenarios: where there is an inadequate Notice of Action, where the claimant did not receive a Notice of Action, when the Notice of Action has been changed, when the reason for the rejection of the claim or a reason for denial is not on the Notice of Action.

In addition, please include the source of the authority for those permissions or mandates by OAH and also provide data where available for the last two years of the instances of those scenarios in the mediation and/or hearing process.

OAH's response is as follows: how a particular factual scenario in a mediation or hearing is dealt with depends on the facts and circumstances involved in the matter. OAH administrative law judges and pro tem administrative law judges who act as mediators and hearing officers in Lanterman Act matters are guided by the statutes and regulations that apply to a particular situation, as well as by the parties' positions in a mediation or hearing.

With respect to notices of action, Welfare and Institutions Code Section 4710 Subdivision E states in part that if a person requests Regional Center services and is found to be ineligible for those services, the Regional Center shall give adequate notice pursuant to Section 4701.

Welfare and Institutions Code Section 4701 states in Part A, adequate notice means a written notice using the form prescribed by the department. The notice shall be in plain, clear, and non-technical language. The notice shall be provided in the language preferred by the recipient or applicant receiving the notice, and if appropriate, the authorized representative. The notice shall be sent to the recipient or applicant, and if appropriate, their authorized representative as specified in Section 4710.

The notice shall provide the following information: 1.) The action that the Regional Center or state-operated facility proposes to take, including a statement of the facts upon which the Regional Center or state-operated facility is relying. 2.) The reason or reasons for that action. 3.) The effective date of that action. 4.) The specific provision, or provisions, of law, regulation, or policy supporting the action.

With respect to hearings, Welfare and Institutions Code Section 4712 sets forth the procedures for legal or factual issues or positions to be presented by the parties

and fully developed during the hearing. If there are issues regarding a Notice of Action, those may be raised by the parties. OAH cannot provide an advisory opinion as to how a situation would be dealt with in a particular case in a hearing.

With respect to mediations, Welfare and Institutions Code Sections 4711.5 and 4711.7 set forth the procedures for conducting a mediation and documenting a resolution. In a mediation, a mediator seeks to assist the parties in reaching a resolution that is acceptable to all parties and is not acting as a decision-maker.

As a result, in a mediation, the parties decide what will be considered and addressed in a resolution. OAH does not gather data on how particular cases are decided by hearing officers or resolved by parties in mediation where there are issues regarding the Notice of Action.

However, OAH retains a database of final decisions in Lanterman Act matters which can be searched here. And the part of our website is <https://www.dgs.ca.gov/oah/case-types/general-jurisdiction/resources/dds-decisions>. Thank you.

FACILITATOR BLOOMER:

Thanks, Susan. And Fernando, I see your hand.

COMMITTEE MEMBER GOMEZ:

Yes, Karin, I'm hoping that we can entertain a quick response. And Susan, thank you for sharing that information. But I know individuals like myself who are not attorneys, and many others as diverse as we are as a committee, I -- really was hard to follow the technical report or response that you just provided. Is it a way that we can

kind of summarize for those of us who kind of like want to understand what your decision was but are not attorneys?

DIVISION CHIEF ALJ FORMAKER:

Well, I provided the specific parts of the code sections that guide how we conduct hearings and mediations. Okay? And that included talking about what is adequate notice under the code --

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

-- sections. And it also discussed the procedures for how issues are brought before OAH. With respect to mediation, it made clear that we aren't the decider in mediations, and how an issue is resolved in mediation is up to the parties. OAH cannot provide an advisory opinion as to what's going to happen in a particular case. That would be a violation of judicial ethics.

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

And we don't gather data on cases that involve issues regarding Notices of Action. And then we provided a referral to the part of our website that has the ability to search for DDS decisions.

COMMITTEE MEMBER GOMEZ:

Great.

FACILITATOR BLOOMER:

Thank you for that, Susan.

COMMITTEE MEMBER GOMEZ:

Thank you.

FACILITATOR BLOOMER:

And Melissa, I see -- I see you have a hand up as well. Please go ahead.

COMMITTEE MEMBER AMSTER:

The other thing I didn't hear in the response, and I'm wondering if it could be addressed, if that's appropriate at this time, is what -- this has come up in the last two hearings that I've appeared in front of OAH, is that the Regional Center brings an additional reason that's outside of the Notice of Action for their denial, and both ALJs handled the situation differently, including one ordered another day of hearing, which was a hardship to my client, both from a financial standpoint and an emotional standpoint.

So, I've got -- that would be my question. What happens when Regional Centers bring up additional reasons for the denial that's outside of the Notice of Action? And what is OAH's position on that?

DIVISION CHIEF ALJ FORMAKER:

Again, we are not going to provide advisory opinions on how a particular case will or will not be dealt with. That would be a violation of judicial ethics. And if any party has an issue with respect to how a decision has been reached in a particular case, they are free to pursue a writ in the Superior Court.

FACILITATOR BLOOMER:

Melissa, I wonder, just as another thing to keep in mind, I think in today's agenda we'll see if we get to it. If not, don't have the time to take up in a meeting, are automatically put on the next meeting's agenda by way of orienting new members.

But there is an agenda item later in this meeting that circles back to -- feels like a related topic that came out of the last recommendation about notices of action. So, I wonder out loud if you wanted to circle back and engage your Advisory Committee members in thinking more about this, you know, this concern that you've experienced.

There may be a motion you want to make and that others would second, and then we'd take public comment and make a vote again around a recommendation for OAH to bring back a response of some kind to help you and others better understand, again, what they're able and not able to do under their purview.

So, just want to put that out there that I do see an agenda item that seems related.

COMMITTEE MEMBER AMSTER:

Sounds good. Because my position is the law is silent on the issue, and so we're getting inconsistent results in hearings.

FACILITATOR BLOOMER:

Great. So, just food for thought as we -- as we continue today and of course in future meetings. You're thinking about, and then engaging committee members around, like, what recommendations could you offer to OAH, you know, that go -- you know, again, maybe aren't in statute, but a practice or a protocol, or -- again, I don't know the limitations, but that would be great to hear.

And then, Nina, I want to hear from you.

COMMITTEE MEMBER SPIEGELMAN:

Okay. Yeah, so first of all, thank you so much for the -- you know, the guidance that you were reading, Susan, that was, you know, that was -- that was put together. All things like this, especially involving the world of NOAs, is super appreciated.

But just following up on what Melissa was saying, I just want to -- I just wanted to share that we hear from families all the time about this particular issue, NOA issues in general. And I know we're going to come back to that later.

But -- and, you know, it's -- I don't have a specific recommendation now, and I completely understand about not issuing any kind of like advisory opinion, but this -- and maybe this is something more for DDS guidance to Regional Centers about, you know, the -- like as a practice that, you know, the -- like bringing up an issue at hearing that isn't on the NOA, you know, that -- you know, like how the -- how the Regional Centers should deal with their additional issues and how -- you know, what expectations should be of the families.

I don't know, but it -- I just wanted to share that it is a prevalent -- it is a pervasive issue. And so, -- but really appreciate the guidance that you read, Susan.

FACILITATOR BLOOMER:

Thank you. And Reina?

COMMITTEE MEMBER CANALE:

Yeah, this is Reina. As an attorney myself, I appreciate the response, which is like the attorney it depends answer. I like that.

But in a more nuanced response of when you're actually in those cases, being able to have specific instructions for what the judges can do, what they're permitted to do and how they should respond, can give a more uniform response to when these situations occur, instead of it just being at the discretion of whatever judge you may have in the decision.

And so, I think having more of an instruction or guidance or something would have been more helpful for them. Thank you.

FACILITATOR BLOOMER:

Great. And again, just want to encourage this kind of thinking around recommendations you may want to surface and put forth to OAH in that formal way. So, thanks, everyone, on that.

I do want -- we have much to get to, so I do want to turn it back to Susan for one more update. And then I'll have some more to say, and we'll get -- we'll get going on the other agenda items.

DIVISION CHIEF ALJ FORMAKER:

Okay. The other update that I wanted to provide, we've been working on this for a while, is that we have improved the search functionality on our OAH website in terms of searching for decisions. For those of you who are attorneys, there's more of an ability to do what's called Boolean searches. For those of you who are not attorneys, what that means is that we're able to have you make use of connectors, things like one word and another word.

And on the website, there are a lot of instructions on the kinds of connectors that can be used and how to formulate a search. So, we're hoping that that will function better for all of you. And, you know, if there are issues, you know, we'll want to hear about it. But we have been doing a fair amount of testing, and we feel pretty confident that it's working well. Thank you.

FACILITATOR BLOOMER:

Thanks, Susan.

Okay, so just to get ourselves grounded in the charge of this Advisory Committee, I think all of you know, but it's good for me to just repeat, I think, that the Advisory Committee was established in law to provide non-binding recommendations about mediation and hearing operations under the Lanterman Act for people with developmental disabilities in California.

So, I do encourage the committee members, as you think about, you know, the agenda items you submit, as you think about the way you focus your conversations in these meetings, as you consider motions and recommendations to vote on, that you really be thinking about that charge of, you know, what is under OAH's purview as it

relates to mediation and hearing operations. And that is, like, sort of squarely, I think, where this -- where this committee is being asked for its -- for its help.

Okay. And then just a few things about the agenda. I want to say again, I want to make sure all the committee members know all committee members are invited to submit agenda items for each meeting, again keeping in mind that Len's (phonetic) in charge of the committee.

For this meeting, we have 10 agenda items that are discussion items, so that's items four through 13. Items we don't get time to address today, staff will automatically place that on the next meeting agenda.

At the start of each agenda item, I will ask if the Committee member who submitted the item could briefly explain their reason for bringing the item forward and get us started around what you want to engage your Advisory Committee members in.

I also want to note that we'll take two 10-minute breaks today. We always try to take our first break around 2:15, and then we aim to take our second break starting at 3:10. That second break from 3:10 to 3:20 is then followed immediately by general public comment for the remainder of the meeting. So, 40 minutes until 4:00 PM. We adjourn at 4:00 PM.

And in addition to the 40-minute public comment at the end of the meeting, if the Advisory Committee recommendations -- so gets a motion and a second, we then invite public comment to weigh in and provide your views about that motion before we take it.

Okay. So, our first discussion item, which is agenda item four, it has been a standing item. And one thing I might ask the subcommittee members to be thinking

about, and I'll try to remember to loop back and ask you this before we move on to the next item, and for committee members to think about is, you know, do you see a need for this item to be on the next agenda, right?

So, it's been a standing item. We want to use -- we want to include it on the agenda to the extent the subcommittee and the committee want to make sure that they're talking about it each meeting. We also want to be mindful to remove it from the agenda when there's not a need to talk about it as well, just so we make room for as many items as possible.

This item reads, "Update by the subcommittee comprised of Advisory Committee members Fernando Gomez and Jennifer Cummings, which is a subcommittee charged with providing to the Advisory Committee a summary of the roles of the Regional Centers in the hearing process as set forth in statute, regulations, or any other authority, and which was established by vote of the Advisory Committee on October 8th, 2024." So, Fernando and Jennifer, I will turn it over to you, if you have an update.

COMMITTEE MEMBER GOMEZ:

Hi, Karin. Thank you. And I'll go ahead and jump in. And Jennifer, please chime in as needed.

But what I'd like to start with is a summary of why the subcommittee exists, especially for those new committee members who obviously we're -- we welcome. And pleasure to see everyone here.

