

**TRANSCRIPTION OF RECORDED MEETING**

**OF**

**OFFICE OF ADMINISTRATIVE HEARINGS**

**DDS ADVISORY COMMITTEE MEETING**

**FEBRUARY 13, 2025**

**Committee Members Present:**

AINI TJAUW

BENITA SHAW

CAROLA CAMACHO MARANON

DARLINE DUPREE

FERNANDO GOMEZ

JENNIFER CUMMINGS

JESSE WELLER

MARIA IRIARTE

MICHAEL SANTIAGO

NINA SPIEGELMAN

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

SHERRY JOHNSON

SILVIA YEH

YULAHLIA HERNANDEZ

**OAH Staff Present:**

ADAM BERG

BOB VARMA

MARYJOSEPHINE NORRINGTON

SUSAN FORMAKER

TZER LOR-SNYDER

ZACHARY MORAZZINI

**DDS Staff Present**

DENISE THORNQUEST

JENNIFER STENSON

SANDRA SANCHEZ

**ASL Interpreters:**

ELIZABETH VEGA

RICHARD HAFFNER

**Spanish Interpreters:**

FRIDA BLUM

MARC GUTIERREZ

**Facilitator**

KARIN BLOOMER

**Transcribed by:**

SHERRY L. MAINUS

NCCR

Sacramento, California

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FEBRUARY 13, 2025

OAH-DDS ADVISORY COMMITTEE MEETING  
MAY 15, 2023

**DIVISION CHIEF ALJ FORMAKER:**

Good –

**FACILITATOR BLOOMER:**

Good afternoon.

**DIVISION CHIEF ALJ FORMAKER:**

Go ahead.

**FACILITATOR BLOOMER:**

Hello, everyone. My name is Karin Bloomer. And before we go any further, I'm going to turn to Frida, one of our Spanish interpreters, to explain how to access language interpretation during this meeting.

**SPANISH INTERPRETER BLUM:**

Thank you. Good morning. In order to provide language access, this meeting will have simultaneous bi-directional interpretation into English and Spanish.

If you're bilingual you don't have to click anything. But if you're not bilingual, and you're using your laptop, please locate the icon shaped like a globe at the bottom of your screen. Click language interpretation. And then select English.

If you're using your phone or an iPad, then locate the three-dot menu in one of the corners of your screen. Click language interpretation. And then select English.

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

When you speak, do so at a moderate pace, because the interpreters are going to be simultaneously interpreting everything you say.

And remember, in order to have a successful bi-direction dialogue, everyone needs to enable the interpretation, including our English speakers. (In Spanish). Thank you.

## **FACILITATOR BLOOMER:**

Thank you, Frida.

Next slide, please.

So, I'm going to describe in the next few slides how to participate in this meeting. Please start by choosing your language channel in either English or Spanish.

ASL interpreters have been spotlighted. And live closed captioning is active. Please, all of us, try to remember to speak slowly for their benefit.

This meeting is being recorded. And if you'd like to view any of the materials for today's meeting, they are available on the Office of Administrative Hearings website.

Next slide, please.

Okay. So, in terms of Advisory Committee member participation, please keep your cameras on during the entirety of the meeting. This is one of our rules that we have to follow for the Bagley-Keene Open Meeting Act. Click start video to show your camera.

Please click on the raise hand feature when you'd like to comment. So, I'll be keeping track of hands raised and call them in order. Please state your name and unmute yourself when it's your turn to speak.

And in terms of the chat feature, that is reserved for members who have asked for the accommodation. So, please only if you've made that request use the chat feature. Otherwise, we will not be using the chat for conversation in the meeting.

In terms of finding the raise hand feature, you may see it at the bottom of your Zoom screen. You can also click on participants, and a window will pop up where you can see raise hand.

Next slide, please.

In terms of how members of the public can participate today. So, in terms of -- this may differ depending on the device you're using. When it's time for public comment, we'll go through the specifics of all the different ways to provide public comment in terms of technically how to do that.

But during public comment, there'll be an opportunity to provide verbal public comment. At which time we'll ask you to unmute yourself. We're going to ask you to use the raise hand feature to get into a virtual line to provide public comment.

For telephone only participants, you can raise and lower your hand by pressing star nine (\*9) on your phone keypad. And you can unmute yourself after you've been called on by pressing star six (\*6).

Public comment will be limited to two minutes per person. And again, we'll provide this explanation again at the start of each public comment period.

Next slide, please.

You can also provide written public comment as a member of the public. You can do this by emailing your public comments to [oahacomment@ds.ca.gov](mailto:oahacomment@ds.ca.gov).

And during public comment, those emailed comments will be read aloud.

Next slide, please.

As we did in the last meeting, we've now opened up public comment using the chat feature if you requested it as an accommodation. And we will be allowing members of the public to just indicate that they need that accommodation when the time comes during public comment.

So, there are a few technical steps to go through that we'll go over in more specifics during that time. But it involves getting promoted as a panelist and accepting the invite to join as a panelist and then unmuting -- and then using the chat feature and sending your chat. And all chats will then be read aloud.

Okay. I think that completes the meeting participation slides. And now we'll go ahead and do roll call to see who's here and make sure we have a quorum of at least 11 members for today's meeting.

When I call your name, please unmute and let us know you're here. Okay.

Monica Becerra? Okay. I don't -- I don't hear Monica Becerra, and I don't see her on the participant panel. So, at this time Monica Becerra is considered absent.

Jennifer Cummings?

**COMMITTEE MEMBER CUMMINGS:**

Present.

**FACILITATOR BLOOMER:**

Jennifer Cummings is here, wonderful.

Darline Dupree?

**COMMITTEE MEMBER DUPREE:**

Present.

**FACILITATOR BLOOMER:**

Darline Dupree is here.

Fernando Gomez?

**COMMITTEE MEMBER GOMEZ:**

Present.

**FACILITATOR BLOOMER:**

Hello, Fernando. Fernando is here.

Yulahlia Hernandez?

**COMMITTEE MEMBER HERNANDEZ:**

Present.



**FACILITATOR BLOOMER:**

Yulahlia Hernandez is present.

Maria Iriarte?

**COMMITTEE MEMBER IRIARTE:**

Good afternoon, present.

**FACILITATOR BLOOMER:**

Maria is here, thank you.

Sherry Johnson?

**COMMITTEE MEMBER JOHNSON:**

Present.

**FACILITATOR BLOOMER:**

Sherry, good to see you.

Otto Lana? Okay, he had indicated he could not attend today. Just wanted to confirm that.

Carola Camacho Maranon?

**COMMITTEE MEMBER MARANON:**

Hi, present.

**FACILITATOR BLOOMER:**

Carola, welcome.

Antony Charles Marron? Okay, not hearing from Antony Marron, so we'll consider him absent at this time.

I'm guessing Ryan Nelson could not attend. Ryan Nelson is absent.

Jessica Quesada? Is Jessica here? Okay, not hearing Jessica we'll consider her absent at this time.

Michael Santiago?

**COMMITTEE MEMBER SANTIAGO:**

Yes, present.

**FACILITATOR BLOOMER:**

Michael, welcome, thanks for being here.

Benita Shaw?

**COMMITTEE MEMBER SHAW:**

I'm here. I also want to state that I'm having camera issues. So, I do have it on, but that's why you can't see me. So, if it goes off that's why, I'm trying to figure this out. But I am here.

**FACILITATOR BLOOMER:**

Benita, thank you so much for letting us know.

Nina Spiegelman?

**COMMITTEE MEMBER SPIEGELMAN:**

Present, hi.

**FACILITATOR BLOOMER:**

Hi Nina, thank you for being here.

Aini Tjauw?

**COMMITTEE MEMBER TJAUW:**

Here, thank you.

**FACILITATOR BLOOMER:**

Welcome, Aini. Aini is here.

Jesse Weller?

**COMMITTEE MEMBER WELLER:**

Present.

**FACILITATOR BLOOMER:**

Dr. Weller, good to see you, thank you.

Sylvia Yeh?

**COMMITTEE MEMBER YEH:**

Present.

**FACILITATOR BLOOMER:**

Sylvia's here, wonderful.

We had three Committee members who had not indicated that they would be attending remotely by the deadline. And so, I just want to read those names aloud and see if by any chance they have decided to attend in person at the physical location.

So, this would be Lillian Ansari, Taleen Khatchadourian, and Stacy Shaw. Maryjosephine, are they present at the physical location?

**MS. NORRINGTON:**

No, no one is present at this time.

**FACILITATOR BLOOMER:**

Okay. All right, well, if by any chance any of those three Committee members are able to observe as a member of the public today, of course that would be wonderful.

And they're more than welcome to provide public comment as well.

Okay, now we will turn to some introductions.

**DIVISION CHIEF ALJ FORMAKER:**

Just one moment. I just wanted to confirm that we do have a quorum.

**PRESIDING ALJ BERG**

There's 13 members present, so there is quorum.

**FACILITATOR BLOOMER:**

Wonderful, thank you. Okay, I do want to introduce some members of the Office of Administrative Hearings who are here today.

So, I'll start with, I believe, Bob Varma is here, welcome, who's Deputy Director.

We have Susan Formaker, Division Chief Administrative Law Judge of General Jurisdiction.

Adam Berg, Presiding Administrative Law Judge from the San Diego General Jurisdiction Division.

Maryjosephine Norrington, Associate Governmental Program Analyst, General Jurisdiction Division.

Tzer Lor-Snyder, also an AGPA in the General Jurisdiction Division.

And I think that covers the folks who are here.

**DIVISION CHIEF ALJ FORMAKER:**

We also have Zachary Morazzini, our Director and Chief Administrative Law Judge.

## **FACILITATOR BLOOMER:**

Oh, wonderful. Thank you, Director, for being here.

And from DDS, we have Denise Thornquest, Chief of the Office of Community Appeals and Resolutions.

Sandra Sanchez, Manager in the Office of Community Appeals and Resolutions.

And Jennifer Stenson, Special Projects Manager in the Division of Community Assistance and Resolution.

And once again, I'm Karin Bloomer. And I am the facilitator of this meeting.

I'll now turn to Susan Formaker to share some announcements.

## **DIVISION CHIEF ALJ FORMAKER:**

Good morning, everyone. Our first announcement is that we would like to welcome Michael Santiago to the Advisory Committee.

Mr. Santiago is an attorney who recently joined the State Counsel on Developmental Disabilities as its legal counsel.

Mr. Santiago takes the place on the Committee of Brian Weisel, formerly an attorney for the State Counsel on Developmental Disabilities, who is now an Administrative Law Judge with OAH in the General Jurisdiction Division's Sacramento Office.

Welcome, Mr. Santiago, to the Advisory Committee. And we look forward to working with you.

Next, OAH and the Department of Developmental Services together would like to announce an opportunity for the community to apply to serve on the Office of Administrative Hearings Advisory Committee.

Please consider the commitment involved in applying for membership on the Committee. Membership involves a two year commitment, attending and participating in four meetings a year.

There are several current members whose seats are expiring at the end of May 2025. These members have been notified, and we sincerely appreciate your commitment to this Committee.

To apply as a new member, or to reapply as a current member, please visit the Department of Developmental Services website at <https://www.surveymonkey.com/r/lahacmembership>, to complete an application. All applications submitted between January 1st, 2024, through March 31st, 2025, will be considered.

The term for members who are selected will begin on June 1st, 2025. That is after the next Advisory Committee meeting, which will be in May 2025.

Finally, OAH received two emailed public comments shortly before the November Advisory Committee meeting ended and after written public comments had been read aloud.

As a courtesy, OAH is reading these comments aloud now and providing these comments as an addendum to the transcript of the meeting, which will be posted on the OAH website.

This is the first written comment that was provided. "As to the speaker who complained that no attorneys want to represent clients in these hearings because they cannot obtain reimbursement, please note that the law already changed, prohibiting Regional Centers from having attorneys present unless the client has an attorney or is an attorney.

I agree that many participants in appeals process could benefit from additional training via video or in person. Regional Centers and DDS and OAH all provide numerous documents explaining the process. And OAH and DRC also have on their website written information about how to represent yourself during an appeal.