And -- but starting off with your initial question, Karin, that I believe that this is, as a standing item, should continue to be on the -- on our agenda. But of course, in our discussion, if somebody disagrees, then we can visit at that point.

So, when we were looking at what the objective is behind this subcommittee -- behind this committee, we had identified the fact that in addition to the crucial role that the judge plays, there are other stakeholders who play as equally important roles. And one of those is our engagement interaction with the Regional Center system. And we discussed the need to better understand that role and how they approach the hearing process, the appeals process, if you will.

Then, we established a subcommittee at that time that was composed of myself and Dr. Jesse Weller, who, as Karin mentioned, has termed out, and our new subcommittee member now is Jennifer Cummings, and this will be her first meeting and presentation under the subcommittee.

So, one of the first things that we did is we kind of did an overview and -- of where the system was as far as from the Regional Center's perspective. And we submitted an overview report to the committee with some suggestions on there.

But the main thing that came out of that initial report was that it would be beneficial to conduct a more extensive survey to connect with the Regional Centers and hear from as many of the 21 Regional Centers as possible. So, we created an outline of what that survey would look like. We'd be, at that point, Dr. Weller and myself.

And we scheduled three interviews with three different Regional Centers, and we spread them out across the state so that we can hear perspectives geographically as diverse as possible from the centers themselves.

And in these interviews that we conducted, we went through a series of questions that was to shape the actual survey, then, that would go out to all 21 centers' appeals teams and any individual who's part of that process.

So, in our last meeting, we did present, or we did a report on that interview. But today what we'd like to do is go over the results of the actual survey itself that went out to the Regional Centers.

Karin, am I able to share the screen at this point and walk us through? And --

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER GOMEZ:

And --

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER GOMEZ:

-- would it be safe to assume that we have like 10 minutes between now and we'll have time for questions? Am I okay time-wise? Are we okay (inaudible)?

FACILITATOR BLOOMER:

I think -- I think that sounds great. And just, I think as a reminder, anything that's new documentation you would then send immediately on to OAH as well.

COMMITTEE MEMBER GOMEZ:

Yeah. And one of the questions is, Susan, did you not receive this report? Because I did send it in, but I'm wondering if I maybe sent it to the wrong area. But, either way, I'll make sure that immediately, or even during this meeting, I'll send you a copy of the -- of this survey that we're about to introduce.

FACILITATOR BLOOMER:

Thank you.

COMMITTEE MEMBER GOMEZ:

Okay? And Jennifer, before I jump in, did you want to add anything to the initial comments? Okay. I don't hear Jennifer saying it.

COMMITTEE MEMBER CUMMINGS:

Sorry, no thank you. (Inaudible)

COMMITTEE MEMBER GOMEZ:

There you are. Nothing at this point?

COMMITTEE MEMBER CUMMINGS:

No.

COMMITTEE MEMBER GOMEZ:

Okay, excellent. And to Jennifer's credit, she's at a little bit of a disadvantage because she just had just been assigned to the subcommittee.

And we did meet with Dr. Weller just recently, and he walked us through the whole survey itself. And I talked about the purpose of the survey, and the process is in regards to sending out the actual survey itself. Dr. Weller was more of the -- of the lead, if you will, in that effort. So, he was the one who fielded most of the questions and calls for people if they had any based on the survey itself.

So, the great thing is that out of the 21 Regional Centers, we had a really strong response rate of 17 individuals who are individual centers who responded. Okay? And let me see how I can move my screen down.

The first question, and it's a series, I believe, of a total of 17 or 16 questions, if you will, that we asked. And this was kind of designed to gather the -- an understanding from initially to implementation. So, what we see here, for example, is, how is your Regional Center's appeals fair hearings function currently organized?

And the survey, the way it was outlined, was mostly select from dropdown banners, and then you also have the option to add additional information. But we know that the majority of the Regional Centers who responded that, you know, over 70 percent, almost 80 percent of them have a dedicated unit, where the other 20 percent is a combination of a shared function also to what we look to see as other -- and other type of structure. The interesting thing is here that there is no really primarily coordinated through the legal counsel.

One of the things that it's fair to say, and this is a conversation Jennifer and I had prior to setting up this report, it was that one of the things was that we don't -- we couldn't quite gauge to what -- to what degree we're the individuals responding, understanding the questions or the perspectives. I know Dr. Weller played a key role

in providing some of that feedback, but sometimes maybe there was a confusion, if you will, on the -- on the question itself that resulted in the response.

The other question was, at your Regional Center, who typically has the authority to recommend or approve resolutions at the different stages? From my end, I know one of the important things was to see to what level is the actual executive director involved throughout the whole process.

But you see here that depending whether it's informal mediation or the fair hearing, most of the weight, if you will, is carried from both the appeals leadership and appeals staff. Here again, depending on where you're at, the director themselves or even the director-designee has minimal or very little interaction at those stages.

Okay. And what I'll do is I'll try to go through these questions, and maybe at the end of the day -- at the end of the deck, we can kind of field the -- any questions or comments, and I could be happy to come back to any specific survey question.

The other question was the measures and indicators consideration that help guide feedback processes for the appeals department. And here again, the top five responses were within the timeliness, the quality of the clarity of the resolutions that reached, the reductions in matters, and then the final considerations. Okay? And there was, to some degree, others who -- other factors that impacted the response.

And Jennifer, feel free to jump in at any time, right?

COMMITTEE MEMBER CUMMINGS:

Sure, thank you.

COMMITTEE MEMBER GOMEZ:

Okay. And then the next slide is, how would you describe your appeals team understands its role in the appeals process? And here again, it was a combination of the top two, which is a neutral facilitator that supporting the resolution and a representative of the Regional Center.

So, when you look at that combined, there was an interesting dynamic that we were discussing on the response to this is the fact is that you maintain neutrality up to a certain point, and then that neutrality transitions into the actual representation of the Regional Center's position, if you will. And there are some additional slides that talks to that dynamic. Okay?

Does your Regional Center have written guidance like a policy procedure, training materials, that describes the expectations that are related to neutrality during the appeals? And that's what prompted that conversation because we were surprised to see that a pretty significant of the respondents stated that no, that they don't have, even though the majority to a small percentage do have it. So, that talks to the issue of neutrality.

During informal meetings, how often does the Regional Center engage in the following practices? And this is to explain the legal and the factual basis in plain accessible language. As Susan talks to, you know, the OAH decision about, you know, being able to present non-technical -- in a non-technical way. And we were to see how does that transcend to the Regional Center as well, because they play a key role in disseminating information.

The other is exploring alternative approaches that could meet the person's served needs. And then the final is participating with flexibility to be able to modify

and be able to, I guess, make the right decision as needed when appropriate. And here you see that the yes represented in the green are usually the leading -- the leading response, if you will. Okay?

I'll keep going. In 2025, approximately how often were appeals resolved prior to mediation or fair hearing? And I know the department has more specific information, data, if you will, on this but we wanted to hear from the Regional Center's perspective. And here again, looking at diversity across the state where you see that the majority were somewhere between 25 percent to 50 percent, and then a pretty significant amount were over 75 percent.

So, that really -- it's a great conversation point to say, well, exactly what were those resolutions to be well that were reached prior to the mediation or the fair hearing, which could be a key factor that talks to even the reason this whole exercise exists, right? To be able to better understand that aspect.

In your experience, what are the most common factors that contribute to appeals proceedings and to hearing? And it was kind of wide variety, but from disagreements about facts or assessments, the interpretations of cost-effectiveness, limited authority or policy directive requirements, and then all of the above. So, it's a combination of.

But some of these, it kind of go into some even of the -- of the -- of the discussions that are being held statewide when it costs about cost-effectiveness and assessments and so forth. So, this kind of gives us a little bit of an idea, if you will, about how the center itself is looking at the common factors that are contributing to the hearings.

The next slide talks about what practice does your appeals team use to support effective communications for those of us who have limited English proficiency, speak in different languages? Of course, the most responded to using the interpreters. The percentage, a small percentage, but at least a 20-something-odd percent doing a preparation or briefings prior to the meetings.

And then a written translated summary or materials. And then there are some other factors that came in, but usually what we see are the certified interpreters who are providing that, who are bridging that gap, if you will.

The next slide is our appeal staff. Yeah, I apologize, my computer is extremely sensitive today. Did I just miss it? Are appeals staff offered training or professional development in the following areas? Now we're talking a little bit about the cultural aspect in engaging on the diversity of our system. And some of the areas that, yes, being the green and blue being the no, that we see that mostly our cultural humility is a big one, but we still see at least 20 percent saying that there is no training on it.

Multigenerational or family-based decision-making, here again, strong response on yes, but still almost a 30-something, 35, 38 percent no. And then the power dynamics and implicit bias majority yes, but still there is a percentage. So, there is a great -- a good -- it looks like the majority do, but there's a little bit of room of improvement in that area when it comes to the training aspects. And we, of course, have seen how beneficial it has worked with our judges, as we've seen a pretty decent change in which the way these hearings are being conducted now, or the process, if you will.

Does your Regional Center -- and that's Fernando making color commentations, by the way. Does your Regional Center track appeal outcomes by any of the following

characteristics? And the majority, which are saying by both language and geographic region in being able to track the appeals. I think there is some room for open interpretation on what this actual question is and how it could be interpreted.

(Inaudible) --

COMMITTEE MEMBER CUMMINGS:

Fernando, if I may --

COMMITTEE MEMBER GOMEZ:

Go ahead, Jennifer.

COMMITTEE MEMBER CUMMINGS:

-- make a note of that too, DDS does track these demographics. So, that's just one thing to take note of, that the data is there and it is tracked, just not by the Regional Centers, for the most part.

COMMITTEE MEMBER GOMEZ:

Exactly. Thank you.

Are delays in implementing fair hearing decisions tracked or reported to external -- and I apologize -- reported to external entities like DDS or OAH? And here again, that was split down the middle 50/50. And this just talks about the actual delays in implementation of fair hearings. So, that was an interesting result, and that is a pretty significant of people who don't, or Regional Centers who don't.

And is there a fair -- is there a process in place to review patterns or trends in appeals? For example, repeated appeals on the similar issues? And the pretty

significant said yes, that there is, but still we're looking at 30-something-odd percent saying there isn't. And here again, that question can be interpreted in numerous ways, but I know from the community's end that this dynamic plays an important role.

Which external factors can influence appeals teams' practices at your Regional Centers? So, these are the external factors like the community of stakeholders' feedback, which is really important, the OAH decisions, DDS directives or guidance, and the litigation risk considerations were the main responses to that question.

And then we come to the end of the actual survey itself. I'll send it right now, Susan, this copy, and then if we -- and, Karin, I'll hand it back to you.

FACILITATOR BLOOMER:

Great. Thanks, Fernando.

COMMITTEE MEMBER GOMEZ:

Let me stop sharing.

FACILITATOR BLOOMER:

And I see, Renee, you have your hand up. Please go ahead. What would you like to share or ask?

COMMITTEE MEMBER RODRIGUEZ:

I think that this -- that the survey looks very good. I like it. I hear on the last board, because I was, like, attending, about the survey they were doing.

And the other thing, does DDS have like a -- like a set of rules for each Regional Center how to follow when they have like a hearing? (Inaudible)

DEPUTY DIRECTOR HORNBERGER:

Hi, Renee, it's Katie.

COMMITTEE MEMBER RODRIGUEZ:

Yeah.

DEPUTY DIRECTOR HORNBERGER:

Ask me one more time. Does DDS have a what for each step of the hearing?

COMMITTEE MEMBER RODRIGUEZ:

How they should handle the -- how they should handle the rules, the implementation?

DEPUTY DIRECTOR HORNBERGER:

Okay, yeah. So, you know, we have -- it's like -- it's done in the order of an appeal and it goes step by step and you can read the whole thing. It's like, I don't know, 12, 15 pages. Or you can just read the part about what's happening right now, like before my appeal, how to appeal, what is an informal, what is mediation. And it goes step by step like that. And we have it on the DDS website.

COMMITTEE MEMBER RODRIGUEZ:

Oh, okay.

DEPUTY DIRECTOR HORNBERGER:

Yeah.

COMMITTEE MEMBER RODRIGUEZ:

Thank you.

DEPUTY DIRECTOR HORNBERGER:

Sure. Good to see you.

COMMITTEE MEMBER RODRIGUEZ:

Thank you.

COMMITTEE MEMBER GOMEZ:

And Renee, that's really a really good question because one of the things that as a subcommittee we were looking at to say is, you know, can some of these issues -- if bringing the right person to sit around the table, can they get resolved at maybe even before the informal?

Whether it be an internal discussion, an ability to disseminate information, and then, as Katie said, it goes into the informal mediation and then ultimately to a hearing. Great question. Thanks for asking.

FACILITATOR BLOOMER:

So, are there -- are there questions or feedback from Advisory Committee members to ask of Fernando and Jennifer about this, the results, about next steps?

COMMITTEE MEMBER RODRIGUEZ:

So, what's going to happen after the survey? Are they going to continue?

FACILITATOR BLOOMER:

It's a great question. I wonder if Fernando and Jennifer, if you -- and forgive me if you -- if you shared this and I was missing it, but where this goes from here in terms of subcommittee, the work?

COMMITTEE MEMBER GOMEZ:

I think what we'd like to do is get this in front of the committee to take a better -- you know, like a deeper dive into it, look at it a little more. I know it's kind of hard to capture a lot of these questions. What I'm going to do is also, along with the actual outcomes, I'm going to send a copy of the survey templates, just so you can compare to how the question was framed and presented, and then of course responded.

But I think that when we look at the -- some of these results, that we may be able to see how they can then be paired up to the actual process. And here again, as a key stakeholder, in part of the -- of the -- of the appeals process that we hopefully that we can do several things, improve on the process.

The other is, I think, that, you know, a lot of times, misunderstanding or -- I don't want to say misinformation, but it's the misinterpretation, if you will, can kind of have an impact on the overall perspective. I think that if we can bring more clarity, if you will, more transparency, it would help.

So, the question, I think, would be that there are still some actually additional benefits that we can still look at and hopefully be able to help with.

FACILITATOR BLOOMER:

Great. Thank you. Is there anything else here that you or others want to address? Okay. All right. Well, thank you, subcommittee. Appreciate your continued work on this.

COMMITTEE MEMBER GOMEZ:

Thank you.

FACILITATOR BLOOMER:

I do want to acknowledge that we have two Advisory Committee members who have been able to join us after we started. They're both -- for whom it's both their first meeting. So, I see Tracey Marquart and I see Chris Arroyo's screen. I don't see Chris's face, but I see his camera's on. And just so the two of you know, when we started the meeting, we went through roll call. Of course, we'll note that you're here.

And then for the new Advisory Committee members, we invited each of them to introduce themselves, explain briefly why they wanted to be -- why you want to be on this Advisory Committee, and if you have an affiliation that, you know, a community you're affiliated with, or organization, to feel free to share that too.

So, Tracey, again, I know this is on the spot, but would you -- would you mind introducing yourself and saying a little about your involvement?

COMMITTEE MEMBER MARQUART:

Sure. I was just super happy to finally find the link and be able to join you today. So, sorry for the delay.

I'm Tracey. I live in Santa Cruz County, and I have been a professional in disability services in four different states over a 30-year career. I'm a founder of a nonprofit in Santa Cruz County called Community Life Services, and it's been my passion to serve individuals and families in community-based services my entire career.

And advocacy and civil rights has been a huge part of that work. And so, that's my interest in this committee, is ensuring that people's voices get heard and that people get the services that they need. So, that's me in a nutshell.

FACILITATOR BLOOMER:

Thank you, Tracey. Welcome to the committee.

And Christopher Arroyo, are you -- are you able to introduce yourself? You may have stepped away from your camera. I see your camera's on, but I just don't see you. Okay. All right, well, we'll keep an eye out for you.

And I apologize, I've been told that my microphone has been cutting in and out a bit. I fear that it may be my internet, so I'm hoping you understand me. And I have team members letting me know if it's getting really bad, so fingers crossed.

Okay, well, why don't we just at least tee up the next agenda item? I'm keeping my eye on the time because we do have a break at 2:15.

But with that, I also see Benita Shaw hand up. So, Benita, please go ahead.

COMMITTEE MEMBER SHAW:

I want to go back to what you suggested after this topic. We were supposed to decide if we wanted to continue with it and our thoughts on it. Were we still going to do that, or? You asked about the topic.

FACILITATOR BLOOMER:

It's certainly welcoming.

COMMITTEE MEMBER SHAW:

Is that right?

FACILITATOR BLOOMER:

Yeah, thanks, Benita. Yes, thank you. We do just want to make sure we're always mindful as we set up the agenda that an item is intended to be placed on that agenda each time. And so, yes, did you have thoughts on the subcommittee's work and this agenda item? Please, go ahead.

COMMITTEE MEMBER SHAW:

I do. I appreciate all of you guys doing this. I would like to be concerned. My biggest concern is time-wise is because each time we had -- like, we had it on last meeting, it lasts for an hour or so, and multiple agenda items for each time has been pushed back, pushed back, pushed back.

So, if we're going to continue, I think that we should put a time on it and kind of stick to it so we make sure we can start getting to the agenda items --

FACILITATOR BLOOMER:

Oh, no, is Benita --

COMMITTEE MEMBER SHAW:

-- for the past two meetings -- am I going in and out? I'm having internet issues too, so.

FACILITATOR BLOOMER:

Oh, gosh. Okay. I think what I heard you say so far, Benita, is obviously you appreciate the subcommittee's work. You want to just be mindful of maybe having a specific brief timeframe for the subcommittee updates just to allow for as many agenda items as possible to be addressed.

COMMITTEE MEMBER SHAW:

That's correct. And I'll also say this; you guys see my camera go off and on, this is why. Because I --

FACILITATOR BLOOMER:

That you may --

COMMITTEE MEMBER SHAW:

-- just think this is interruption, you know. We (inaudible) --

FACILITATOR BLOOMER:

Technical difficulties. Yes. Okay.

COMMITTEE MEMBER SHAW:

Yeah, so you heard me correctly.

FACILITATOR BLOOMER:

Okay. All right. Are there alternative suggestions to the subcommittee that anyone wants to voice? Otherwise, Benita's suggestion stands of, you know, just being mindful to keep the updates brief.

Okay, I'll take that as there's no alternative view on that.

COMMITTEE MEMBER SHAW:

It's not that I want it just brief, I just want to make sure, like, if we have allowed it so much time for them, if we stick to that timeline. Because what they're doing is very important. So, I don't want to think that we're being cut off, but I just want to make sure that we're also having time for the things that we've been continuing to put off for the past month.

So, I do not want it to be brief because we do need to hear it and it's very important. Just if we can -- that's what I was trying to say.

FACILITATOR BLOOMER:

Yeah. And I need to come forward and admit we don't assign time allotments to each agenda item and don't -- and thus don't ask each committee member who's brought the agenda item forth to keep to a certain time. And we often do have more agenda items than we can sort of practically address.

I appreciated, Fernando, how you and Jennifer handled it at this time of you volunteered the importance of getting through it and keeping to, again, today, maybe about 15 minutes or so at the most. And I just -- it sounds like that's just appreciated and to be mindful of that.

Thanks, Benita. I appreciate you sharing your perspective on that. Okay. Sounds good. Okay. I think what I'll do since we're keeping to a 2:15 break is I'm just going to -- I'm going to tee up this next agenda item and, you know, maybe just get a little bit of background. And Benita, it may be you that submitted this next item and so sort of perfect to pass it back to you, and then we'll keep our eye on the time to take a break and then come back to it.

So, this is moving on to agenda item six, natural supports misuse. A.) Clarify what evidence Regional Centers must show when they claim, quote, natural supports can't meet needs. And B.) Whether OAH is seeing trends in these arguments at hearings. Benita, does that ring a bell that you submitted this item? Okay, I got it right.

COMMITTEE MEMBER SHAW:

Yes.

FACILITATOR BLOOMER:

So, maybe you could just, you know, again, add some words and context for your fellow Advisory Committee members and sort of what your -- you know, the discussion you'd like to have with them now and after the break as well on this. Great.

COMMITTEE MEMBER SHAW:

Absolutely. So, I'm going to read a couple of things and tell me -- please tell me when it's 2:15 so I could stop because I do want to respect everybody's feeding.

FACILITATOR BLOOMER:

Okay, will do. Thank you. I appreciate that.

COMMITTEE MEMBER SHAW:

So, -- and I do want to say that I -- because I didn't quite -- I wanted to make sure I'm giving my communities involved in this. So, I reached out to different community members and businesses. So, I want to thank Popular Nerd Consulting for helping me to clarify what I'm about to say to you all.

So, I'm going to read this really quick, which gives people things to think about. And then when we come back, we can have the discussion. Is that okay with you? And if --

FACILITATOR BLOOMER:

Just don't -- please don't say it quickly. Take your time so interpreters can interpret.

COMMITTEE MEMBER SHAW:

Thank you. Sorry, interpreters. I apologize. And if I'm going in and out, you guys please say so because I'm having that issue.

Okay, so this is in regards to natural resource, to natural support, and this is in Title 17. Okay, so this is referring to Title 17. I don't quite know the article, and I will try to look for that during the break.

So, what it talks about is, it says natural resource it means the pursuit of the Welfare Institute Code, and it gives a code number, right? So, what I would like to -- and as I read this, it says, "I would like the committee to consider growing concerns regarding how the term natural support is being applied in the Regional Center services decision." Can you guys still hear me?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay. "The community understands that the Lanterman Act permits consideration of natural supports and the concerns is not that with existing or appropriate use of natural supports. The concern is when voluntary relatives is -- are - is treated in an obligation to provide unpaid services." And it says "DDS's own guide states that natural supports are people who may choose to help an individual but do not have to do so."

DDS also -- DDS also expresses recognition that the parent of an adult Regional Center consumer is not legally responsible for providing care to that adult child. Yet families are increasingly hearing statements such as individuals have natural support in the home, particularly when an adult consumer lives with a parent. That statement can then be part of justification of denying or reducing funds and services.

Can you guys still hear me?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay. Okay. The reasons are important in regards to the due process question. When Regional Centers rely upon natural support as a bias for denying or reducing services, what evidence should Regional Center be required to establish regarding that support actually available, willing, and capable of, and sustainable, right?

Most -- more -- oh my God, sorry. Where it says sorry. Trying to finish reading before my time is up.

FACILITATOR BLOOMER:

Okay. It's okay.

COMMITTEE MEMBER SHAW:

More -- it consisted of parents, siblings, relatives, friends, and other persons in someone's life should not establish that the person has agreed to provide particular unpaid servicing issues. This should be meaningful distinctions between a natural support that voluntarily exists in an actual availability, a natural support that individuals would like to develop, and unpaid support of a Regional Center assuming someone else will provide.