Many people, even who are not second language speakers, do not read those documents, including hearing notices, in my experience. But when we do get to meet with clients/families in person at hearings, mediations, and informal meetings, the spoken information seems much more meaningful/helpful for them than a mass of documents.

The requirements for online filing of appeal related documents on OAH website and the use of a third-party program for uploading and reviewing documentary evidence during hearings are both barriers to clients/families full participation in the process.

Written documents are provided about how to use those online portals. But again, documents are not always the best way to transmit that information.

Many of our client's/family's members do not even regularly use or check their email, so there is still a digital divide present. OAH and Regional Centers try to step in and bridge these barriers, but that is more work for both.



I think that an advocate similar to the independent facilitator and DSDP would be helpful for the vast majority of families going through this process if that person was properly trained."

This is the second comment that was sent. "We agree with the suggestion to assign a representative for OCRA or outside advocate to assist families.

When we receive an NOA, it is difficult to understand what to do next. Yes, we are given a copy of the appeal process. However, understanding whether the best avenue would be a 4731 complaint, a call to the ombudsperson, or a filing with OAH is difficult.

Perhaps when a NOA is issued, a copy should go to DDS or the outside advocate to help them navigate the correct issue. We have gone in circles trying to get the right system."

That is the end of our announcements.

## **FACILITATOR BLOOMER:**

Thanks, Susan. So, just to very briefly review some of the rules related to the Bagley-Keene Act that this body must follow, I've gone over really most of them.

But just as a reminder, OAH has to post a list of Committee members who will be attending remotely at least 24 hours in advance of the meeting. So, thank you to all of you for responding. Committee members are always welcome to attend in person at the physical location.

As you know, please state your name and speak slowly when you comment today.

And then, just as a reminder of the charge of this Committee, it 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.

By law, the Committee is required to meet at least two times a year. OAH has added two additional meetings, and so you'll be meeting four times this year.

Okay. So, just to preview our agenda. I hope you took a look at it when it was posted. But you'll recall that the Advisory Committee previously established a subcommittee, graciously comprised of Advisory Committee members Fernando Gomez and Jesse Weller.

And the subcommittee has been asked to provide the Advisory Committee with a summary of the roles of the Regional Centers in the hearing process as set forth in statute, regulations, or any other authority.

So, the way the agenda is set up today, we have agenda items four and five that are about this topic. And agenda item four is devoted to discussion. So, whatever the subcommittee wants to share, any questions or discussion the Committee wants to have, we have allotted agenda item four for that. Then we'll take public comment at the end of that agenda item.

And then agenda item five is reserved for any recommendations that may be proposed in regard to the discussion. And so, when we get to that agenda item we'll see whether there are any motions, any seconds to that discussion.

Then we open it up to public comment for each recommendation. And then we take it to a vote using a roll call vote.

We will also reserve the last 30 minutes of the meeting for general public comment as well. And we'll take two 10 minute breaks today during the meeting. We're going to be aiming for a 2 o'clock break and a break at 3:15. So, we'll keep our eye on the clock and just to reserve time for that break as well.

Okay. All right, so agenda item four. Mr. Gomez and Dr. Weller, I'll turn it over to you to see if there's anything you'd like to share with the Committee.

**COMMITTEE MEMBER GOMEZ:**

Absolutely. Good afternoon, everybody. And we appreciate this opportunity to share our report on the role of the Regional Centers as it pertains to the appeals process.

And if it's okay with the Committee, we have a report that we would like to walk through and that would require me to share my screen. Will that be fine?

**FACILITATOR BLOOMER:**

I believe so. Are you -- when you try to share are you able to?

**COMMITTEE MEMBER GOMEZ:**

I am. I am able to share.

**FACILITATOR BLOOMER:**

Great.

**COMMITTEE MEMBER GOMEZ:**

And let me do so now. And I will expand my screen to make sure that everybody can actually see our report.

And is the font size adequate enough for everybody, or?

**FACILITATOR BLOOMER:**

Yeah. May I suggest that you magnify, make it bigger for us, Mr. Gomez?

**COMMITTEE MEMBER GOMEZ:**

Absolutely.

**FACILITATOR BLOOMER:**

At least in my view it's still --

**COMMITTEE MEMBER GOMEZ:**

How's that?

**FACILITATOR BLOOMER:**

That's definitely better. Committee members, please speak up if you need it larger.

**COMMITTEE MEMBER GOMEZ:**

Okay.

**FACILITATOR BLOOMER:**

All right.

**COMMITTEE MEMBER GOMEZ:**

Okay. So, my name is Fernando Gomez. I'm a parent and the cofounder of the Integrated Community Collaborative.

And as a member of the subcommittee, along with Dr. Weller, we were requested to expand and outline the Regional Center's role in appeals process, along with making recommendations.

And before I go into our initial presentation, Dr. Weller, was there anything you would like to add to that?

**COMMITTEE MEMBER WELLER:**

No, I just want to say hello to everybody. Thank you, Fernando, for kicking us off. I think most people know me, I'm a Committee member, Advisory member here.

And I'm also the Executive Director of the San Gabriel Pomona Regional Center and appreciate the opportunity to be able to work with Fernando to gather information that hopefully can lead to a good discussion today. So, I appreciate it.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Dr. Weller. And, as we appreciate OAH and their effort as a stakeholder in the appeals process. And all of the elements of this Committee is looking to address, to improve on it.

We know the importance that the roles -- that the Regional Centers role is in this process. And so, today we want to talk about the role to initially review and respond to consumers disputes regarding a service or eligibility decision.

That's the main reason that we would look at an appeals process. Which includes offering an informal meeting before a consumer formally appeals the Department of DDS.

Now, if the appeal progresses to a hearing, then the Regional Center must implement the final decision. However, what we are finding and this report is going to be centered around is that individuals find the process intimidating, overwhelming, and extremely complex.

And it really, those elements combined foster the stress in the system in those who are implementing the process.

So, to improve fairness, accessibility, and transparency, we believe that Regional Centers must reassess their role and their responsibilities within this process.

So, today what we'd like to do is share a breakdown of the current process, talk a little bit about the areas for improvement and the recommendations for ensuring that families feel supported rather than discouraged when they're seeking their rights within the process.

Today's report is an actual work in progress. It's not the full report, it's the initial part of the process with some key recommendations.

We ask the Committee to continue -- to consider continuing the subcommittee as an advise -- in an advisory role to continue in its -- in its efforts to adequately, not only define this role, but also come up with these suggestions.

As such, there'll be (inaudible) within the master plan that will be hopefully finalized coming next month, that some of those elements may even impact this report.

So, we ask that it continue to be evergreen, organic in nature, and that the Committee would continue to, I guess, contribute to it, so that at the end of the day the outcome will be something that we believe will be more balanced in nature.

And in saying all this, Dr. Weller, would you like to -- oh, actually, one of the things that I wanted to expand on is that what we've done is we've consulted with numerous individuals.

We first started with Disability Rights of California, both Will Lanier and Vivian Haun, who are both attorneys and very familiar with the Lanterman Act.

And what we wanted to do was better understand the legal positioning of the Lanterman Act as it pertains to the appeals process.

So, we had a pretty lengthy and very informative conversation with them. And it was extremely helpful to better understand the parameters.

So, in doing so, then we went to several entities, including the Integrated Community Collaborative, the Integradoras, to get specific feedback on the actual process, and then take it back and mirror it to the Regional Centers role within that.

So, that's what we'll be sharing out today. And we'll start with the composition, if you will, of the Regional Center's Appeals and Resolutions team. Dr. Weller?

**COMMITTEE MEMBER WELLER:**

Sure. Thank you, Fernando.

The first area that came through in terms of speaking with different individuals was kind of still having some confusion around the different teams or individuals at Regional Centers and who are part, we say, I think many of us have been trying to move towards appeals and resolution.

Formally, the Committee might have heard of Fair Hearing or Fair Hearing Specialist. And so, I think putting some work into understanding that the current, kind of terminology, we think is important.

And then in a typical -- typically, I'd like to preface that across Regional Centers you'll see that the teams will comprise of either a manager of an appeals or resolutions of that process, somebody responsible for that department. Or a specialist or a coordinator, depending on the Regional Center.

And so, we think, you know, the active work there around making that clear to the community. And then we know the Service Coordinators hold a fairly critical role.

So, you'll see that part of the team gathering information, processing, consulting, revolves with -- between Service Coordinator, between the appeals and resolution team within Regional Centers. Also, the supervisory layers across the Regional Centers there, along with legal representation or consultation.

We know there's been some work on that topic as well. But just kind of highlighting some core generalities where we could, along with clinical or professional staff that might be involved, depending on the nature of the issue as it relates to more behavioral or medical support needs.



So, again, the names might look a little different. But generally speaking from the feedback we've gotten from our systems is that we're able to kind of look at this as a starting point.

And then, Fernando is going to capture additional feedback that came in around different issues as well.

But we want to kind of start from the beginning to set the table a little bit around the different positions and names as we're moving towards consistency on that area.

### **COMMITTEE MEMBER GOMEZ:**

All right, thank you, Dr. Weller.

So, what we've established is that there is actually a team dedicated that represents the Regional Centers role as Dr. Weller aligned each responsibility.

And when we look at implementing that internal process, we see that in many cases that process is overlooked. And sometimes, NOAs are issued literally within the hour after an IPP or the meeting.

So, we know that there is no consistency, if you will, on implementing that process. It's sometimes used as a way to delay a decision that Regional Centers are not ready to make.

And we call that a denial by delay. And many of you may have read the report that was generated by Disability Voices United on that very subject matter.

And then, there were things that we've noticed that were -- to me were surprising in this discussion was that even the NOAs as they come to the point where

they can become, in an appeals process for an individual served by that Regional Center, in many cases the Regional Center Director is not aware of them.

And there is no consistency in a process where at that level of leadership, if you will, are they aware of what's being generated by their teams.

Which I thought something of a magnitude of a hearing that really impacts an individual's life, should at the very minimum, be also looked at, addressed, and evaluated by that level of leadership.

We also found that, and what we're hearing from the conversation, is that there really isn't a set standard by Regional Centers that is more universal in approach.

And as we've heard in many different areas, even aside from appeals process, that that interpretation, but that each Regional Center is reflective of the culture and the values, if you will, of that Regional Center specifically.

As individuals who participate in that process, we find that Regional Centers, in many cases, are generating NOAs that not only contain misinformation, but there also are errors.

So, the need to really create a more level or quality of standards within that process is very much needed.

And then, there's also an issue about gatekeepers that pretty much is saying, hey, this is it, that we're the final decision and really stops the process from being evaluated more broadly, if you will, from Senior Management where we're potentially finding a resolution.

So, let me move forward. And Dr. Weller, if you want we can -- let me, sorry, I think I went a little too much here. On the recommendations, do you want to share some of those, and I can help expand on them?

**COMMITTEE MEMBER WELLER:**

Sure, absolutely. So, when thinking about all the different components and where potential areas could break down, I think the ongoing effort, one that came up really clearly is around just the ongoing work to train and provide Information Service Coordinators in really focusing on those viable solutions before issuing a Notice of Action.

I think the agreement across the Board would be to do as much as we can to help families get the services they need in a timely way in working through areas that might be tangled is the word I like to say or might be needing some more work to figure out if that is a service or a support that could be provided by the Regional Center before it gets to a formalized process.

And so, with a lot of this, just to kind of lift up is really focused on solutions and taking active steps to work through things in an earlier stage. And you'll see that coming up before it even gets to that.

So, ongoing awareness, training we think is really important. Recommendations around requiring discussions with Senior Management before issuing Notice of Actions to explore possible solutions, which highlights that as well.

Really getting and reinforcing the importance of consultation guidance. And this is where things vary a little bit because of the different layers of leadership at Regional Centers.

As we get bigger, and as we continue to serve more people, as we continue to grow, there's a lot of layers of leadership in there. So, really evaluating and looking at those communication pathways on decision making is really important.

And the other one is being mindful and sensitive towards any bias and decision making or anything that could be getting in the way in that process, to ensure that everything links back to being fair, consistent, person-centered, and really think about the experience.

The word that comes to mind is empathy, thinking about the empathy component of how challenging it can be for a family to go through this process.