The last part of this: This distinction becomes particularly important for adults with developmental disabilities. Parents do not acquire a lifelong legal obligation to provide unpaid disability services simply because their adult child continues to need sustainable support.

I would therefore encourage OAH to consider whether hearing officers and parties would benefit from clear guidance regarding the -- regarding evidenced use of natural support in regards to Title 17 including that existence of families' relationship between itself, between themselves, such as establishing the availability of an unpaid service.

So, I read all that to say is that it's been utilized to service to be refused. So, I was reading all that in regards to giving you guys something to think about. And I can finish it before or after our break if you'd like, since there's only two minutes left.

FACILITATOR BLOOMER:

Is there more to read, Benita or no?

COMMITTEE MEMBER SHAW:

Yes.

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER SHAW:

One of the other things that came back from the community, and I'll make it really quick and summarize it, is that they also felt -- because mind you, I'm thinking of it happens to a lot of communities of this -- who are communities that are underserved communities, and that's more of the Hispanic and Black community and what have you.

And you figure those communities are the communities that are used to being -
- having that natural support where they take care of and have individuals in the home. If you look at services in regards to most of the people who have their individuals out in a residential, what have you, are usually of people who are not of color.

So, it's usually hitting individuals who are either Black or Hispanic where they're utilizing this natural support of being -- because they're keeping that loved one in the home, right? And so, when I did this research in doing this, and this is including I'm in this circle as well, so I'm putting it, but I'm not trying to center it around me, but I'm making it a community thing, right?

And so, that's the thing that I would add is because it's also hitting in regards to the disparity to the communities that are not also getting services.

FACILITATOR BLOOMER:

Thank you.

And Melissa, I see your hand. I think we're about to hit break time. How would you feel about weighing in as soon as we get back from break?

COMMITTEE MEMBER AMSTER:

Sure. Sure.

FACILITATOR BLOOMER:

Would that be okay? Okay, I appreciate it.

Why don't we go ahead and do that? Let's take a break and be back at 2:25 to pick up this very topic. Okay, I'll see you then.

(Off the Record.)

FACILITATOR BLOOMER:

Just give Advisory Committee members a moment to turn on their cameras. Thank you. I will just keep talking to make sure you all hear that we're coming back. Great. Okay. All right, hoping that Marty and Carola are able to return. Okay, so we'll keep our eyes peeled. Hopefully, Carola and Marty can join us.

So, we are talking about agenda item six, and Benita Shaw submitted this agenda item and gave some background. And where we last left off, as I recall, is Melissa Amster had her hand up and was ready to weigh in, ask a question, provide input. Melissa, please go ahead.

COMMITTEE MEMBER AMSTER:

Thank you. And I want to acknowledge, Benita, that I do see this as an issue. It has come up in a number of my cases. And I also see it as there being a racial component. So, I 100 percent acknowledge that I'm going to use the word that -- loosey-goosey, that the natural support is a very loosey-goosey term, and it is -- I don't think it's well-defined. However, my -- and I -- so I totally agree.

I -- however, I don't see, and maybe that's my newness on this committee, but I don't see how what this committee can propose or offer, whatever, to OAH will solve that problem. I think it's a limitation of the law and that structure. So, it would be better addressed in different avenues.

COMMITTEE MEMBER SHAW:

So, thank you for that. Can I just reiterate this part? I can appreciate that, but I respectfully disagree. Because one of the things -- and I'm going to reiterate this because I was told I spoke pretty fast, and I was doing this intentionally, so I will definitely try to slow down now. Because one of the things that I read, and I'll reread it again in regards to that.

The other -- one of the things about OAH is that I was -- I therefore want to encourage OAH to consider hearing officers and parties would benefit from clear guidance regarding evidentiary use of the natural supports in regards to including that the existing of a familiarity relationship by itself should not establish availability of unpaid services.

So, I get that you're saying that it is not, but I think that is because I have in my community that people have gone have been to receive services, have seen a notice of reaction, and Regional Center has used it against them.

So, the other part that I want to read in regards to that is when the Regional Center relies upon natural support as a bias of denying and reducing a service, what evidence should Regional Center be required to establish regarding that support's actually available, willingness, and capable and sustainable?

And again, the reason why I bring this up, because if we say it's back to the Regional Center, back to DDS, who is holding them accountable? And to me, if someone gets a Notice of Action and they get refusal of service and they have to go to a hearing, who is responsible for that? Because families are being denied this particular service. And I personally think because of reaching out to my community it has to do with because we tend to keep loved ones within the family, right?

So, I appreciate that comment, but I respectfully believe, yes, I do believe this is part of something that needs to happen here, and judges have probably heard it because my community says that they have. So, that's why I'm bringing it before the committee today.

FACILITATOR BLOOMER:

And before I invite Reina's input, Benita, could I ask you to repeat that OAH piece, and could you do it fairly slowly? I'm going to try to also write it down for my ability to track. So, this is the hearing officers and guidance.

COMMITTEE MEMBER SHAW:

I'm really sorry.

FACILITATOR BLOOMER:

It's okay. I know it's a lot.

COMMITTEE MEMBER SHAW:

I don't know if it's nerves. I'm usually not nervous. I don't think I'm nervous, so I will try to read it slower.

FACILITATOR BLOOMER:

Okay. Thank you.

COMMITTEE MEMBER SHAW:

Okay. I would therefore -- this is when I say it's coming from the community that I spoke to, and one of them was, again, Popular Nerd Consultant that helped me out -- write this out.

I would therefore encourage OAH to consider whether hearing officers and parties would benefit from clear guidance regarding the evidentiary use of natural supports -- that's in quotations -- including that the existing of a familiarity relationship by itself should not establish the availability of an unpaid service.

FACILITATOR BLOOMER:

Okay, thank you for that. Because I -- what I -- one of the things I appreciate from Melissa's comment is really, again, after she, again, confirmed her experience too that you're describing, sort of under the OAH purview, what could we be thinking about here as, again, possible recommendations to OAH? So, I wanted to really keep that in mind.

Reina, please go ahead.

COMMITTEE MEMBER CANALE:

Yeah, I wanted to thank Ms. Shaw for bringing this because it is a systemic issue.

I mean, every year DDS issues their Purchase of Service Annual Report, and you can see the disparity in people who are of color, either Asian Pacific Islander, Hispanic, or African American, and those that live in the home and are constantly denied services or provided a lower level of services because they presume that because of culture you should have to just step up and take care of your family member even

though they're an adult and they could be institutionalized because you're not legally obligated to help them.

And so, I think that when the Regional Center is arguing, especially in OAH decisions, and saying -- basically, you know, twisting your arm and saying you have to provide this service, or denying the service so then you have to step in and provide it, that that's not appropriate. You cannot force them to become a natural support. It should be actually of your own free will and choosing that you want to provide that service, not out of desperation.

And I think having some sort of guidance to the ALJs so that they are mindful of this known disparity, and so that they cannot just preclude -- you know, presume that just because of culture family members should have to step up.

FACILITATOR BLOOMER:

Thank you.

Advisory Committee members, what are -- what are other experiences with this -- with this topic and thoughts about this concern? Jennifer Cummings, please.

COMMITTEE MEMBER CUMMINGS:

Hi, good afternoon. Nice to meet the new committee members through this process.

Just to provide some information, I'm a program administrator at Inland Regional Center and I supervise our appeals team. And I just wanted to share that IRC doesn't take the position that maybe Benita has received regarding natural supports. We think that it's -- you know, it's set forth in the -- in the -- in the statute about what

a natural support is. And there's no legal requirement that a parent of an adult is required to provide the daily care and supervision of an adult.

So, I just wanted to share that that's -- it's not a -- not something that we're implementing here at IRC, and perhaps it would maybe -- it may help to reach out to the local OCRA office. And maybe there we could just have -- not we, but maybe there can be a conversation between, you know, OCRA, the family that is receiving this type of notice, the Regional Center, and work to address it.

FACILITATOR BLOOMER:

And Jennifer, for everyone who's listening in, OCRA stands for?

COMMITTEE MEMBER CUMMINGS:

Office of Clients' Rights Advocacy. I apologize.

FACILITATOR BLOOMER:

That's okay.

COMMITTEE MEMBER CUMMINGS:

Their contact information is shared through the appeals information packet and the DDS website and their own website. It may just be a misapplication of the law.

FACILITATOR BLOOMER:

Thank you.

And Christopher Arroyo, thanks for raising your hand. Please weigh in. And if you don't mind, before you weigh in, could you briefly introduce yourself and say a

little bit about being on this Advisory Committee? You haven't had the chance to do so.

COMMITTEE MEMBER ARROYO:

Sure. Thank you. Hi, everybody. My name is Christopher Arroyo. I work for the State Council on Developmental Disabilities. I'm the Deputy Director for Policy and Public Affairs.

And I'm on this committee because I care about this stuff. This stuff is very important to those that we serve, and as an organization that's required to provide technical assistance, which is fancy talk for answering people's questions, we educate people about legal obligations of service agencies and help them formulate their strategies in order to obtain needed services.

And so, ultimately, on the subject of natural supports, the bottom line -- I mean, and I think the point has been made, so really I'm just going to do a me too here, which is if a natural support is not available that's an issue. Just because it exists does not mean that it -- that an obligation needs to be conferred upon somebody else. And to have an expectation of that or to force that upon somebody is just simply not reasonable nor is it sustainable.

And so, you can count me in more or less echoing, I think, the comments that both Reina and Jennifer have made. Thank you.

FACILITATOR BLOOMER:

Thanks, Christopher.

Okay, in the order of hands, Melissa, and then Benita and Marty. Melissa?

COMMITTEE MEMBER AMSTER:

Okay, so I'm trying to be creative, and I did think --

FACILITATOR BLOOMER:

Great.

COMMITTEE MEMBER AMSTER:

-- of something. I'm not sure if it's possible, but what about some sort of form that OAH has, or someone has, that says I'm a natural support, or I'm not a natural support, either way? And so, that could be filed or whatever in the case, saying that I'm not a natural support.

Because, in some of my cases, the parents of over 18 children are saying, I'm not natural support, I'm not natural support, and the Regional Center is still using that, like, no, you are natural support. And so, we're saying as many times as possible, they're not natural supports.

So, I'm -- you know, I'm trying to think outside the box. So, some sort of form maybe that either opts in or opts out of natural support.

FACILITATOR BLOOMER:

Thank you. Appreciate that creativity. So, everyone sort of keep that in the mix and think about that, weigh in about that.

Benita, please.

COMMITTEE MEMBER SHAW:

I just want to clarify so we kind of know in detail if I said a lot of what I'm asking, because I want to say this because my internet is going in and out and I've had to drop off or whatever. I want this discussion to continue. Okay?

So, what it really -- what the -- boils down to asking is that I want OAH to provide evidential guidance in what Regional Centers can show as evidence of why they're doing a Notice of Action refusing that particular service. To Melissa's point, or everybody's point, to say, what is it and how does it entail this advisory? That is. Because if they don't have the proper thing, then to me, and I could be wrong, my perspective, it's going to go eventually to OAH saying that service was denied because of a natural support.

So, where is the guidance in that? As I said, I gave Title 17, but Title 17 doesn't come up because that would support in what the parent is saying of why they cannot use it in the manner that they are. Does that clarify it? I just want to make sure it's clarified, so if I'm in and out and I lose internet, I want it to be clarified. You guys continue the conversation.

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay, Karin, you're just -- okay. If you guys see me drop off, I'm trying to get back in, but at least you know.