Even though we do work to make sure that we try to make the system better and make it more friendly, it still has a scary undertone for families when we start talking about mediation, official meetings, and those things.

And so, just continued work in those areas in regards to some recommendations that came through. Preliminary recommendations, I should say, I know there's many more.

Fernando?

## **COMMITTEE MEMBER GOMEZ:**

Yeah, absolutely. And thank you, Dr. Weller. Because what we're looking at, and as we kind of started pulling the layers and looking deep into the -- into the elements, we realized that we needed to take the perspective of the different stakeholders.

So, for us to -- as a subcommittee, to have gone completely deep into the whole process would not have given it justice. So, what we wanted to do was focus in the initial process that leads up to the NOA, to make sure that we're capturing the essence and the key elements that contribute to the -- not only the outcomes, but the experience that everyone has. Especially that -- the individual that is served.

And now we're now pushing into areas that are global in nature and that we've heard a lot about, that we've seen -- and read reports that we've seen statistics, global barriers, disparities, things that come into play.

And this is based on the fact that in many cases we're looking at a system that's based on compliance and focus in compliance, opposed to what we all expect as individuals served in the families of person-centered. So, somewhere we're trying to find the balance there.

And if, before I go forward, I do see a hand from Sylvia. And Karin, is that okay? We kind of --

**FACILITATOR BLOOMER:**

Of course.

**COMMITTEE MEMBER GOMEZ:**

-- I'm okay with discussion. So, I'm glad that there are questions that we'll be happy to --

**FACILITATOR BLOOMER:**

Yeah, of course

**COMMITTEE MEMBER GOMEZ:**

-- direct as we go forward.

**FACILITATOR BLOOMER:**

I see Sylvia's hand, and then Maria's.

**COMMITTEE MEMBER GOMEZ:**

Yes.

**COMMITTEE MEMBER YEH:**

Hi, thank you. This is Sylvia Yeh. I'm the Executive Director for Friends of Children with Special Needs. And again, Fernando and Dr. Weller, these are very good recommendations.

But I just have a few suggestions for this. First of all, it's the timeline for giving an NOA.

So, you mentioned that sometimes that you can be issued right after IPP. But sometimes it's the -- there's no NOA, but the service is not being provided. It's been delay, delay, delay, delay. And so, that's one thing.

And I think it should be -- have something talked about after IPP when the family makes the request, what's the reason it will be asked for. If there is a timeline for that.

Another thing, for the NOA in your recommendation, I think it's important that it should be issued by the supervisor of the Service Coordinator.

So, you know there's discussion beyond the Service Coordinator in Regional Center. Instead of, hey, here's your NOA on that. So, I would suggest that should be issued by the supervisors levels to do that.

And also, I mean, Fernando, you've been a strong advocate for this language, cultural support, you know, once you issue an NOA there should be some procedure with what goes next and one place where you can seek help to advocate for you that should be included in the NOA.

So, that's my comment. Thank you very much for your hard work.

### **COMMITTEE MEMBER GOMEZ:**

Thank you, Sylvia. And Dr. Weller, if you don't mind, I'll take a quick stab at a response. And then you may have some, also, additional comments.

Sylvia, you know, I really appreciate your comments, because they align with our feelings and what we've also find (sic). As we move forward with the presentation, you will actually see that we address all three of your comments and so forth.

So, we'll talk -- when we get to them I'll expand on them. And if you feel we didn't do it adequately, we still would love to get that feedback when we do the Q and A, so that we can make sure that we do so in the way that you feel it's given the justice.

But thank you for your points.

Dr. Weller?

**COMMITTEE MEMBER WELLER:**

I think you captured, Fernando, where I think it was a big focus just in terms reinforcing in the conversations of the importance, not to jump ahead here. But I just think it's important to put words to.

Any experience, of course, when there is at the very end step of that notice or that final step of how we can improve to have viable alternatives or solutions of what people can do next is some of the feedback, sometimes that that door has been closed, and that process is done.

But then from that family perspective of what is next, what can I do, and how do we continue to provide advocacy in those areas in a way that makes sense.

And so, it just aligns with the conversation. So, I appreciate the comment.

**COMMITTEE MEMBER YEH:**

Thank you.

**COMMITTEE MEMBER GOMEZ:**

And it aligns with the accountability factor which we'll discuss as well. Thank you, Dr. Weller.

Maria?

**COMMITTEE MEMBER IRIARTE:**

Thank you. Thank you, Fernando and Dr. Weller for this. I know that there's a lot of time and effort put into this.



I have a question though. Does Bagley-Keene allow for a document like this to be shared with the Advisory Committee before the meeting?

Is this something that can be done? Can this document only be shared during the meeting?

In other words, it would've been nice to get this document beforehand. And is it something that we can do in the future, share before a meeting?

**DIVISION CHIEF ALJ FORMAKER:**

This is Susan. Anything that needs to be shared with the Advisory Committee ahead of time needs to be posted at least 10 days before the public meeting.

And so, what we could do, is post this document after this meeting if it's given to us.

**COMMITTEE MEMBER IRIARTE:**

Okay. Thank you. Sorry.

**COMMITTEE MEMBER GOMEZ:**

Since it's --

**COMMITTEE MEMBER IRIARTE:**

I just --

**COMMITTEE MEMBER GOMEZ:**

Go ahead, Maria, please finish.

## **COMMITTEE MEMBER IRIARTE:**

I'm happy to have it here, but it's nice -- I like -- sometimes I have to think, you know, and I can't think sometimes when I just have it right there and we're asking for comments.

But one of the things, in training Service Coordinators to empower them to follow the process and seek viable solutions, I think we need to go a step back. Which is really -- Service Coordinators need more training in the programs.

So, for example, telling someone that they can have a service if they give up a service, and the law doesn't require something like that. Or misidentifying what a generic resource is.

Or, for example, I've heard clients when I speak to them, and the Regional Center consumers tell me what their Service Coordinators told them about the DD waiver. And I'm like, wait a minute, that's not what the DD waiver says.

So, there's a lot of education that needs to be had. Service Coordinators need a lot of training. Because if they really understood the programs and the services there might not be so many Notices of Action issued.

And while they're being trained, perhaps there should be people, and there might be people in the Regional Center who are -- who have the knowledge, who can possibly, you know, come up with the solutions or with the right answers so that they know, so that there are no Notices of Action that are issued.

With regard to required discussion with Senior Management. So, what I understand is that you've got the Service Coordinator, you've got a supervisor,

perhaps, then you have a Program Manager. But they all seem to be in sort of the line of command.

It feels like when there's, before issue a Notice of Action, that maybe that case should be reviewed by someone who's not in that line of command, by someone else.

So, I'm thinking about when in a Social Security case, where there's the first level of appeal is a reconsideration.

And so, what happens at a reconsideration is, for example, if the -- if the -- if the applicant was denied because the applicant is found not to be disabled, then in a reconsideration another analyst reviews the file and the decision made by the first analyst to see if it was correct or not.

So, something like that, where you're -- where you have an -- I don't want to say an independent person, but someone who hasn't had, you know, any -- who's outside of that line of command that the Regional Center has.

And what else? I don't -- and the other thing is do you -- how are we going to do this? Do you -- do we just take comments and questions after each section? Or Fernando and Dr. Weller, do you guys want to wait until the end of your presentation?

### **COMMITTEE MEMBER GOMEZ:**

Well, thank you, Maria. You know, I've always been a big advocate of conversations and discussions. And I appreciate, your -- the feedback, because it aligns with are we on the right path.

The good thing is, is that many of what you've commented on, you'll see in our report.

**COMMITTEE MEMBER IRIARTE:**

Okay.

**COMMITTEE MEMBER GOMEZ:**

We did capture those elements. But like I said, sometimes maybe the dimension within its -- the perspective, it needs to be captured. So, we would appreciate enhancing on these points as, you know, we value that feedback.

The other element is that knowing now that we have the ability to do so, we would be happy to share this document and take it into consideration as a status. And it's the beginning of a structure. You know, I term out in May. And I don't know if there's an option for me to reapply. I mean, there, I know there is an apply, but I don't know what the decision is.

But I'm hoping that before I do term out completely that Dr. Weller and I can submit a more robust plan that can continuously be built on. But at some point, where we want to get to is the full process, all steps within that, and give them the definition as we are sharing here today as the first report out to the stake -- the Advisory Committee if you would. So, thank you.

And I don't mind Q and A, I mean but know that a lot of these comments we'll probably be sharing in a few minutes here.

**FACILITATOR BLOOMER:**

If I could make a suggestion on that front. I see Nina's hand. And so, I suggest, obviously, we hear from you Nina.

Given that, so far, it sounds like, you know, some of these questions and feedback you're previewing, Fernando, you know, it is covered in some fashion in the rest of your summary.

I wonder if after Nina's comments it might make sense for you and Dr. Weller to review the rest of what's there. And folks can be sort of tracking what comes to mind and whether they see it addressed.

And then we can go back -- go back through. Just a thought.

**COMMITTEE MEMBER GOMEZ:**

Sure, thank you. Nina?

**COMMITTEE MEMBER SPIEGELMAN:**

Okay, well thanks so much for this work and for the prior comments.

This is just -- this will be quick. I just -- it -- I -- it's just something I've noticed. And I love in your focus on the pre-NOA process to try to get to things -- try to resolve things before the need for an appeal.

That bullet on requiring discussion with Senior Management before issuing an NOA. I guess, I would really argue also for giving the person or the family, the person served, the opportunity to be involved in those discussions.

And this is building upon the point that Maria made, about often there is so much misinformation. And there is so much lost in interpretation and translation when you hear reports back from your Service Coordinator about their discussions above them.

And you're just thinking was our position even fully represented. And there's just -- I just feel like in any situation, access to be able to have full discussion coming directly from, you know, the family would really be great.

And I bet you probably will be addressing this. But I really, so much, you know, just appreciate this being covered. This has been fantastic. So, thank you so much for your work.

### **COMMITTEE MEMBER GOMEZ:**

Yeah, thank you very much, Nina. We appreciate that feedback.

You know, when Dr. Weller and I sat down, and we tried to wrap our arms around it, we both immediately agreed on the one thing, that the magic happens pre-NOA.

That's where we believe that the role of the Regional Centers biggest impact can be before it goes into the appeals process.

So, we want to spend a lot of time on that. And then -- and then, of course we're still going to want to capture the whole appeals process, should it need to go to that.

But we believe that hopefully through this -- through these type of recommendations we're able to impact the number of appeals that are going through today.

Dr. Weller, is there anything you wanted to add to that comment?

## **COMMITTEE MEMBER WELLER:**

I think it was covered. It just reflects the feedback and the conversations that we've been having of the need for really effective communication to make sure that information is flowing.

And there's been some suggestions and recommendations on having an objective person kind of look at it that's not so involved. We've gotten some feedback that that has challenges too sometimes. Because then you got to get more information and more up to speed.

And then the missing elements of having the individual served and family at the table, you know, having these conversations.

And so, just, it reflexes what we've been hearing in there too. So, I think it's -- I appreciate the conversation as well.

## **COMMITTEE MEMBER GOMEZ:**

So, before we get deep into the subject matter and really truly address them, we have to address more of the global.

And these recommendations are what we're calling global recommendations. Of course, we need to train. And it's imperative that we continue to train. But we know that training is limited in scope to the point of impact.

That you can train all you want, but if you don't implement then it really is not going to have the outcome that we're looking for.

So, we know that in addition to training that we need to also empower the individuals to be able to make the right decisions. And this talks to the dynamic of compliance versus person-centered approaches in the services.

And then, really, have a sincere effort to seek viable solutions before you default.

In that bullet alone, there was a lot of discussions about culture, established culture, and a lot of the different type of bias that we are seeing in a sense.

And I don't want to kind of come as doomsday type of thing but saying, you know, there's a lot of good stuff happening. But there's also a combination of things that are not so good that we need to fix.

The requirement to have these level of discussions with the Senior Management before pulling the trigger on an NOA is paramount.

And then, also, going back to the point, that it shouldn't be done out by delay. It shouldn't be, like, hey we can't figure it out, let's just go into an appeals process and let's see what the Judge rules, you know. Whatever they rule, then we'll go with it type of thing.

It has to be much more person-centered approach that really, truly talks to the individual that is really at the crosshairs of this whole process.

And me, personally, and one of the things that I keep bringing up is that I believe that the heavy weight of this process is being put on the shoulders of that individual served and their stakeholders. And we need to change that dynamic.



So, if as we move forward into the breakdown of, let's say the -- what we call the pre -- the appeals process, pre-NOA.

So, we know that when a Service Coordinator and the family disagree on their request of service, then an internal review process is initiated before an NOA is issued.

And then, in a typical fashion, the Service Coordinator discusses the request with an internal process. They talk to their supervisor, and ideally it would be say there's an alternative solution that can be provided without having to do a denial.

And then, it goes down to what we all hear about in this, is a preliminary review by the Appeals and Resolutions Team or that secret team, or the team that nobody really knows who they are. And then where the decision aligns with the Lanterman Act and DDS regulations.

And then, also families need to be informed of the rights and possible appeal options before receiving an official denial.

So, this is kind of like the standard overview of a process. It may be varied by Regional Center. But we kind of have to capture what is in place today that we need to look at internally.

So, Dr. Weller, did I miss anything? Or did I misrepresent any of these points?

**COMMITTEE MEMBER WELLER:**

No, I think you captured it. I just think the clarity that's been asked about is further information on the titles and the positions at Regional Centers and who those points of contacts are.

Just because it can get very complicated sometimes when you're looking at the program planning team and those different specialists that are dedicated -- or teams on appeals resolutions and those.

And so, I think you captured it there.

## **COMMITTEE MEMBER GOMEZ:**

Thank you.

So, as Dr. Weller says, you know, you have that internal team that has some type of established process internally.

But now you say, well what are the issues. And here again, this is not the sign to beat all of the issues. We're just here, again, grabbing the global issues that we know are the -- have the major impacts. And then, in a minute we're going to kind of drill down in through those.

But we know that in many cases the NOAs are issued too quickly and with little internal discussion or family engagement.

Nina, to your point that, you know, the appeals process should really be centered on that individual, right. And then the solution should be defined. Is the Regional Center able to accommodate that request? And if not, there's still -- the need still exists. And we'll talk about that in a minute.

But now we're talking about, okay, there's a disagreement. And now it may potentially go into an appeals process. And we also find that the internal decisions -- decision making lacks adequate oversight.

And it kind of results in very rushed and maybe unfair or unjustified denials. And those are kind of the core issues that we're saying, okay, let's figure this out.

Dr. Weller, anything aside from these core issues?

**COMMITTEE MEMBER WELLER:**

Not that I can think of.

**COMMITTEE MEMBER GOMEZ:**

So, then the recommendation says, okay, well then let's require internal discussions with the leadership, right, a supervisor. And do a quality review before an NOA is triggered.

And then we mandate pre-NOA family meetings to ensure transparency and possible resolution before a formal denial.

So, I took a pause because I wanted that to sink in. And I'll read it again. And mandate pre-NOA family meetings to ensure transparency and possible resolution before a formal denial.

Now, remember, traditionally you get the NOA, you have that informal, you have mediation, and you have the hearing, right?

So, Dr. Weller and I said, you know, what can we do before it gets to that point. Because you have all these multitude of moving parts. But what happens is that people are not talking to people.

And it seems to be very, what do you call -- the vertical in its approach instead of horizontal.

So, if we could create one of the abilities to say, okay, it seems like it's going into an NOA, but before we pull the trigger, the secret committee we talked about, the compliance team (inaudible) the decision makers, the key stakeholders, let's come together.

And that now starts talking to a lot of different dynamics. For example, our Service Coordinator, who we love and has been amazing, but after all these years if we had to go into hearing and she testified against us, all those years of building relationship and trust is out the window.

And now, potentially our trust in the Regional Center is compromised as well. Which we see it as many cases, it is.

So, what we're saying is, let's talk. Let's create an environment where discussions can be made and misunderstandings addressed, or misinformation corrected so that we can get it right.

Does this mean that everything is going to be approved and green-lighted, no. But it's giving a fair chance for the key issues to be addressed and resolved.

And I'll stop there. And Dr. Weller, I'll give you the opportunity to add if you want.

#### **COMMITTEE MEMBER WELLER:**

You captured it Fernando. I think it's just the collective experience that comes to mind of the vision. I think we have a clearer understanding of the challenges and the barriers and just so many different pockets that just pop up.

But Fernando and I just heard of a recent example. We'll share it with us today. And so, I feel really optimistic that as we identify the current steps that are involved that we're able to make some progress in those areas that have caused hardship or challenges or stressors for families to make the process idealistically more simplified.

And really try to problem solve in those areas to see what can be resolved earlier, and what those steps can be when those structures are identified and those steps are laid out clearly of what happens when things go off the tracks.

When things get tangled, where do people go? Who do they speak with? Who do they talk to?

And of course, that's around trust in other areas there. But I think there's been a lot of kind of where my thoughts go when I start hearing the steps.

You'll see some -- on the next page coming up you'll see some kind of ideas, some vision there around some recommendations going forward.

But that would feel remiss and not kind of put words to just some of the real challenges that I think people have gone through, that have continued to go through in this.

And we can, speaking as a Regional Center, trying to figure out how do we do our part when we're looking at the roles and responsibilities to help in this process, where we can just -- I'm reflecting, so.

**COMMITTEE MEMBER GOMEZ:**

Yeah, thank you.

**FACILITATOR BLOOMER:**

And Fernando and Jesse, forgive me. So, I see it's 2:01. And I previewed a 2 o'clock break.

Before you move into that letter B, Notice of Action --

**COMMITTEE MEMBER GOMEZ:**

Uh-huh.

**FACILITATOR BLOOMER:**

-- could we go ahead and take the 10 minute break and then move on into your next segment?

**COMMITTEE MEMBER GOMEZ:**

Could I take 30 seconds to make one final comment on this --

**FACILITATOR BLOOMER:**

Sure.

**COMMITTEE MEMBER GOMEZ:**

-- the subject matter?

**FACILITATOR BLOOMER:**

Yeah.

**COMMITTEE MEMBER GOMEZ:**

And I think you'll appreciate it Karin.

You know, right now as it stands in our recommendations, it's us against them that we're trying to figure out how to bring it together.

So, what is a third-party, hopefully unbiased perspective, that can help in that?

In yesterday's stakeholder committee for the master plan, we did talk about an equity -- officer equity department that can be more composed of a committee.

And I'm not -- and I'm saying those are potential opportunities to connect the dots with these efforts, where now you have an equity expert or subject matter that would kind of be more of a balanced approach that could kind of hopefully bridge the differences together.

So, those are opportunities that we would like to look at, capitalize on, and hopefully connect.

So, I'll stop there, and we'll come back with part B after, what, 10 minutes?

**FACILITATOR BLOOMER:**

Yeah, that would be great. Thank you so much.

I've got 2:02. So, at 2:12 let's make sure cameras are back on, and we'll continue.

**COMMITTEE MEMBER GOMEZ:**

Absolutely.

**FACILITATOR BLOOMER:**

Thanks everybody.

**(Off the Record)**

**FACILITATOR BLOOMER:**

I'll ask our interpreter to revisit some instructions.

**SPANISH INTERPRETER BLUM:**

Thank you. This is a reminder that we have bi-directional simultaneous interpretation into English and Spanish.

So, if you're bilingual you don't have to click anything. But if you're not bilingual, and you're using your computer, locate the icon shaped like a globe at the bottom of your screen. Click on language interpretation, and then select English.

If you're using your phone or an iPad, then locate the three dot menu in one of the corners of your screen, click on language interpretation and then select English.

And, in order to have a successful bi-directional dialogue, everyone needs to enable the interpretation, including our English speakers. (In Spanish). Thank you.

**FACILITATOR BLOOMER:**

Thanks, Frida.

So, if you just joined us, we are hearing from the subcommittee comprised of Fernando Gomez and Jesse Weller, providing an overview of the role of Regional



Centers and the hearing process with some process that exists today, the issues that they've sort of captured for us, and also some initial recommendations.

So, I'll turn it back to the subcommittee.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Karin. And just to make sure that we pace ourselves adequately, it's now about 2:15. How much more time do we have in this part of the agenda?

**FACILITATOR BLOOMER:**

Great, well, I mean, so this part and the segment on whether you want to propose any formal recommendations for a vote would -- we've got until 3:30 when public comment begins at the end.

We are going to take a break at 3:15. So, in the next hour we want to be close to done with both the discussion and any proposed recommendations.

**COMMITTEE MEMBER GOMEZ:**

Okay, great, thank you. We definitely, because like I said, it's -- we'll present, we'll share as well. But what we love is the conversation and the feedback. So, I want to make sure that we have enough time for that.

So, we'll keep going. Now we're into a point where now we're about to get an NOA issued, if you will.

So, currently within a Regional Center as part of the process, you know, we know that an NOA is issued, or Notice of Action, when the Regional Center denies, modifies, or reduces requested services.

And it's -- the NOA must state that the decision being made, whether denial or modification or a reduction of services. It has to have the justification for the decision, referencing legal or policy guidelines. Consumers right to appeal and the timeline for doing so. And the contact information for further clarification.

So, that's the actual process within the NOA. And we're kind of straddling the fence, because we haven't completely got into the process in this report when you're now in NOA. But we still wanted to define what those processes are or the elements before you get issued those NOAs.

The issues that we find is that families often received an NOA without prior discussion or explanation, making the process very abrupt and stressful.

You know, I don't know if anybody here has gotten sued, or most -- a lot of you are attorneys, so you're part of -- you understand the process.

It really just has a mental impact on you. It's draining, it's stressful, and it's not like life isn't already stressful enough. So, this is something extremely, extremely impactful for families.

And that's something that's not to be taken lightly. And I express on that, because a lot of times the system doesn't take that into consideration. And it just seems to push out one NOA after the other.

And also, we see that the NOAs lack sufficient detail, making it difficult for families to understand the reasoning behind the denial. It's kind of like I'm not quite sure understanding.

And here again, you know, there is no conversations after the fact. And a lot of times you just get the NOA. And you're kind of at a loss for understanding not only

what -- within the NOA, but also you see how complicated and intimidating the process is.

And what we also find is, that not only is the -- sometimes the information misrepresented or it's incorrect, or it really also contains a lot of errors.

Dr. Weller, in these issues is there anything else that you wanted to expand on?

**COMMITTEE MEMBER WELLER:**

I think that captures. I can move into the recommendations if you're comfortable.

**COMMITTEE MEMBER GOMEZ:**

Absolutely.

**COMMITTEE MEMBER WELLER:**

So --

**COMMITTEE MEMBER GOMEZ:**

Go ahead, please.

**COMMITTEE MEMBER WELLER:**

These ones reflect, okay, requiring Service Coordinators to hold a discussion with families before. So, it kind of aligns with our previous conversations that we've been identifying and just the importance and significance on having conversations, timely conversations with individuals prior to getting to that step.

Ensuring that the Notice of Actions are written in a clear, accessible language and provide specific reasons for the decision.

Sometimes we get feedback that the Notice of Actions are very overly legal and complicated to kind of navigate through. And so, anything that as we move through this processing thinking about clarity and making that more user friendly where we're able to was something that was important for recommendation.

And the specific reasons for now that decision was made. That's an area, like, I think we've heard around. How did we get to that decision as a Regional Center. So, that came up as an area, in addition to, I think it was mentioned at the very beginning around alternative options.

I think, was it Sylvia, talking about alternative options to help families where there's viability, when there are opportunities to help with those steps or to guide individuals so it doesn't feel like that door is now just closed.

And on that same train of thought, when we find that there is a particular door that remains closed for particular service or support, I think that's really good data for our system to understand in terms of service delivery what is that item or that area that there is challenges or areas that might be limited. So, really focusing on those options.

And then, at the heart of everything, empathy, respect, and clarity. I think it's obvious. But I think it's just so important just to put words to it as well how significant it can be for a family or individual to stop and slow the process a bit in making sure that as we're moving through all of our items and, you know, action items in a really busy impacted world for everybody, where there's so many timelines and deadlines and meetings, personal life and professional life, of how do we ensure that there are

moments that are fostered and created that just consistently demonstrate empathy and respect throughout the process. It's just critical.