FACILITATOR BLOOMER:

Okay. And if you are -- if due to technical difficulties you can't be on camera, and I think bad internet would be an example of -- a circumstance of that, the first thing you could try, Benita, I think, is turning off your camera. Because --

COMMITTEE MEMBER SHAW:

Oh, does that help? Okay, I'll try that.

FACILITATOR BLOOMER:

-- we don't -- we don't want to lose you. So, just acknowledging for the record, she's having technical difficulties.

Okay. Well, now the raised hands are a little different. I've still got Marty, thank you, and then William. Marty?

COMMITTEE MEMBER OMOTO:

(Inaudible) --

FACILITATOR BLOOMER:

Oh, and William was raising his hand because he made a comment in the chat. Marty, do you mind if I read William's --

COMMITTEE MEMBER OMOTO:

Yeah, go ahead.

FACILITATOR BLOOMER:

-- comment first? I apologize because I -- it probably happened a few minutes ago.

COMMITTEE MEMBER OMOTO:

No worries.

FACILITATOR BLOOMER:

William, thank you for that signaling. I appreciate it. So, Advisory Committee William Del Rosario is weighing in.

I think it is important to think about services that don't get implemented in a timely manner and how family natural supports have to provide services without pay while waiting. Offering services without staffing is another way to deny. Regional Centers should track how long services go unstaffed and how long natural supports have to fill that need.

Thank you, William. So, adding to the discussion there for feedback from the Advisory Committee members.

And Marty, please.

COMMITTEE MEMBER OMOTO:

Can you hear me? This is Marty.

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER OMOTO:

Okay, great.

Marty Omoto. I'm a dad of a 34-year-old son. We live together. He has Down syndrome and is on the spectrum. He's quite open about that, so. And also a family member, my older sister Elena had developmental disabilities and autism and other issues. So, I say this from a lived experience, living experience.

First of all, I just want to do a shout out to Benita for bringing this issue up, and also previously Fernando and Jennifer for bringing the previous issues up, which I support.

I -- so I'm really more concerned now, what do we do with this? I think it's -- I mean, it's nice that we're talking amongst ourselves, and we all seem to be in agreement that there's state law that is pretty clear on this issue.

The problem, and this goes back to things that Fernando mentioned earlier too, is that as clear as state law may be to us, it's not clear or not -- it's not being implemented fairly from our perspective by the people who need to do that, whether it's the Office of Administrative Hearings or the regional -- whoever.

And so, the idea here, I think is -- and I think Benita was trying to raise this -- is what do we do with this? Because talking among ourselves is not helping. Just because we've become more clear on it, that is actually an indication, though, that the more we know about what is -- the law is and we accept it, that is what we want to see happen with the Office of Administrative Law and everyone else, to have that same level of understanding and acceptance. And that will help the process of people getting the services they need that they rightfully should have.

So, I would really push that the next step here is it sounds like there needs to be guidance or something, a clarification of the state laws, regarding natural supports that exist. So, no one's disputing that. And get it to the right places, to the Department of Developmental Services, to the Regional Centers, to families, as well as to the Office of Administrative Hearings, and hope -- and see if that -- is that making a difference with that clarification?

But I think the bottom line here is we can talk about this, and this is going to be on the agenda for the next quarter, but if all we're doing is talking about it and it still happens, I think it goes back to all of us. We don't want to see this continue, this misunderstanding or this misinterpretation to continue. And I think Melissa, you're raising the same topic. What can we do to fix this so it doesn't keep happening?

But anyways, thank you to the presenters. I really appreciate you taking the time. And Benita talking fast. She's trying to stay within her time limit. I never thought about doing that. Thank you.

FACILITATOR BLOOMER:

Thanks, Marty. And I will just say, and I see Fernando's hand and Benita's hand, I mean, they're -- I was hearing Benita, I think, trying to, you know, evolve what maybe could be a motion for a recommendation, but something having to do with asking OAH to provide evidentiary guidance in -- on what constitutes use of natural supports or what state law dictates regarding natural supports. So, I just want to make sure, you know, please, Advisory Committee members, speak to this.

And I do want to -- I do want to read aloud William Del Rosario, your next input here, and then turn to Fernando and Benita. William adds, I agree, what process,

whether it is the 4731 complaint, the appeal process, or DDS oversight, will make change on this issue? Families and consumers try these and it remains a problem. So, seeing that support from William on this.

Fernando, please go ahead.

COMMITTEE MEMBER GOMEZ:

Yeah, thank you. And then here again, I appreciate Benita bringing this up. You know, this is something that we see pretty frequently with ICC when we engage with families, is dynamic.

And as Marty mentioned, we can continue to talk about this and depending on what -- where you stand on the issue, there's a lot of opinions on how to approach it. However, there's a dynamic that I think we need to all acknowledge, that regardless of what our position is, there is one individual who at the end of the day gets penalized and is carrying the most of the burden, and that's that -- who has to wait through this process, which is extremely lengthy, and for what seems no big deal for a period of extended time there, whether it's 30, 60, 90 days or more.

It's a lifetime for these individuals served. So, the fact that they're the ones who are carrying the burden is something that we also -- all have to be sensitive and cognizant of and figure out how can we get to something that's timely, that's equitable, and of course is the right decision.

FACILITATOR BLOOMER:

Thanks, Fernando.

Benita, your hand is next. Please.

COMMITTEE MEMBER SHAW:

Can you guys hear me okay?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay, so this isn't to the point of being suggestions-wise, so we can kind of stay on that path. So, the suggestion would be is that OAH would need to kind of develop an implementation of standardized evidentiary framework for hearings when a Regional Center relies on natural supports as a bias for denying, refusing, or terminating services.

So, if that is a guideline of people to the committee, that's a direction that we -- if people want to consider that as far as what we'd want to move forward in regards to what this committee is -- what I'm stating for this committee. Does that make sense?

FACILITATOR BLOOMER:

I'm sorry, this is Karin speaking for myself. Can I ask you one more time to slowly repeat that? If that's what -- if you're formulating a potential motion?

COMMITTEE MEMBER SHAW:

I will put that out there, yes. And I'm sorry, I'm just -- I guess I'm trying to rush to make sure I don't get cut off. So, I apologize again to everyone.

To the committee it's in regards to suggesting and moving forward, as we're not talking about this and how it relates to OAH is to develop and implement standardized evidential framework for hearing --

FACILITATOR BLOOMER:

Oh, it's develop -- hold on. Develop and implement.

COMMITTEE MEMBER SHAW:

-- standardized evidentiary framework.

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER SHAW:

Can you still hear me?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay. For hearings when a Regional Center relies on natural support, as natural support as a bias for denying, reducing, or terminating services.

FACILITATOR BLOOMER:

Relies on a natural support for? One more time.

COMMITTEE MEMBER SHAW:

But natural support as a bias for denying, reducing, or terminating services.

FACILITATOR BLOOMER:

Okay, denying --

COMMITTEE MEMBER SHAW:

So, it's like --

FACILITATOR BLOOMER:

-- reducing?

COMMITTEE MEMBER SHAW:

Or terminating services, because that's how (inaudible).

FACILITATOR BLOOMER:

Or terminating services. Okay?

COMMITTEE MEMBER SHAW:

So, I think that kind of gathers what everybody states, is that there's nothing that they're following back on because they cannot -- as I referred to, Title 17 says something different.

So, I hope that clarifies for the committee of where we'd like to go if we're trying to stay on moving it as an action item. I hope that was helpful. And sorry again if I'm going in and out.

FACILITATOR BLOOMER:

Thank you. Thank you. So, what I'm going to suggest is that we hear from the three hands -- individuals whose hands are raised, Fer, Renee, and then Reina, and then circle back to you, Benita, if this is a motion you'd like to make. And then we'll take a second, and I will hear someone to second that motion, and then I'll walk us through the process from there. That's my suggestion.

I'm also keeping my eye. We're -- we are running out of time before our second and final break, which would have been scheduled at 3:10, and then move directly into public comments.

So, with that, Christopher, please go ahead.

COMMITTEE MEMBER ARROYO:

So, in respect to everyone's time, I'll be as brief as possible. It appears that we -
- well, first of all, my captioning, by the way, captured the previous comment as a bias, and I think a basis was what was intended, or maybe what was said, but the captioning caught that seemingly incorrectly.

COMMITTEE MEMBER SHAW:

Yes. Christopher, you're correct. Just so you know. Not to interrupt you, that was correct. You're correcting -- yes. Thank you (inaudible).

COMMITTEE MEMBER ARROYO:

Thank you, Benita. Thank you. I'm glad. And thank you for clarifying that right now. Like, we don't have to wave our hands for something like that, so thank you.

COMMITTEE MEMBER SHAW:

Thank you.

COMMITTEE MEMBER ARROYO:

And then the last point that I -- the only point I want to make is that it appears that we have consensus on the need for guidelines. And so, if we are agreed, then let's absolutely consider a motion, a formal motion. And the one as -- or the statement that was made previously by Benita is one that I would absolutely support and be willing to second should we have consensus with everybody. Thank you.

FACILITATOR BLOOMER:

Great. Thank you, Christopher.

Renee, please go ahead.

COMMITTEE MEMBER RODRIGUEZ:

Hi, everybody. Renee Rodriguez. Hey, so I want to echo Fernando and Marty Omoto about what they say. So, we should create a helpful resolution, a peaceful, you know, resolution for all the other topics that we -- they don't cover up, so we can start doing a resolution to each topic. So, we don't stay behind, and we just don't keep talking about the same -- the same topic all the time. Thank you.

FACILITATOR BLOOMER:

Thank you, Renee. Okay, so appreciating time is of the essence here. Appreciate that reminder.

Reina, please go ahead.

COMMITTEE MEMBER CANALE:

I would like to piggyback on Mr. Del Rosario's comment, which he also did type another comment in the chat, so I want to make sure that gets captured.

But I have had cases where even if you win at hearing, like it can be months before it finally gets stopped, and this results in family being unwilling and unpaid natural supports for months on end. And as the saying goes, justice delayed is justice denied.

And I can understand the Regional Center thinks this is a win because they've saved money by delaying services, but it actually harms the consumer because the longer they're forcing a family to being an unwilling and unpaid support, the higher likelihood they're going to be frustrated, burnt out, and then the consumer ends up becoming institutionalized, which is totally against the desires of Lanterman because you want them to be able to age with dignity and grace in the home and in the community. And if you're burning out your family by making them unwilling supports, it defeats the purpose.

Thank you.

FACILITATOR BLOOMER:

Thanks, Reina.

Okay, Fernando, and then Melissa, and then we'll return to the motion. Please go ahead.

COMMITTEE MEMBER GOMEZ:

And I'll be really brief. A.) I do agree with the comments that were just made.

And second, Benita has referred a couple of times to Title 17, and I don't know if everybody is aware what Title 17 is. In my perspective, it dictates how Regional Centers provide care, behavior support, plans and vendor compliance for individuals with IDD. But if it's -- if your interpretation is different, Benita, it'd be great if you can share it with us.

Thank you.

COMMITTEE MEMBER SHAW:

If I could jump in Fernando, there's a section of it, and I will try to find that section. Title 17 is big. So, there's a section of Title 17 -- sorry, can you guys hear me?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER SHAW:

Okay. There's a section of Title 17, and I will try to look for it as we have it in regards to where that section is that just talks about natural support. So, thank you for that clarification. And after Melissa speaks, I'll try to make sure I have it by then. But there is a section that talks about natural support in Title 17.