And so, that was a big one. And also just clarity within the steps, within the processes as those recommendations.

### **COMMITTEE MEMBER GOMEZ:**

Okay. Thank you, Dr. Weller. And I think one of the things to emphasize, and Sylvia you brought it up in the sense that, you know, there is such a thing as denial by delay.

So, everything that we do also not only has to apply these recommendations, but also have that sense of urgency to make sure that it's done in a timely and respectful manner.

So to kind of summarize what Dr. Weller just shared as key points, what we're looking at is -- here in section C is these three internal steps before issuing an NOA for a Regional Center. And these are designed to improve fairness and transparency.

Number one is the -- that family engagement meeting. So, before finalizing a decision, Service Coordinators should schedule a conversation with the family to discuss concerns and potential alternatives.

This is not replacing that one overall group meeting that we recommended. But this is a -- the Service Coordinator is still saying, hey, let's have this decision.

And then if we can't get it resolved then we're going to then recommend the bigger group meeting where all the stakeholders are together before the NOA gets involved -- or gets engaged.

But this again, the Service Coordinator should still have that initial conversation. And also, there should be an escalated process of standards, where there's an internal quality review. A secondary view by a neutral party within the appeals and resolutions team to ensure the decision is justified and necessary.

Not designed to say, hey, we're justifying what we're doing, but to say, wait a minute, maybe we missed opportunities for a potential solution.

And the third would be the translation and accessibility considerations. And this is huge, actually. You know, we got to ensure that the NOA is in the family's preferred language and accessible to those with disabilities. It has to be understandable.

It shouldn't be a 30 page document that's a legal document. It should be something that people can understand and know how to manage through the process.

I think the appeals process used to be called the informal, you know, process. But somehow or another we tend to have lost that informal part of that.

And I'm going to keep moving unless, Dr. Weller, you have something else that you wanted to add.

**COMMITTEE MEMBER WELLER:**

Nope, not at the moment.

**COMMITTEE MEMBER GOMEZ:**

Okay. So, some of the things that we would like to discuss with this Advisory Committee is that we see the need for increased transparency and communication.

So, we got to start at this -- at -- where the rubber meets the road, and that's with Service Coordinators, to discuss potential denials with families before issuing that NOA, right?

And if it's gotten to this point, there's a need. And if the Regional Center cannot accommodate that need for whatever the reason, and we know it's going to go through the appeals process, that doesn't mean that the need goes away.

Maybe it means that there may be redirected to whether it be a generic service or it be something else that we totally, for some reason, haven't captured and maybe need to as a -- as a system, if you will, that we need to address.

But still, we believe that we need to be able to have that full transparency and established communication that's clear, accessible, and that multilingual information on appeal rights.

I know we've talked about that in the past. But I think that there has to be more consistency in how it's implemented. That's A.

Number B would be to enhance fairness in the process, implement an independent oversight body to review NOAs before issuance. You know, we've talked maybe, whether it be an equity steering committee or an officer or a third party that can help influence or look -- analyze that.

And then, and offer third party mediation as an option before an informal meeting.

So, these are all kind of ideas to think that there must be solutions that we can help and do a concentrated effort with the Regional Center in order to hopefully address before something keeps going down into the appeals process.

And then, the last part is we need to provide more support to families. Assign a family advocate. When we have the ombudsperson's office, and we have to be able to better guide families through the appeals process.

You can go through trainings. You can access resources, and you can have information to your disposal. But I can tell you, as a parent, as a dad, I call it the 20-percent rule. I'm only observing 20-percent of all that. Because the rest, it just -- I can't accommodate it.

And maybe my inability to process are for various reasons. But whatever it is, that a reality. So, what I need is somebody to hold my hand and say, let's walk down this path together, you know, we got you, we're going to help.

And here again, it's not guaranteeing that everything is going to be resolved. But what it's going to guarantee is that at least I'm validated. At least I feel better about this process and we did the best that we can. And now I'm understanding the results.

And that part of -- goes along with documentation that's needed to strengthen the appeals. A lot of times, people don't know what they need to bring and how to position themselves (inaudible), especially if it's going to go into the consideration of an OAH Judge. You know, they're at a disadvantage.

And then, establish flexible meeting times for working families. So, a lot of times it's -- the system -- the individual has to accommodate to the system, instead of the system accommodating to the individual.

And that puts people to a disadvantage, where a lot of times you're saying, you know what, I can't deal with it. I just, I can't, because I got to make a living.



Okay, Dr. Weller, any key points?

**COMMITTEE MEMBER WELLER:**

I think you captured it Fernando, one that was in here I was going to raise it, but it's already listed here is around the timelines. That's kind of the big one that, kind of, keeps coming up again once a hearing decision has been rendered.

Kind of the accountability and oversight of each of those actions that have been identified of the assurance. Are those moving along? Are they meeting those timelines?

So, that was one that's captured there in the supports, so. Thank you.

**COMMITTEE MEMBER GOMEZ:**

Can you walk -- can you walk us through D and E, please?

**COMMITTEE MEMBER WELLER:**

Yep. Which one, Fernando?

**COMMITTEE MEMBER GOMEZ:**

We're at D right now, ensure the timely implementation.

**COMMITTEE MEMBER WELLER:**

Sure. The deadlines, and just as a reminder for everybody as well, the first step is just mini steps. But the first step is really just to focus on all of the steps leading up.

We know that the statute already identifies timelines in the forms. And there are certain processes in place. So, we didn't forget those. It just was really trying to focus on the current steps.

But just in regards to the area around hearing decisions that are rendered when it's at that step, ensuring timelines, deadlines, and accountability for those areas.

And then the constant accountability of a component and what it would look like for accountability. Consequences for delays in providing services that have already been approved that's now causing more impact for individuals and families is another area that came up under ensuring timely implementation of rulings.

**COMMITTEE MEMBER GOMEZ:**

Uh-huh, thank you. And Sylvia, we see your hand up?

**COMMITTEE MEMBER YEH:**

Yeah, can you hear me?

**COMMITTEE MEMBER GOMEZ:**

I can hear you perfect.

**COMMITTEE MEMBER YEH:**

Okay. So, I, again, thank you very much for the recommendation for the timeline. I know in the past it was 10 days. Then it's, right now extended to 30 days.

Would that be specific, we need to list out the timeline, because it could be very confused right now. You know, people like me still thinking maybe 10 days.

And since this is a recommendation, can we specify what the timeline is? This is a question, it's not a comment, yeah.

**COMMITTEE MEMBER WELLER:**

Yeah, I think it would be helpful to have the timelines that are already established, to add those in here. I think that would be helpful for clarity.

Because some of those, to your point, existing timelines need to be factored in when we're talking about pre-meetings and just the different work flows in this model. So, I think that's important.

**COMMITTEE MEMBER YEH:**

I think that would be very helpful to me, since we're was talking about transparency. We're talking about, you know, clear instruction. And to me, timeline, what this timeline means. And so, I would appreciate that. Thank you.

**COMMITTEE MEMBER GOMEZ:**

Thank you. Karin did you --

**FACILITATOR BLOOMER:**

I just -- I just raised my hand to interject. In regard to looking at the timeline, at least for, as I look at C and D, are their timelines that are currently in statute as it relates to the OAH appeals process?

So, specifically related to, you know, hearing and mediation operations that we want to really be highlighting and thinking about in terms of the purview of this committee.

**COMMITTEE MEMBER GOMEZ:**

The answer is yes. But since Dr. Weller and I are not attorneys, we didn't -- and we did, you know, speak with different individuals in that our objective is like what was just mentioned with Sylvia, we will be adding what is in statute and what is supposed to be met. And then what we were experiencing as the reality on that.

**FACILITATOR BLOOMER:**

Sure.

**COMMITTEE MEMBER GOMEZ:**

We captured these -- this is kind of more of a report out of the more high level, even though we're kind of being specific in some areas.

But now that we captured the element, I think now it's time to, as we move forward, to start implementing more of the specifics to that. But good points.

And then, Dr. Weller, do you want to deal with D?

**COMMITTEE MEMBER WELLER:**

Sure. We have, now we're moving into our global issues?

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**COMMITTEE MEMBER WELLER:**

Okay.

**COMMITTEE MEMBER GOMEZ:**

Well, we can -- yeah, we actually -- we talked about D, you're right. And --

**COMMITTEE MEMBER WELLER:**

We did D. I was making sure. You're testing me Fernando.

**COMMITTEE MEMBER GOMEZ:**

Yeah, yeah. Let's go into global issues, because --

**COMMITTEE MEMBER WELLER:**

Okay.

**COMMITTEE MEMBER GOMEZ:**

-- this section, we put it in there because these are the issues that we need to address and put into the proper category. But we know that -- and maybe they're applicable to various levels within the process.

But here we kind of address these. So, Dr. Weller, would you like to walk us through them?

**COMMITTEE MEMBER WELLER:**

Sure. The first one that we captured here is just around category mediation with agrees reached but not implemented.

We kind of spoke to that earlier. That question kind of comes up about the accountability piece there. And so, there were some recommendations that came in

around what kind of tracking or reports could be generated that captures appeals at Regional Centers that have not been implemented. I think, where could that data be captured?

And then the discussion around Executive Directors and their designees. Because we know that there are designees --

**COMMITTEE MEMBER GOMEZ:**

Uh-huh.

**COMMITTEE MEMBER WELLER:**

-- on behalf of the Executive Director. And so, understanding those roles and responsibilities is an area that came up.

The next area, and stop me, Fernando, at any point to -- is that we were looking at the individuals who made drop appeals process prior to the hearing because of fear to losing the appeal or not having the ability to move forward. Thinking that they'll be successful in that process or be heard in that process or to be supported in that process.

I think this has always been an ongoing issue. And we're hearing concerns out in the community, just like many of you probably are as well of just fear around formal processes, especially legal processes that can just exacerbate this issue.

So, I wanted to put some words to that for individuals, in knowing that the -- bringing it back to the whole point of our discussion today was just how to identify the steps and how the Regional Center can be a partner and help find solutions for families to problem solve.

**COMMITTEE MEMBER GOMEZ:**

Uh-huh.

**COMMITTEE MEMBER WELLER:**

We also learned, too, some goal issues that when you drop from the appeals process it may be incorrectly reported on how the issue was resolved.

And so, some ideas to really hone in on those areas that may appear to be resolved. But what does that mean and what really unfolded there. So, if we could get more stakeholder input on those experiences and more informed data.

And I believe, Fernando, it was surveys or questionnaires? That might be one of the strategies to get some more feedback and some insight information about what's happening there?

**COMMITTEE MEMBER GOMEZ:**

Yeah, and I think that a lot of times, you know, that we look at data as to kind of guide us through this process. But sometimes that data doesn't reflect the reality.

And as Dr. Weller stated, that we really need to better understand when we look at data, like when people drop from the appeals process. Especially when you get to the hearing.

Because in many cases we know that if we lose that hearing, then we can't come back up and resolve the issue. And because the process has been flawed, if you will, for many different reasons, you think, well, I'm just going to drop, reset, and then at some point kind of reengage and try to figure it out.

So, that doesn't mean it was resolved. It means that people just gave up.

**COMMITTEE MEMBER WELLER:**

Uh-huh. I think we've got two more --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**COMMITTEE MEMBER WELLER:**

-- that came through our review. Issues with clear and effective representation, discussion by interpreters. There was some feedback received on just the variance of interpreters that may not be fully capturing conversations or dialogue that is trying to be communicated in those moments that may be lost or not reflective of those moments.

And then it brings back the bigger question around the consistency, the training, the certifications, and the standards with a comment that we heard that even with training, certification, and standards, those moments when that's not being followed or when that's not helpful or not effective for families who may be impacted, waiting for a meeting or in a meeting if they can get there. And then not have it, to not feel that their voice can come through in that moment in a way that's effective.

So, that was another area that came through with issues around interpretation for meetings.

Did I capture that one, Fernando?



## **COMMITTEE MEMBER GOMEZ:**

You did. I just wanted to expand that that issue transcends from the Regional Center process where individuals need and depend on the interpretation, actually down into the -- where it now becomes part of the appeals process. And they need the interpretation.

So, we see and have heard in both of those scenarios where that interpretation is really an area of concern. And part of that is to figure out, maybe there has to be a level of certification and standards of familiarity for these interpreters to better communicate what the subject matter is so that it really can meet the needs of the families.

And then we have one more, Dr. Weller.

## **COMMITTEE MEMBER WELLER:**

I don't think this is new information. But the appeals process can be complicated and very overwhelming and very stressful with a lot of steps identified in those formal processes.

So, doing work, continued work to have families feel supported. To understand doing a more informed job around language that can be more accessible, more simplified, more supportive in a very complex system to demystify those complexities in a way that is clear and consistent.

That was another area that came back that would be helpful and beneficial for individuals who utilize this process. So, we wanted to highlight that.

And then the next area takes, I think, Fernando into a call for the future and what the --

### **COMMITTEE MEMBER GOMEZ:**

Hang on. And just to kind of emphasize a couple of things. On the plain language and simplify process, that it's not just for the outcome for the people receiving to benefit from. But it's also the person implementing.

And what we've seen is that there are things like abuse of authority, if you will, where people kind of position themselves as these authorities in the subject matter, and they're the gatekeepers, and it's at the end of the -- so forth.

So, it's not just the language. But it's about the process and the simplification in adding more of that person-centered approach that centers around respect, empathy, and embracing the situations.

So, I just want to kind of expand on that. I know you would think that it's a give in. But what we see, that in many cases in the process it's not.

So, our conclusion is that through these efforts that we call for a fair and accessible appeals process. And the process should serve as a safeguard for individuals with developmental disabilities to ensure that they receive the services that they need and they deserve.

How many times have we heard, and I use -- always use -- I loved Oscar Mercado as an example, even my son, Diego.

But Oscar went most of his life without services, even though he needed them. But his mom wouldn't stop, wouldn't stop, wouldn't stop. And he finally got the services. And he's one of our shining stars. But he's one of many individuals.

So, how do we assure that these individuals who do deserve and they need it receive it.

And then, the current process often creates additional barriers instead of facilitating solutions. So, that's why we as a subcommittee want to make sure we can enhance, identify, and hopefully change a lot of the roles the Regional Center plays in this process by doing what, transparency, improving fairness. And really providing more of that family direct support that's needed.

So, Regional Centers can transform the appeals system into one that fosters trust rather than fear. And the goal should not be to defend denials but really to ensure quality and accessibility for everyone.

And it's definitely centered on that individual. But it extends to the stakeholders, parents, family members, and individuals who are that -- just one degree of separation, if you will, from that individual who said we don't have a son with Down syndrome, we're a family with Down syndrome. We're a family with autism.

So, in conclusion, we feel that it is time for Regional Centers to take a proactive approach in being part of this process. And we just want to make sure that families do feel heard, supported, empowered, and not discouraged.

So, I know, Karin as we go into our Q and A, I also wanted to expand that, you know, there is, for example, a Fair Hearing Reform Committee that also meets weekly and has been meeting ever since the reform came into play.

Denise comes, I think, once a month to meet with us. Maria and some of the others, Nina, I know, are part of that group that helps create a lot of this dialogue and deal with a lot of these issues.

So, it's to be able to harness all that and bring it together. And, of course, you know, community-based organizations like ICC Disability, Voices United, and others play a significant role.

And then, forward thinkers, like Dr. Weller, you know, who are the new generation, if you will, of the Regional Center system who bring in these mindsets. We believe there is a light at the end of the tunnel, and it's not an oncoming freight train. I think it's really a solution.

Dr. Weller?

## **COMMITTEE MEMBER WELLER:**

Thank you. For the next summary, Fernando, I am -- I think the question is going to be, kind of, what's next for everybody. I think action items are important. I think what's I'm really interested in today is just kind of hearing, and we'll go into feedback, I believe, Karin and Fernando, for feedback recommendations.

Again, these were just preliminary feedback. I know we have a lot of stakeholders and individuals. So, kind of just the beginning phases. But I'm pleased that we were all able to kind of get to hear at least with some ideas and feedbacks and recommendations.

So, I appreciate the conversation and the continued work. And I just think it's really timely when I think about our future and the master plan work being done about

how this kind of fits into the future for more person-centered interactions and outcomes, and, yeah, to see what comes through this process.

So, thank you for letting me be part of the subcommittee with Fernando on this.

## **FACILITATOR BLOOMER:**

Fernando and Jesse, again, I know others who have spoken already and said this, but thank you so much for the work you've done and captured and then shared today.

And so, just from a, you know, from a facilitator's perspective I just want to play back sort of my understanding and then also a question to the two of you about process wise.

I'm hearing that you'd appreciate some feedback about, you know, these recommendations and the summary as they stand now and sort of as they evolve.

And if I have that right, I'm also thinking about maybe having Committee members in addition to feedback and questions they have, also be thinking about process wise what the Committee might appreciate next from the subcommittee or as a committee, where you would -- where you would go next in formulating formal recommendations.

And also thinking about recommendations to OAH, specifically under the auspices of the mediation and hearing operations that it is OAH's purview. And which subset really focuses in on that piece that is this Committee's sort of dialogue with OAH and what might be recommendations that sort of could follow a different process with other, you know, with other entities and stakeholders.

So, sort of a -- I guess it's a question, in some ways, back to you Fernando and Jesse, about maybe starting with where you could see this going from here.

And then certainly we want to open it up and hear from just as many Committee members as possible about reactions, and also process where the Committee would want to go.

### **COMMITTEE MEMBER GOMEZ:**

Well, if I can kind of throw a stab at that response, Karin, and thank you for the question and the comments.

You know, we as a Committee, an OAH Advisory Committee, can make non-binding recommendations on improving the system.

We've seen how OAH has significantly changed within the process. We've seen a tremendous improvement. Is it 100-percent? Absolutely not. There's still a lot of room for growth. But we've seen a tremendous amount of improvement.

So, the other key stakeholders, we know, is the Regional Center. So, we're looking to improve on that. And to be able to receive -- and as diverse as this group is, any type of feedback is appreciated that can be implemented.

And let me give you an example. ICC has a collaboration with Stanford Law School and Stanford law students, as were one of the programs that are available every year.

And they attend IPPs, hearings, and so forth. It's not to give legal advice, because that's not the objective. But they observe.

And to date they've actually created four tools that help us as the ICC and Integradoras to navigate and help families. So, that's some really out of the box thinking and tremendous opportunities to bring in additional resources.

What we believe is in it for the Stanford students who are participants in what we call rat justice, by the way, if you want to google it.

It is the fact that as individuals who are going to go out into the workforce as attorneys, are exposed to our community. And hopefully they'll stay within our community and support it.

So, those are the kind of out of the box thinkings that I encourage all of us to look at. And here again, we welcome your feedback and how you can communicate it. I just want to make sure that we're respectful of any limitations that there might in order to do so, but we're open to them.

Dr. Weller?

### **COMMITTEE MEMBER WELLER:**

Yeah, support, and I think that makes sense as in terms of next steps. I know there's a lot of layers to it. I just think the feedback has been Committee members kind of, you know, what are the action items? What are we working on?

And I think there is this added pressure with the term limits coming up of kind of a reflection of what's been accomplished, how much work, you know, is ahead of us and those things.

So, I just think I can kind of see it's all coming together. So, any next steps that we can help support I think are timely.

## **FACILITATOR BLOOMER:**

I appreciate that. Well, let's open it up to Committee members. Obviously, there was a lot shared. I'm curious if there are reactions you have, questions you have.

And again, please also as we -- as we look to the time we have left in this meeting, also thoughts about, you know, process from here and how to begin to shape these.

All right, Darline Dupree, thanks for your hand. Go ahead.

## **COMMITTEE MEMBER DUPREE:**

I just want to say thank you Jesse and Fernando for the time you guys have spent on this. I can tell from the product that you've produced that you've spent a lot of time and took a lot of thought into it. So, do truly appreciate that.

I think someone mentioned earlier, it would be helpful, because it was so much information to absorb, it definitely would be helpful to have this -- the written copy of this, just to wrap our minds around -- get the critical juices, thinking juices flowing, would be helpful. I know for me, and I know -- I think I heard someone else mention that.

Another statement that was made that I agree with was adding statutory language to the areas where it is relevance, especially the way that the part about timelines was written. It said set, you know, timelines. So, it read as though there were not already established timelines.



So, identifying where it is in statute that talks about the specific timelines would be helpful. So, Welfare and Institutions Code 4707, 4710, 4512, I mean, yeah, 4512, et cetera. It would be helpful to add that information in there.

And then in the other areas, too, so not just the timelines, other areas throughout the document where there is statute to support or -- to support what is written would be helpful to have in there.

But I do appreciate the time that you guys have taken. And I look forward to seeing the written document. Thank you.

**FACILITATOR BLOOMER:**

Thank you, Darline. Maria Iriarte, please go ahead.

**COMMITTEE MEMBER IRIARTE:**

Thank you. So, there is an issue that stands out to me that is within the purview of OAH.

And that is the quality of interpreters, pretty bad. And I speak Spanish, and I'm only able to identify the bad interpretation in Spanish. But I wonder, you know, what goes on with other languages when no one else speaks the language.

And I think we brought up this issue before of quality of interpreters at hearings and medications and such.

So, I think that's something that OAH can address as to what they're doing about the, you know, providing the quality of interpreters that are really needed at these hearings and other events where interpreters are needed.

When you were talking about a recommendation about fair notices. I've seen notices where there are code sections, and, you know, literally the code section is like pasted into the Notice of Action. And it's code section after code section.

People don't know how -- it's a lot of information that doesn't make a lot of sense to a lot of people.

So, in drafting clear Notices of Action, let's get away from just cutting and pasting from the Lanterman Act and in plain language explain what the Lanterman Act says. I think that would go a long way.

And in plain language, Service Coordinators explaining why this service that you're acting for can't be provided under the Lanterman Act. I think that would go a long way.

When you guys made the recommendation of offer, it said offer a third party mediation before the informal meeting. Is that separate and apart from the mediation that's available once you've -- okay, so this is even before you appeal, right?

It's that meeting that you guys were talking about to -- right before issuing a Notice of Action. Okay, got it. Okay. I see Fernando shaking his head, so.

**COMMITTEE MEMBER GOMEZ:**

Yeah, yeah.

**COMMITTEE MEMBER IRIARTE:**

Okay.

## **COMMITTEE MEMBER GOMEZ:**

There was two -- there was two meetings. One that Service Coordinators, they don't -- they just kind of a send an NOA without really meeting with you and saying listen, okay we're going -- I -- this is -- we're going to move forward into an NOA, you're going to receive it, and this is what it means. You just get it. So, that's number one.

The second is, they say wait, wait, wait, then if that's the case I want the -- my right to have a meeting, if you will, with every decision maker in there just to make sure that all the information, the facts, and the understandings are in alignment, so, yes.

## **COMMITTEE MEMBER IRIARTE:**

All right. And there was also a recommendation under family engagement to come up with alternatives. And I, you know, I do a lot of trainings to a lot of groups.

And when I talk about -- when I train on Regional Center services and I talk about gap funding, people are just like what, I didn't know that that existed.

That's an alternative that's not really discussed that much with consumers. So, when the Service Coordinator says to you, because you've asked for a wheelchair, and you have MediCal, and says to you, well that's -- you have MediCal, that's a generic resource, you have to go and figure that out.

But they don't go the distance they have to go, which is but if you really need it right now, and tell me why you need it right now, you know, we do have this gap funding that could provide that wheelchair for you while you go and fight your insurance.

And by the way, shouldn't the Regional Centers help you fight your, you know, help you try to navigate your generic resources? That doesn't seem to be happening. But I get the sense that that's something that they should be doing.

I think that's it for now. I'll let someone else --

## **COMMITTEE MEMBER GOMEZ:**

Thanks Maria. I just wanted to add a couple things. One, you know, and this kind of aligns with what Darline was saying, more adding the statute elements to it, in the report that's important.

But when you're comment about, you know, when we receive these documents with all this legal language, here again we're lost, right?