FACILITATOR BLOOMER:

And I just -- I do want to be -- because of time, please, my thought is just to refer back to that section of Title 17, like, only if it's necessary to help Advisory Committee members consider how they want to weigh in on this, the motion that I will restate.

Melissa, please go ahead.

COMMITTEE MEMBER AMSTER:

I want to support a motion on this but I want to make sure that we don't get an answer back sort of like OAH's current response that was, you know, we can't give -- we can't make -- we can't give advice on decisions that might come up, right? So, we want to tailor whatever we're going to ask OAH for is something that they can actually respond to. So, that's my concern.

And I don't know if we need some sort of technical assistance in how -- as a new committee member, on how, what, and what is not appropriate to ask for, and what we can really get a response for.

FACILITATOR BLOOMER:

Yes. Thanks, Melissa. Yeah, I appreciate that. I personally can't speak to, you know, how to frame a pending -- a potential recommendation in a manner that might be most fruitful in terms of what OAH is able to do.

So, Fernando, I do see your hand. Maybe you can weigh in here.

COMMITTEE MEMBER GOMEZ:

Well, yeah, and that's a great point that Melissa made. But I do remember Susan in her opening statement sharing that the OAH, you know, is established to -- that they're able to make recommended non-binding -- or recommendations that are non-binding, right? So, --

FACILITATOR BLOOMER:

Your Advisory Committee can, yes. And that is its charge. Yes, absolutely. Yeah.

So, there may be some value in making this recommendation, and seeing what OAH -- how OAH responds and taking it from there in the next meeting, for example.

COMMITTEE MEMBER GOMEZ:

Okay.

FACILITATOR BLOOMER:

So, well, Renee, please, and then I'd like to ask if there's interest in entertaining the motion. But Renee, please go ahead.

COMMITTEE MEMBER RODRIGUEZ:

I second the motion. And number two, that's why I was asking from the beginning about the -- OCRA has like a training menu for the new board members to see what we can ask and all those stuff.

FACILITATOR BLOOMER:

Yeah, thank you. I really appreciate it. You asked if there was an orientation packet or a training packet to help guide new Advisory Committee members on this process and so on, which is a great question. And so, we will see if someone can get back to you about that and whether that can be developed and provided. Important to support the Advisory Committee members.

I want to -- I want to restate the motion that I understood was on the table, and -- from Benita Shaw, and we've had two volunteers to second it. Renee, I probably will use your name and let Christopher second it another recommendation another time. But -- yes, and I had read both of William Del Rosario's comments from the chat already, just for the record.

So, Benita Shaw, my understanding is that your motion is a recommendation for OAH to develop and implement a standardized evidentiary framework for hearings when a Regional Center relies on a natural support as a basis for denying, reducing, or terminating services.

COMMITTEE MEMBER SHAW:

That's correct.

FACILITATOR BLOOMER:

And -- okay, thank you. And for the record, if it's okay, Renee Rodriguez, you were comfortable seconding that motion. Is that right? I see you nodding and putting thumbs up, so I take that in the affirmative.

So, let me explain what happens here. I ask if there's any more discussion from the committee, and I would just gently advise, unless there is something critical to discuss, let's save our time there. But I will ask if there's any other discussion.

Then, we invite public comment specifically on this motion, because we have general public comment that's going to follow very soon. So, if I could ask for the public's understanding, too, that we'll ask for public comments specifically to this motion.

And then, I will call a roll call vote. Okay? And I want to acknowledge that our second break will be delayed a bit and may need to be shortened. Okay, I understand I'm cutting out. Can you hear me okay?

Is there any pressing discussion a committee member wants to engage in before we invite public comment? William Del Rosario. Thank you, William. Thank you for helping me to notice your input here.

To the point of Ms. Canale, would we want to amend to include not implementing services or decisions? So, William, I'm wondering if what you're suggesting is that the motion include for -- as a basis for denying, reducing, or terminating services or decisions. And I'll wait to see your input here.

Yes. Okay. So, a friendly, requested amendment to that motion and second. Melissa, is this in regard to that amendment?

COMMITTEE MEMBER AMSTER:

It's a -- it's a -- it's a question again. Is it?

FACILITATOR BLOOMER:

Yes.

COMMITTEE MEMBER AMSTER:

And it might be something I need to ask before the meeting, but is there any way to put the motion in the chat so we could see it? That might be an accommodation, but it would be helpful for me if I could read the motion.

FACILITATOR BLOOMER:

Yes, I understand. We have reserved chat for use by the Advisory Committee members that use it for their communication. I am happy to read the motion one more time slowly as an option. And I want to make sure -- so for OAH to develop and implement a standardized --

COMMITTEE MEMBER SHAW:

Can you start all over? You went in and out.

FACILITATOR BLOOMER:

I'm so sorry about my internet. For OAH to develop and implement a standardized evidentiary framework for hearings when a Regional Center relies on a natural support as a basis for denying, reducing, or terminating services or decisions.

Fernando, before we turn to public comment on this?

COMMITTEE MEMBER GOMEZ:

Yeah, and this is just a side note. And at some point I would like to better understand, you know, when is it appropriate to use resources like the chat? I thought it was a fair ask from a committee member, and it's not only from her perspective, but many others in this Committee who would benefit from something like that. So, I'm wondering -- sorry about that background noise -- what the restrictions are that would prohibit you from accommodating that request.

Thank you.

FACILITATOR BLOOMER:

Thanks, Fernando. I do want to open it up to public comment on this motion and second before we take a roll call vote. And then we will take a brief break and come back for general public comment. So, at this time, I'll turn to Susan Formaker to explain the process for public comment.

DIVISION CHIEF ALJ FORMAKER:

All right, so again, this particular bit of public comment is solely on this motion. We will have general public comment in a very short while.

So, when you wish to make a public comment, we're going to take them three different ways. First is verbal public comment then we'll go to any chat public comment for those needing an accommodation, and then we'll read aloud any emailed public comments. With respect to verbal public comment, we're going to go with that first.

Please raise your virtual hand. I see we have three virtual hands up. When I call your name, you'll receive a prompt to unmute, and I will call on you to speak.

And so, we're going to start with Raina Killingsworth. Please unmute yourself.

MS. KILLINGSWORTH:

Hi, this is Raina Killingsworth. I just want to make sure you can hear me.

DIVISION CHIEF ALJ FORMAKER:

We can.

FACILITATOR BLOOMER:

Yes.

MS. KILLINGSWORTH:

Okay, great. I really appreciate this issue being brought up. I have also noticed this as a huge problem being faced by families. And I've also noticed this issue of natural support coming up with requesting services as families transition into the Self-Determination Program, where we see that parents have been expected to provide endless unpaid support for their adult children.

And then in the SDP, when they have an independent facilitator who's advocating for them, you know, I have one client in particular who had their budget tripled because of the severe underservice that, you know, was being faced by this particular adult. But the Regional Center, you know, sort of used this fact that the budget was being tripled as a way to approve, you know, a lower level of care.

So, even though this client requires behavioral-level supports, they were only going to fund at the regular level of respite personal assistance because they said, oh, this is already such a huge jump in the budget. So, I think that this is a very widespread problem.

And I also just wanted to point out that this is also an issue for minor clients where, just because the family has access to a sibling or, you know, a parent's life partner who is not legally obligated to provide natural support, is then being expected to provide unfunded care for the child where, you know, this is still proving a huge hindrance to the family because, you know, everybody needs to be able to support themselves.

So, if a child is able to receive care from a loved one or a trusted individual who does not have a legal responsibility to provide that care, that also needs to be funded. So, I guess I would just ask, as we consider this motion, that we also consider it for minors and anybody who, you know, who is benefiting from natural supports and is also having natural supports sort of used against them in terms of having services funded.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

We're going to move on to our next public comment, and that is from Karina Saldana. Please unmute yourself.

MS. SALDANA:

Afternoon. Yes, thank you so much for having the public comments. Our comment is that we are supporting the motion. We agree with the motion because the judges see how the families can support themselves with natural support.

But that's not the only thing. We need for this motion to also have solutions. It's not that, you know, they see how many times this happens, but that there's solutions, because if not, we're just remaining in the same state.

Thank you. And I am Karina Saldana. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. We're going to have time to take two more of the verbal public comments, so I'm going to call on Yasmin. Please unmute yourself.

MS. HERRERA-VILCHES:

Good afternoon. My name is Yasmin Herrera-Vilches. I work -- I'm in Sacramento County, and I support many families that receive and go through the appeals process.

I wanted to speak up and show my support for Benita Shaw's recommendation. Our community repeatedly faces services being denied or reduced because family and personal relationships are presumed to be available as unpaid support.

OAH should require individualized evidence that the identified person is willing, able, and actually available to provide the support reliable -- reliably and sustainably. A relationship alone is not proof that unpaid service is available. I see this a lot.

I want to echo everything that Reina said. And I want to expand that, as it relates to people that have extraordinary needs, especially minors, there is a huge disparity. And assuming that the parent will -- let's say a child that needs 2-to-1 24/7, that the parent is that extra person. Families are really hurting.

So, thank you for taking public comment and our recommendations.

DIVISION CHIEF ALJ FORMAKER:

All right, I'm going to call on Shirlys Gruber next. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. GRUBER:

Good afternoon to all the committee members. I am a mother of a child that's seven years of age. We are confronting several barriers so that we can have services.

And I believe that this conversation that you have brought to the committee is very important because really the natural support, sometimes, it's too long of a time. Sometimes they believe that, you know, we have to just go through it. And we don't have a way to have the services. And the Regional Centers really manifest their responsibility.

I'm a mom to this child who has had to be arguing and honing onto things. And I think that it needs to be well identified, well interpreted, so that -- I think the interpretation as it was concerned today, it's -- there's a lot of loss in the sense of the, you know, the work that is being done. Sometimes it's interpreted as best as people think it's convenient, but they forget that this affects the life and the future of the person and the family that has been trying to hold on and to try to support in a meaningful way.

I am very grateful to all this conversation, especially for all the, you know, future results and for all the judges, so that, you know, they're being watched as the process of justice is being handled. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, I keep on seeing more hands coming up. If we're going to take a vote and also allow for general public comment, I have to allow for some comments by chat and any emailed comments, and then we're going to want to take a vote, and we need to take a short break.

So, unfortunately, we're going to move now to any chat public comments. So, anyone who needs chat as an accommodation in order to provide public comment, can you please raise your hand now? What I'm seeing are the same hands that were up before for verbal public comment. So, if you need chat as an accommodation, can you please raise your hand?

Okay, I'm going to call on Crystal Lively and promote you to a panelist.

MS. LOR-SNYDER:

Crystal has now been promoted. Please go ahead and enter in your comment in the chat.

DIVISION CHIEF ALJ FORMAKER:

Okay, it looks like we've got a comment entered in. I'm going to read the comment. I know we are here today to share in the OAH step in the services and supports process. I -- sorry, I propose that this issue is something that needs to be

reinforced higher up on the stream. So, I am glad to see some DDS individuals here today.

This topic of natural supports is important and it needs to be addressed earlier in the process so it doesn't come to the OAH. Parents need access to advocates that truly understand their rights, and the DDS parameters need to be less mysterious and clean to both consumers and families and not just the Regional Centers. Thank you. And she writes, thank you.

Are there any other attendees who need to use chat as an accommodation to provide public comment? If so, please raise your virtual hand. Okay, I'm going to promote Luis Zavala, ICC self-advocate. When you're confirmed as being a panelist, please put your comment into the chat. Okay, you are confirmed, so go ahead and type your comment into the chat. You'll have two minutes.