So, why don't we use plain language. And I understand that you need to refer to code or the section. And if you said, okay, if you don't -- if you want to really get all that legal jargon just click on this link here or go here and you have all that, but this is what it means.

You know, there's ways to simplify it. And if we're obligated as, you know, it's a system to provide that legal access to that, provide access to it. But it doesn't have to be included into a 100 page document.

So, there are solutions, right? There are (inaudible). And Maria, your points are well taken. I made some notes on that. And I agree with you.

But I think that if you were in a situation where you were about to go into an appeal is because there is a need. And that need, if it can't be accommodated, still needs to be addressed for maybe a different type of solution.

## **FACILITATOR BLOOMER:**

Thanks, Fernando. I see lots of Committee member hands. So, just to be, you know, a process check, I suggest we get through the hands, feedback, comments, ideas.

We are going to need to take a break at 3:15. We're going to need to take public comment before we move to a segment that would be any formal recommendation being considered.

So, please be thinking about any, you know, point and recommendations that are under OAH's purview if you'd like to propose any in this meeting. Because we'll find ourselves running out of time pretty quickly.

So, with that, next hand up is Jennifer Cummings.

## **COMMITTEE MEMBER CUMMINGS:**

Hello, thank you. I've been taking notes. And I'd like to try to respond to a few of the points, the best I can anyway.

I am just curious to know if Fernando and Dr. Weller, if the revised Notice of Action that DDS have published for all Regional Centers to use, along with the appeals packet that we are using meets the plain language requests that you put in your report. Because those were revised recently.

And the NOA, also the form is condensed and doesn't allow us to copy/paste statutes. So, I think that helps with that concern.

And I do understand that CSCs may not be going the distance to help pursue gap funding or help navigate generic resources. And I know this is another full topic in and of itself.

But the ability for the Regional Centers to fund gap services and to implement services has a lot to do with vendor availability. And so, you know, I -- that does play a big role in what the Regional Centers can accomplish. And it's an important one.

And then with regards to the report. I'm in full support of having meetings to try to reach solutions prior to the appeals process.

And I kind of perked up when we talked about some other objective reviews and more family engagement and oversight in reviewing the Regional Center decisions. And I wanted to thank you for bringing that forward.

I do also know that there are a lot of statutory requirements and timelines when it comes to IPP development and having subsequent meetings. And the requirements for Regional Centers to respond to families in a timely manner. So, I'm curious to see how we could potentially fit those things in to make that happen.

And I just want to volunteer myself, perhaps, to assist the subcommittee with the technical part. I would love to help fit in the statutory language to what's relevant to the report and the code sections and help address the current timeframes, as that's my wheelhouse.

So, I would be happy to assist in that area. And thank you for the work that you've done.

## **FACILITATOR BLOOMER:**

Wow, well thank you Jennifer for the input and then the volunteering with statutory language. So, I think we can certainly find a way to work out a process that still meets Bagley-Keene where either there's a handoff because of term limits, and/or your providing some statutory language to the subcommittee for their use.

So, I'm guessing Fernando and Jesse would really welcome someone doing that scouring of code.

Okay, Nina, please, I see your hand.

## **COMMITTEE MEMBER SPIEGELMAN:**

Oh, yeah. I'll be really quick, because I know there's time stuff.

But just reiterating what Darline mentioned. It would be really great to be able to get in , you know, whatever legal fashion we can, to get the written copy of this just to, you know, be able to really chew on it. And that would be -- that would be awesome. It's all really, this is such a great thing and a great discussion.

The piece I'm just, you know, interested in really thinking about further, and I think it's a really important idea, is this notion of people having, families having access to some sort of advocate. Whether it's the IF or another version of an IF, or I don't know how it works.

But, you know, what that -- the next steps on kind of thinking about how to do that. Does that require a statutory change? Like how does -- how does that, you know, how can that be thought through further.

And, you know, that's just a piece I'm very much interested in. But getting a written copy would be awesome, you know. So, thanks.

**FACILITATOR BLOOMER:**

Thanks, Nina. Benita, please go ahead.

**COMMITTEE MEMBER SHAW:**

I just want to say thank you, my hats off, kudos. My head is a little swollen, my brain a little hurting. But that's in a good way. You guys did a phenomenal job. So, I need to say that.

I do have a lot in here. So, I'm hoping that one of the first things I would probably suggest, if we could do a followup and have this back on the agenda for our next meeting and possibly break it down to do a review of what everybody said to you, also to Maria's point.

And I think that way, it would give us all to let it soak in and gather. And I think we're going to get some enriched things. And we could use this as our tool to recommend to move forward.

So, that's my first thought to the facilitator, because you did ask for that. I would like to have that on the agenda for the next time if everyone else is okay with that.

My second thought, to Fernando, you hit all my points. I will tell you, one of them, when we go back to the pre part, when we talk about initially engaging with families.



For myself, who's actually had the paperwork and dealing with it in my community, the African American, black community, there is a trust factor.

So, the fact if I have to sit with someone who's going to refuse the service to me initially, and now I'm going to sit with them and someone else, I don't trust that we're going to receive -- I'll slow down, I'm sorry to the interpreter.

I don't trust that the simple fact that what's going to happen next is going to be valid and in the best interest of my level in which is their client, right?

So, what I would like to see prior to that, or maybe with that, intertwined with that, is possibly someone, as you stated, an outside agency or a parent advocate or navigator per se.

I know, like PTIs have navigators when they're helping families navigate through to some systems, you know. And so, I know (inaudible) we created the tool for family navigators.

So, something to that effect that helps families navigate, that you're trusted someone outside of -- in the agency. Because what we're stating is that we're going to have a service coordinator. That we're going to have a supervisor.

And I'm going to tell you for me, in my own experiences in speaking to other family members, they're all, no offense, everybody's on the same team.

Which to me is very painful, because the team they need to be on is the client. Whether I'm the parent or not, it's all the client. You're at this job because of this client.

So, when you stated that, that's something that I'd like to see. I love the fact of having an outside agency. But I think it also would be nice to have other parents, like yourself or other ones who can also (inaudible) to help navigate that.

The plain language part, also, I think is something that is actually phenomenal. Because I know when I read it four years ago, and Jennifer, thank you for stating that. Because when I read it years ago, it was so -- I felt so degraded, so ignorant in reading this document that I did not proceed forward for my loved on.

That should never happen to anyone, right. It literally -- it was just designed, I felt as a parent to say, you know what, just forget it, I'll figure another avenue. So, I'm so grateful that you guys took that and realized this is not working, it's not.

It's almost to the point when, remember we used to go to the doctor and say speak to me in layman's term, right. I don't understand medical, speak to me in layman's. That's the same thing that we're stating here.

And the last part, if I can kind of remember, it was towards the end, because I had multiple. Those are the two ones I wanted to hit in regards to that.

The last one, when you spoke about making sure we're including, how does it to, towards the end, including families and making sure it's person-centered. Maybe it was Dr. Weller that talked about that.

Being that I took training and became certified training, that is very important that it's family-centered. And I say that as a single mom who is the primary caregiver 24/7. It's not just about my loved on. It's about me too, because if something happens to me, his whole world is turned upside down, right?

So, it's not just person-centered. It needs to be family-centered in the direction of what they do and ask for.

And so, I will stop there. But it would really be important to the facilitator if we can get this on the next agenda. Because I think we'd get so much conversation.

And to both of you, hats off, kudos, thank you, I'm so grateful.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**FACILITATOR BLOOMER:**

Thanks Benita. And we'll take, Yulahlia's hand, and while she's speaking I just want to encourage Carola, Sherry, Sylvia, anything that you want to add to this discussion before we move on to our next steps.

But Yulahlia, please go ahead.

**COMMITTEE MEMBER HERNANDEZ:**

I just wanted to kind of add a little bit to what Maria said about interpretation, but looking at it if a self-advocate was maybe going to represent themselves. The plain language, you know, how to facilitate that.

And for OAH to have interpreters or people trained to assist folks who need plain language interpretation or augmentative communication at a hearing. So that it's not ignored or, you know, the person isn't told to go to the Regional Center and have them provide the plain language.

So, yeah. So, I just think that that's important as well under interpretation. And I think that document is really full and has a lot of great ideas that I hope can -- if can't be utilized here, can be expanded upon outside.

### **FACILITATOR BLOOMER:**

Thanks Yulahlia. Sherry, Carola, Sylvia, anything you want to add? Feedback?  
Yeah, Carola.

### **COMMITTEE MEMBER MARANON:**

Yes hearing through all these important conversations. Thank you for preparing that document, it's great, summarized a lot of important things.

I'm thinking I'm visualizing that person (inaudible) similar to the (inaudible) referral for the SDP Program. My concern is for IS, is that bilingual IAFs are not very, like they are very limited.

So, it will -- we're going to hit again with accessibility when we think about this person or mediator or this poor person.

So, I mean, this is something we need to consider for that if we're thinking on a solution like that, how to make these things accessible, or this training accessible to monolingual people as well. Because in the ideal world, all people which only speak Spanish will access IAS who are bilingual. But that's not happening. So, we need to think what's the reality.

Thank you.

**FACILITATOR BLOOMER:**

Thanks, Carola.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**FACILITATOR BLOOMER:**

Sylvia.

**COMMITTEE MEMBER YEH:**

Yeah, like Fernando said earlier, that yesterday at the master coin meeting, this was like last second meeting that we talk about the equity -- coordinator or equity person that we advise, it's not one person. It's a group of people that with different backgrounds and that.

So, if that's a goal, I think with OAH, it will be the one that can utilize that with some help. I think one time I was helping Regional Center at the time when (inaudible) language was out.

And I was helping to see the translation. I would just Google translate to Chinese, and it was just horrible.

So, how this person, we talk about, you know, if this is a true translation or if this is just like, you know, very basic of that.

And I think if we -- this Committee can be formed, and I think maybe there's (inaudible) between OAH they can use that for some of the (inaudible). With a cultural background goes a language background.

**FACILITATOR BLOOMER:**

Thank you, Sylvia. Okay, that's -- Sherry, just no pressure, but anything you want to add?

**COMMITTEE MEMBER JOHNSON:**

Everything's been said. I completely agree with Mr. Gomez and Benita's response regarding the community-based organizations and independent facilitators. Because the trust is limited with the Regional Center.

So, it's definitely hard to follow that so called chain of command with the Service Coordinator and then the supervisor. You know, they can be seen as all in cahoots.

So, definitely an individual unbiased person would help families that are trying to navigate this complex procedure.

And thank you, Mr. Gomez and Dr. Weller, for this report. And Mr. Gomez, every time you deliver any information I feel that parent perspective coming so strong. So, thank you for advocating on our behalf, I appreciate it.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Sherry, my pleasure.

**FACILITATOR BLOOMER:**

And Michael Santiago, I don't want to ignore you. I know you're our newest member. But anything you want to add as you hear this discussion?

## **COMMITTEE MEMBER SANTIAGO:**

I don't really have anything of a substantive level. One thing that I think is a bit of a competing interest is, you know, I fully understand plain language, you know, working a lot with that.

I think it's still important, though, on actual forms that we do keep the references to the specific acts or specific regulations. Not only for reference. But I think also just to ensure that all the requirements are met from those.

And so, I think that's kind of a piece where we don't always put it there because it facilitates something. It's just to ensure that according to the letter of the law that certain requirements have been followed.

So, that's the only piece I would add. Thank you.

## **FACILITATOR BLOOMER:**

Michael, thank you.

Okay, so I want to do a process check. We are going to take a break at 3:15, so less than three minutes.

If I can get a read from the Committee. Is there a Committee member who has on their mind a formal recommendation at this point in this meeting?

Or, again as has been suggested from various Committee members, not that this is mutually exclusive, but really that this is built on over time and at the next meeting and begin to ripen some ideas.

I just want to -- because it's going to affect sort of what we're doing next. So, not to make the recommendation, but just to see if there is someone who would like to be able to make on.

So, Fernando, I see your hand.

### **COMMITTEE MEMBER GOMEZ:**

This recommendation, I don't know if it needs to go in a form of a motion. But what I would like, and Dr. Weller, you may want to chime in as well. But we can take this -- the foundation of this report that we created.