LUIS ZAVALA:

That we're not -- you know, we're not playing with this. Yeah, so we need --

LUIS ZAVALA:

Hold on, I'm talking.

DIVISION CHIEF ALJ FORMAKER:

Okay, there's someone speaking, and we are waiting for a chat public comment.

LUIS ZAVALA:

Yeah. So, I just wanted to make sure you guys know that. What a day.

And because no matter what goes down, my dad Fernando has always been there for us. So, I just want to say that I'm here to support my dad, and I -- and if anything goes with this, that OAH should actually get involved and get with the Regional Centers, and make sure that the Regional Centers are understanding our families and whatever we're going through. Because if not, how are we supposed to work with DDS and everything around them when they're not helping us?

So, that's why I want us to understand that. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

All right, as I understand it, we don't have any emailed public comments with respect to this particular motion. So, we're going to go --

FACILITATOR BLOOMER:

Susan, I think we have one. Susan, I think we have one. That's just a update.

DIVISION CHIEF ALJ FORMAKER:

We have -- we have one emailed public comment, but it's not on this subject, so we will save that for general public comment.

MS. NORRINGTON:

We have one.

FACILITATOR BLOOMER:

Susan, one came in. Sorry, we just wanted to --

DIVISION CHIEF ALJ FORMAKER:

Oh, okay. I'm sorry.

FACILITATOR BLOOMER:

Yeah. It's okay.

DIVISION CHIEF ALJ FORMAKER:

All right, Maryjosephine, could you please read that public comment?

MS. NORRINGTON:

Yes. My name is Cecilia Ortiz, and I speak today as the mother of two neurodivergent individuals. I want to ask DDS to protect something that is truly natural support. However, they must be entirely voluntary.

When a family requests a necessary service such as respite care or personal assistance, they should not feel interrogated, pressured, or shamed by questions like, why can't the siblings help? Why doesn't a relative help? Why can't the neighbors help? Because helping voluntarily is not the same as having an obligation to provide a service. Families should not have to explain the private lives, jobs, responsibilities, health, or personal circumstances of every sibling, grandparent, aunt or uncle, neighbor or relative, just to provide why that person cannot provide free care.

This is also a matter of dignity, privacy, and cultural sensitivity. Natural support stems from a personal relationship and the willingness to help. It should not become a condition for receiving a necessary service, nor an obligation imposed on the family.

I ask that there be clear, uniform guidelines for all 21 Regional Centers. Asking what natural supports are available is different from pressuring a family to provide them.

Families need support, not to feel guilty for asking for it. Natural support, yes, but voluntary. Individualized services, yes, when the person needs them. Pressure, intimidation, or unnecessary invasion of family privacy no.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

All right, thank you.

I think at this point we are ready to take a vote on the motion.

FACILITATOR BLOOMER:

Thank you, Susan.

So, I'm just going to review how this process works. I'm going to restate the proposed recommendation, and then I will go through a roll call vote. That means that when I call on your name, if you could please unmute and say aye or support if you support the recommendation, oppose or no if you do not support the recommendation, or abstain if you don't want to vote.

Okay, so I'm going to restate the proposed recommendation: for OAH to develop and implement a standardized evidentiary framework for hearings when a Regional Center relies on a natural support as a basis for denying, reducing, or terminating services or decisions.

All right, I will now go through the roll call, so please be ready to unmute.
Melissa Amster?

COMMITTEE MEMBER AMSTER:

Abstain.

FACILITATOR BLOOMER:

Christopher Arroyo?

COMMITTEE MEMBER ARROYO:

Support.

FACILITATOR BLOOMER:

Thank you.

Reina Canale?

COMMITTEE MEMBER CANALE:

Support.

FACILITATOR BLOOMER:

Thank you.

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Support.

FACILITATOR BLOOMER:

Thank you.

William Del Rosario?

COMMITTEE MEMBER DEL ROSARIO:

Aye.

FACILITATOR BLOOMER:

Thank you.

Fernando Gomez?

COMMITTEE MEMBER GOMEZ:

Support.

FACILITATOR BLOOMER:

Thank you.

Sherry Johnson, absent.

Otto Lana, absent.

Carola Camacho Maranon.

COMMITTEE MEMBER CAMACHO MARANON:

Support.

FACILITATOR BLOOMER:

Support. Thank you.

Tracey Marquart.

COMMITTEE MEMBER MARQUART:

Support.

FACILITATOR BLOOMER:

Thank you.

Antony Marron --

DIVISION CHIEF ALJ FORMAKER:

And that was Tracey Marquart. I just wanted to say for the record, because you cut out.

FACILITATOR BLOOMER:

Cut out. I'm sorry, thank you. Thank you.

Antony Charles Marron, absent.

Marty Omoto.

COMMITTEE MEMBER OMOTO:

Support.

FACILITATOR BLOOMER:

Support. Thank you.

Jeanette Picasso-Arguello, absent.

Renee Rodriguez.

COMMITTEE MEMBER RODRIGUEZ:

Support.

FACILITATOR BLOOMER:

Thank you.

Gabriel Rogan, absent.

Benita Shaw.

COMMITTEE MEMBER SHAW:

Support.

FACILITATOR BLOOMER:

Thank you.

Nina Spiegelman.

COMMITTEE MEMBER SPIEGELMAN:

Support.

FACILITATOR BLOOMER:

Thank you.

Robert Taylor, absent.

Aini Tjauw.

COMMITTEE MEMBER TJAUW:

Support.

FACILITATOR BLOOMER:

Thank you.

Leinani Walter.

COMMITTEE MEMBER WALTER:

Support.

FACILITATOR BLOOMER:

Thank you.

Sylvia Yeh, absent.

The ayes or supports have it, so that recommendation passes and will be submitted as a non-binding recommendation to OAH. Okay, thank you all.

We are now going to take a short break, a five-minute break. Let's come back at 3:25. So, 3:25 is the time to come back, at which time we will take general public comment and adjourn at 4:00 PM. Thank you so much, everyone. See you at 3:25.

(Off the Record.)

FACILITATOR BLOOMER:

Advisory Committee members, thank you for turning your cameras back on unless you're having technical difficulty. And we will turn back to Susan Formaker to preview general public comment.

DIVISION CHIEF ALJ FORMAKER:

Okay. Again, this is general public comment, whatever those in the public wish to provide comment on. So, we're going to take verbal public comment for 20 minutes, then we'll take public comment in chat for 15 minutes for those who need the accommodation, and then we'll read aloud emailed public comments for five minutes.

Actually, those timings don't work. We're going to do verbal public comment for 15 minutes. We'll take public comment in chat for 10 minutes. And then, emailed public comment for five minutes.

All right, we're going to start with verbal public comment. Please raise your virtual hand if you wish to provide verbal public comment, I will call on you to speak, and then you'll need to unmute yourself.

So, I'm going to call on Shirlys Gruber. Please unmute yourself. Shirlys, we cannot hear you. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. GRUBER:

Yes, good afternoon. I'm Shirlys Gruber, and I'm a mother of seven years, and I am very concerned about one of the mediation. I understand that OAH is actually administrating the mediation and not the informal meetings.

And that's what I wanted to ask, what's going on those private meetings? Because in those meetings that are informal, they tell you, you know, get ready for being a hearing. And that's what they tell us. And this is what I'm -- how can they tell us that we have to be in front of a judge when we're just starting a process that should be informal, impartial, and collaborative? And also with the purpose of listening to the families and to see how you can come to a resolution with the discord, especially the difference between the family and how you come, you know, without legal protection or with.

Why is it that they change with the decisions and the process? And also, I think that this is a barrier that is actually building up more walls, and it's something that I see in my community, which is the Latin community. And this is what -- you know, how do we go about it, and how do we reach toward them?

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

I'm next going to call on Jacqueline. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. CASAS:

Good afternoon. I'm Jacqueline Casas, and I'm a mother of a client that is 13 years old. And in my experience, I had a hearing, but how is it possible that regardless

of having the hearing, the Regional Center does not respect the decisions of the OAH or the DDS, and it took so long to be able to have the services that were approved? And this affected my health as a mother as well as my son.

So, I want to know how is it possible that the DDS and OAH can make sure that the Regional Centers will respect the decision after a family is -- has gone to a hearing so that we are not affected. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right, I'm going to call on Beth Hynes next. Please unmute yourself.

MS. HYNES:

Okay, can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

MS. HYNES:

Hello, can you hear me? Okay, great.

Thank you all for your time. I'm the parent of somebody served by the Regional Center, and we've just completed about a year and a half of this process, literally from dispute, NOA, through hearing, through decision, through DDS reconsideration, through the process by which DDS tries to enforce their reconsideration, and also a 4731 complaint to try to get DDS to enforce the decision. So, I've seen the process from start to finish over about an 18-month period.

The two comments that I wanted to make were one, is that there seems to be no consequence to the Regional Center if they attend the mediation without a decision-maker. In our case, that happened, and the judge took -- the OAH judge took the extraordinary step of rescheduling for a week later during her lunch. They showed up a week later still without the decision-maker. Absolutely no consequence to them, which is quite different from typical civil litigation.

The second comment I would make is that when the Regional Center issues a position paper, you know, the judge typically reviews each party's position papers at the start of the hearing and --

PRESIDING ALJ GOLDSBY:

30 more seconds.

MS. HYNES:

-- the Regional Center, if they have the wrong services, the wrong kid's name, and the wrong statutes in the position paper, because they've cut and paste it from a different case, there's still no consequence to them at the actual hearing.

DIVISION CHIEF ALJ FORMAKER:

All right, thank you.

All right, I'm not seeing any more hands raised for verbal public comment. If anyone else -- okay, I see another hand. Nea? Please unmute yourself.

MS. HANSCOM:

Hi, I'm Nea Hanscom, and I'm concerned about the neutrality of the OAH meetings when the judge is sitting in an office at the Regional Center with the entire Regional Center staff before the consumer even enters the room. And that the Regional Center can have their legal advisor there present when the consumer doesn't -- isn't able to have one there present.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right, I'm going to call next on Elizabeth Barrios Gomez. Please unmute yourself.

MS. BARRIOS GOMEZ:

Hi, good afternoon. I'm a mother of two clients served by the Regional Center. I'm also the director of the Integrated Community Collaborative. We support and help a lot of families navigate through the appeals process and, you know, from Notice of Action all the way to the hearing.

And I'm here to echo a lot of what you already heard, and I do want to stress one more point, and that is the fact that families are left with only a fair hearing coordinator from the side of the Regional Center and nobody else in the informal and mediation, which is very concerning.

I know that maybe this is not the place where this should be reported, but I think you do need to know because this, again, exactly like I heard before, leads

families into an actual hearing where they literally never had an opportunity for dialogue, for resolution anywhere, not in the informal, because they only -- they show up and there's only the fair hearing coordinator.

And the same as the mediation, and nothing is done in the process, leaving families on their way to a fair hearing and not really having had the opportunity to resolve some of those issues that could have been resolved before.

So, from the -- all the work that's being done to make things better, I think I have to report that families are still very much struggling through this process. And I hope that -- and I thank the committee for looking into solutions. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right, I'm next going to call on Broad Spectrum Broader Minds. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

Good afternoon. Can you hear me? Can you hear me? Good afternoon. Can you hear me?

FACILITATOR BLOOMER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Yes.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

My name is -- I agree with the person that made the prior comment. My son is a child with 16 disabilities. And unfortunately, with the people we have groups of support, we've had so many issues with the Regional Center, especially one person that when we ask for a service, she immediately says, you need to go to a hearing.

And this has happened to me in front of Mrs. Elizabeth and Mr. Fernando next to Cecilia and next to other people. And these are not hearings that are fair. It's the person as -- you know, the other person commented that, you know, they have this person that sits there before we even enter the room. I don't think that's fair.

So, I believe that we should have a letter and also the complaints 4839 do not process, and they don't get beyond the DDS. We have a lot of violations for the rights for parents --

PRESIDING ALJ GOLDSBY:

30 seconds left.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

-- and also for us that have support groups. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Are there any other verbal public comments? We've got about -- time for about two more comments. All right, I'm not seeing any more hands up. Now we're going to move to chat public comments.

I'm seeing a hand up again from Broad Spectrum Broader Minds. You just provided a comment, so we need to give someone else a chance. I'm going to ask that anyone who needs chat as an accommodation to please raise your hand, and I can call on you to provide your comment via chat.

Is there anyone who needed chat as an accommodation who wishes to provide public comment? If so, please raise your virtual hand. Okay, I'm not seeing anyone raising their hands. As I understand it, we have some emailed public comments. Maryjosephine, could you please read those?

MS. NORRINGTON:

Yes. First emailed comment: Dear Advisory Committee, the 2021 Stanford unfair hearings report identified concerns regarding the formality and accessibility of hearings, the role of Regional Centers, neutrality, and accountability. Since then, the committee has discussed and voted on related recommendations.

Can the committee please identify which of its recommendations concerning fair hearing reform have actually been implemented by OAH, DDS, or the Regional Centers and which remain pending or have not been adopted? In particular, has any concrete change been implemented regarding Regional Center neutrality, accountability, or oversight of the appeals process?

Thank you, Blue (phonetic).

Next email comment: Dear members of the State Council on Developmental Disabilities, My name is Karina Monge, and I am writing as a dedicated family advocate and community member deeply committed to preserving the legal rights and protections guaranteed under the Lanterman Developmental Disabilities Service Act.

I am submitting this written comment to draw the council's attention to a widespread systematic issue that continues to compromise equity, family stability, and true self-determination for individuals across California, the inappropriate overreliance on and misapplication of natural supports by Regional Centers.

Under Welfare and Institutions Code 4512(e), natural supports are explicitly defined as voluntary, personal relationships in the community. By statutory design and established administrative law precedents, natural supports are inherently unpaid and voluntary. Friends, neighbors, or extended family members cannot be mandated, expected, or assumed to provide ongoing care, supervision, or transportation.

Furthermore, once the consumer reaches adulthood, age 18 --

PRESIDING ALJ GOLDSBY:

30 seconds.

MS. NORRINGTON:

-- parents have no legal, financial, or caretaking obligations under California law or the Lanterman Act. Regional Centers cannot refuse or reduce necessary funding services such as independent services, ILS, personal assistance, or respite care by

expecting aging parents or family members to continue providing unpaid full-time care.

Regrettably, Regional Centers routinely cite natural supports as a blanket justification to deny entitled services --

PRESIDING ALJ GOLDSBY:

Time is up.

MS. NORRINGTON:

-- to families and to burnout. Thank you.

Next email comment: Good morning, my name is Cecilia Ortiz. I am the mother of two neurodivergent individuals and the director of Padres Unidos por el Autismo, Parents United for Autism. Today, I would like to present recommendations to improve the OAH hearing process.

When the Regional Center denies, reduces, or changes the service, I believe that the person who made recommended or justified that that decision should be available to appear at the hearing and directly answer questions regarding that determination. Families come to a hearing to understand and question why a decision was made that directly affects the life of a person with a disability. However, we often find ourselves facing representatives who specialize in hearings but did not necessarily participate in the meeting, do not personally know the consumer, and were not the ones who originally made the decision.

So, my question is, why isn't the person who made or justified the decision present to directly explain the facts, the evidence, and the legal authority they relied

upon? The appeals process should not simply become a matter of preparing a defense after a decision has already been made. This is also a matter of accountability and the insufficient -- I'm sorry, and the efficient use of public funds.

PRESIDING ALJ GOLDSBY:

30 seconds.

MS. NORRINGTON:

If this is correct, individualized, and based in law, the persons involved in making it should be able to clearly explain the administrative law judge -- explain to the administrative law judge how and why they reached that determination.

Therefore, I propose that the OAH and DDS consider requiring, when necessary, the participation of the person or persons responsible for the contested decision rather than relying exclusively on a team specialized in defending cases (inaudible) --

PRESIDING ALJ GOLDSBY:

Time is up.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

We've got some extra time here, so I'm going to go back to verbal public comment. Broad Spectrum Broader Minds has their hand up again. I'm going to allow you to talk, please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

Good afternoon. Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

FACILITATOR BLOOMER:

Yes.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

Yes, another one of my points is, since I kept my son and I went to the Regional Center with the judge, the Regional Center was told that my son was an adult already and that I had no obligation, being physical, financial, moral, or of any type. So, the Regional Center took it into account, and every time that I need something, I do it in regards of the client, not based on my child. So, they were able to understand that

part, because now supposedly he has to stand by himself, and you have to look for that portion of the law because it does exist.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right, now I'm going to be calling on Cecilia Ortiz Barajas. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. ORTIZ BARAJAS:

Yes, good afternoon. Thank you so much for allowing me to give my testimony. I want to chat a little bit about what I know.

My suggestion is that, in a hearing we have the witnesses or people that represent the Regional Centers, these are people that did not deny the case, but why is it that in a hearing there's a team that is specialized to present the denial of a ghost team? Because the client's not allowed to talk. They're not allowed to have people that actually know the client. Why is it that we have a team that doesn't know the child?

And it's terrible for the families and also for the funding. It's terrible that the Regional Centers pay a team that does not work with the client for hours and hours, and they represent a ghost team that doesn't even have a face to have an explanation or to have a result, because this is happening so much. Something needs to be done, and it's happening in many Regional Centers.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right. Are there any other -- okay, I see that Jacqueline would like to make another public comment. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. CASAS:

My comment is like Cecilia Ortiz's. Because the hearing that I had, I had seven people come into the room. Most of them never saw my son, neither did they know him. They didn't know his needs. Regardless, they were there to deny the services. When those people don't know my child, they don't know the needs of my child.

And another thing is that one of the people that was also there would say that if the child needed services, that I should knock the door with my neighbors so they can assist me with caring for my son, or that I should call my friends so that they could come and take over. So, that's totally inappropriate, that type of comments of -- that the Regional Center staff did. They're not basing themselves on the needs of the client. Their only intention is to make the family comfortable.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

I'm going to call on Shirlys Gruber. Please unmute yourself.

SPANISH INTERPRETER SANCHEZ FOR MS. GRUBER:

Thank you. I want to focus on this because the consequences of this process on the disabled person, when the services are denied they -- a lot of months can go by, sometimes even years. But those months and years are not administrative time. It is the time that you're waiting for needed services to develop communication, which is a constitutional right and also independence and abilities that are important for everyday life. What happens with the determinations and what about all this time lost without the services? You don't recuperate this time.

This is what I'm saying. We need to have more transparency and supervision. We need to see how many were denied and then how many were modified, how much time that person has waited, so that you can compensate this terrible delay, because it shouldn't be enough to just say, okay, now it's -- you know, we agreed, it's been approved. What about everything that happened? Because, I mean, this shouldn't be repeating itself, because always there's somebody behind this. While the system goes on, the person still is waiting on.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Okay, I'm going to call on Broad Spectrum Broader Minds again.

SPANISH INTERPRETER SANCHEZ FOR BROAD SPECTRUM BROADER MINDS:

Another one of the problems that I see is that the parent has a denial on behalf of the medical team, which was actually solicited by the doctor. And even though the law marks -- do you hear me?

DIVISION CHIEF ALJ FORMAKER:

We could hear you, but then you cut out.

FACILITATOR BLOOMER:

She's muted.

DIVISION CHIEF ALJ FORMAKER:

Please unmute yourself.

BROAD SPECTRUM BROADER MINDS:

(In Spanish).

DIVISION CHIEF ALJ FORMAKER:

Okay, we didn't hear the interpretation.

Okay, I'm going to move to Sonia M. Please unmute yourself.

MS. SONIA M.:

I just want to comment about how the Regional Center is kind of doing all the steps. I'm talking about SDP. It seems like they don't -- they don't rush, or they take

their time. And it seems like when we ask at the end of the deadline to finish the process, we have to be okay with them or agree with them. That way we don't have to go to the NOA and all the process because we have a disagreement with them.

It's like taking forever to give answers and they ask stuff, question by question. They ask you for something, you get to that and then ask you for something else. It's like it takes forever and it's like they don't worry about having NOAs for the clients. Or in other cases, like my son's case, I never received one for my son, and he was without services for two weeks, more than two weeks, almost a month. And it seemed like they're not rushing. They don't really care.

So, hopefully this meeting will help -- they help us to have some solutions. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, I see that Broad Spectrum Broader Minds has their hand up again. However, I want to make sure that we have provided any opportunities, for any chat comments that are needed to be provided as an accommodation. If you need chat as an accommodation, can you please raise your virtual hand so that we can call on you to provide your comment.

Okay, I'm not seeing any hand up. I am not hearing that we've got any more emailed public comments, and we've only got about eight minutes to go here -- or seven minutes.

FACILITATOR BLOOMER:

Susan, I'm happy -- I'm happy to just close out with a few wrap-up notes, if that's all right. Okay.

Again, I want to thank and welcome new Advisory Committee members. Great discussion today from everyone on the Committee. Thank you so much. Our next meeting is on November 12th. So, please save the date from 1:00 PM to 4:00 PM on November 12th. And at that meeting, we will be sure that agenda includes that standing item, item five, and then we'll pick up with agenda item seven and beyond from today's meeting agenda. All right?

COMMITTEE MEMBER RODRIGUEZ:

Question.

FACILITATOR BLOOMER:

With that --

COMMITTEE MEMBER RODRIGUEZ:

I have a quick question.

FACILITATOR BLOOMER:

Yes, Renee, please.

COMMITTEE MEMBER RODRIGUEZ:

(Inaudible) see if somebody from your office can call me? I want to ask her some questions.

FACILITATOR BLOOMER:

Sure. Would you -- would you like someone from OAH to call you, or --

COMMITTEE MEMBER RODRIGUEZ:

Yeah.

DEPUTY DIRECTOR HORNBERGER:

Renee, do you want me to call you?

COMMITTEE MEMBER RODRIGUEZ:

Yes, please.

FACILITATOR BLOOMER:

Katie Hornberger from DDS. Thanks, Katie.

DEPUTY DIRECTOR HORNBERGER:

Yeah, Renee and I go way back.

FACILITATOR BLOOMER:

Okay. Okay, great. Wonderful.

All right, everyone, thank you so much for your time today. Members of the public, your input, which is so important, Advisory Committee members, thank you so much. And I hope to see you on November 12th. Take care.

- ADVISORY COMMITTEE MEETING CONCLUDED -

CERTIFICATE OF TRANSCRIPT

I, James Pupkies, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the OAH-DDS Advisory Committee meeting that took place on August 13, 2026, Office of Administrative Hearings, via Zoom videoconference. This is the 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 13th day of September, 2026.

James Pupkies
Transcriber
Aberdeen Broadcast Services