I don't know, and Karen, you know, like what we did with the master plan or the work group, where we made it accessible to the Advisory Committee so that input can be added to it.

Or if that's not available then figure a way that it can be shared out. And then that we can then be building on that. And I know that there may be some restrictions based on Bagley-Keene.

But if there is a way to find that solution that we can do it, I think it's imperative. Because everything that was shared was extremely important.

And then, I also wanted to add that, you know, there was 128 people in this meeting throughout the whole day. And I know that the public is really also very invested in the subject matter.

And I know that they're about to go into public comment. So, capturing a lot of those elements are going to be important for Dr. Weller and I to also make sure that that voice is captured as part of the process.



## **FACILITATOR BLOOMER:**

Appreciate that. So, I think perhaps what we could do is in a moment take a -- take the 10 minute break that was promised.

And when we come back just spend a bit more time on next steps, it sounds like with -- probably without the need for any kind of formal vote. But just sort of get a sense from the Committee on what the Committee wish -- how the Committee wishes to proceed.

So, I think with that, if that's all right we'll go ahead and we'll take the 10 minute break, come back, finish up that discussion and turn to public comment even for, you know, an extended period of time.

Okay. We'll see you back here at 3:25 sharp. Thank you so much everyone.

## **(Off the Record)**

## **FACILITATOR BLOOMER:**

All right, just using my voice for a little bit. So, if you're within earshot you know that we're coming back from break. Thanks everybody.

Okay. So, to -- I'll recap where I -- where I think we are, what I'm hearing. And I'll ask for others to redirect, clarify.

And then I'm hearing that it's going to be important for the subcommittee to submit its report to OAH so that it can be posted. That way, Committee members can view it, download it, refer to it in preparation for the next meeting. So, I think that's a pretty clear action step.

Fernando, if I was -- if I was hearing your suggestion right, because this body is subject to Bagley-Keene, I'll assert, it won't be possible to have an interactive document like a Google doc for Committee members to contribute to together. Because it ends up constituting sort of a meeting outside of a meeting.

But perhaps a workaround there that follows the law would be, you know, once that report is posted and Committee members, you know, see that it's there, Committee members could come ready for the next meeting, at the next meeting to, you know, provide really pointed ready feedback and suggestions to ripen the document and the recommendations.

So, that would be my humble suggestion there. And then, I guess, if I were to just emphasize one other piece, I think that this is the holistic report, holistically looking at, gosh, every facet of the Regional Center role, even as you -- as the subcommittee mentioned, really within, you know, even wanting to emphasize, you know, avoiding appeals where if possible. So, what can be done, really, in advance of that.

So, obviously, it goes beyond OAH's purview in that sense. So, among other feedback at the next meeting, I might suggest Committee members really thinking very specifically as part of that. As to which recommendations might be specific and appropriate to make for OAH feedback and response.

So, those are all my -- that's my short list of suggestions. So, with a few minutes before public comment, just seeing what the will of the Committee is. Fernando, I see -- I see your hand.

**COMMITTEE MEMBER GOMEZ:**

Yeah, thank you, Karin. And I just want to better understand the restrictions or, if you will, limitations of Bagley-Keene.

You know, I understand what you're saying, that the feedback you received is that we cannot collectively contribute to this report, this subject matter as an Advisory Committee?

**FACILITATOR BLOOMER:**

And to -- so, to gather in real time in one space outside of the meeting, right. In other words, like when I think of like, an example, like a Google doc or something, sharing that input outside of the meeting as a, you know, as Committee members ends up hitting up against, you know --

**COMMITTEE MEMBER GOMEZ:**

Yeah. I don't think that that's what I was --

**FACILITATOR BLOOMER:**

-- in the meeting.

**COMMITTEE MEMBER GOMEZ:**

-- yeah, no, I wasn't --

**FACILITATOR BLOOMER:**

So, please --

**COMMITTEE MEMBER GOMEZ:**

-- that's not what I was talking about.

**FACILITATOR BLOOMER:**

Great, okay.

**COMMITTEE MEMBER GOMEZ:**

I understand --

**FACILITATOR BLOOMER:**

Please, Fernando, sorry.

**COMMITTEE MEMBER GOMEZ:**

Yeah, I'm not -- I get that part. But is there an opportunity or a method to use that where individuals can, let's say that Nina wants to send some ideas or thoughts. I mean, is she not allowed to? Does that break some kind of Bagley-Keene rule?

**FACILITATOR BLOOMER:**

Well, my understanding is it would need to be submitted somewhere and then posted in advance of the meeting.

Committee members would not be in a position to share back and forth or with each other, their ideas, under Bagley-Keene. That's where it gets tricky.

**COMMITTEE MEMBER GOMEZ:**

We cannot share ideas back and forth, okay.

**FACILITATOR BLOOMER:**

Uh-huh.

**COMMITTEE MEMBER GOMEZ:**

Can it just be outward facing? In other words, let's say somebody in the Committee wanted to send an idea, can they send it without a response? I mean, I don't -- I mean, I'm just trying to --

**FACILITATOR BLOOMER:**

Yeah.

**COMMITTEE MEMBER GOMEZ:**

-- be creative here, respectful of the limitations that we have through Bagley-Keene. But at the same time, understanding the importance of this type of document and how can we as a Committee be as productive as possible.

And maybe there's people who are much more versed in options than definitely I am.

**FACILITATOR BLOOMER:**

Maria, you may have an idea here.

**COMMITTEE MEMBER IRIARTE:**

I don't have -- what I'm hearing is that the only way we could really work on this document is when we're here. That's what I'm hearing. That we can't work on this document outside of this meeting.

So, it appears that what we need to do is circulate the document and then come back at the next meeting to discuss, add to whatever we need to do.

I think that's what you're saying, right?

**FACILITATOR BLOOMER:**

That's what I'm saying based on my understanding of Bagley-Keene, right. Certainly, the two-person subcommittee can do more work and then, again, share it, together those two individuals and submit and have it posted. That can certainly be allowed.

But you said it well, Maria, that's my understanding.

**COMMITTEE MEMBER IRIARTE:**

So, now that Jennifer is -- has volunteered to add to that document, can she do that with Fernando and Dr. Weller? Or does she -- I mean, when does she do that. Does that -- does that --

**FACILITATOR BLOOMER:**

I had a thought about that.

**COMMITTEE MEMBER IRIARTE:**

Does that take Fernando and Dr. Weller out of there -- out of -- because we -- they -- what ended up happening is that we can only have two members who were able to do this. We couldn't have --

**FACILITATOR BLOOMER:**

Right.

**COMMITTEE MEMBER IRIARTE:**

-- more than two OAH members to do what Fernando and Dr. Weller did. So, bringing in Jennifer to add to that. How does that work with --

**FACILITATOR BLOOMER:**

Yeah. I had a thought about that over the break. This is just me thinking. But once that report is posted, I'm just wondering if Jennifer might then, on her own, go through and try to identify where there's, you know, statutory foundation and what that is.

And either submit that or posting in advance of the meeting or certainly be ready to share at the meeting.

The good news is that work, it lends itself a little bit more toward independence, where I think that could actually work than some other approaches.

**COMMITTEE MEMBER IRIARTE:**

Okay. Well, it sounds like a workaround. Jennifer, you had your hand up?

**COMMITTEE MEMBER CUMMINGS:**

Yeah, I was just reading the DDS publication about the Bagley-Keene open meeting acts. And it seems -- it seems like there's two areas, and I don't know if I'm reading it correctly.

But it seems to contradict -- they seem to contradict each other. Because it talks about how a majority of the Committee members meeting need -- it needs to be in public.

But then it also, further down, says even smaller groups -- discussions among a subcommittee also needs to be public. So, I'm not -- I'm not clear on their requirements. That's why I lowered my hand.

**COMMITTEE MEMBER IRIARTE:**

Yeah, from what I understand Jennifer the -- when we tried to have more members to join Fernando and Dr. Weller, we couldn't. We would have to have, what is it, public -- well --

**FACILITATOR BLOOMER:**

(Inaudible).

**COMMITTEE MEMBER IRIARTE:**

-- what OAH does for these meetings, right. And so, OAH was not willing to do that. So, we ended up just with two members who could do this.

But, I think what Karin says about you being able just to get that document and do it on your own, you know, do your magic and then -- and then post it 10 days before the meeting as it's required, I think will do the trick.



**FACILITATOR BLOOMER:**

Thanks again, Jennifer, for volunteering for that. Okay, Nina, I see your hand, and then we'll -- let's pretty quickly move to public comment once we feel like we've got this figured out. Nina, go ahead.

**COMMITTEE MEMBER SPIEGELMAN:**

I suppose that -- so, between now and the next meeting, if the document is posted we could all comment publicly. And then -- and then it would be more work for Fernando and Jesse.

But they could -- they could have the comments, right, and they're public. And then they could, you know, amend the document for further discussion. And that could be posted prior to the next meeting. Something like that.

**FACILITATOR BLOOMER:**

Nina, just to clarify, do you mean the comments that were made today during the meeting? Or some other?

**COMMITTEE MEMBER SPIEGELMAN:**

Well, I was -- I was assuming that when this is, you know, when this is made public it -- we don't have to wait for the next meeting. It could just be posted, right?

**FACILITATOR BLOOMER:**

The report.

**COMMITTEE MEMBER SPIEGELMAN:**

And there could be -- available to submit comments on by any of us. Maybe there would be, you know, some cutoff time so that there would be time for Fernando and Jesse to, you know, look at it again and then make any revisions or any, you know, whatever, before the next meeting.

We'd have next version with public comments to, you know -- you know, to take it into --

**DIVISION CHIEF ALJ FORMAKER:**

So --

**COMMITTEE MEMBER SPIEGELMAN:**

-- next step without, you know, it being entirely public.

**DIVISION CHIEF ALJ FORMAKER:**

-- so, in the absence of having additional meetings that are public meetings, OAH can post the document as it exists right now, and it would be available to the public and to all of the Committee members. And we would post it on the Advisory Committee website page.

Each Committee member on their own can review it, and on their own notate it for discussion at the next Advisory Committee meeting.

But having these kinds of interactions outside of a public meeting could raise issues under Bagley-Keene.

**FACILITATOR BLOOMER:**

Thanks, Susan. Okay, so I think what we're clear about, at least this much, is that the subcommittee will submit it to OAH for posting. And certainly, that Jennifer on her own, could be looking at statutory references for it.

And then each Committee member can prepare for the next meeting by reviewing the report and being prepared for feedback too, again, build them out, ripen them, I think specifically taking note of where something in the -- under OAH purview.

And this is, again, where Jennifer's going to help once we meet next.

Is there anything else? Darline?

**COMMITTEE MEMBER DUPREE**

Just a quick question. Will we receive notification about the posting? Or is it something we should just keep checking?

**FACILITATOR BLOOMER:**

That's a great question. Susan, do Committee members get a, like some kind of prompt when something's posted?

**DIVISION CHIEF ALJ FORMAKER:**

There is no kind of automatic prompt.

**FACILITATOR BLOOMER:**

Or email that could be sent when it's posted?

**DIVISION CHIEF ALJ FORMAKER:**

That'll need to be considered, honestly.

**FACILITATOR BLOOMER:**

Okay. Darline, I guess -- I guess I don't know the answer. Okay.

**DIVISION CHIEF ALJ FORMAKER:**

Once you're called on we will allow you to unmute yourself. And those who are wanting to provide oral public comment should unmute themselves.

You'll have two minutes to provide your public comment. And Judge Berg, if he's back on, will provide a 30 second warning. I'm just seeing --

**FACILITATOR BLOOMER:**

Susan, I'm happy to step in.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you. And then, when the time is up you'll be notified, and you'll be muted again.

After that, we'll take the written public comments that have been sent to the OAH AC comments email. Any written comments that are submitted after we've stopped taking written comments we will not be reading, and we will not be appending to the transcript.

So, please, if you're wanting to provide a written public comment, please do it either before or at the time that we're asking for written public comment.

And then we're going to take chat public comment for those who need chat as an accommodation. And when we get to the chat part I'll provide the instructions again on how we'll do that.

Okay. So, we're going to take oral public comment at this time. And we're going to start with Maribel. Please unmute yourself.

**MS. OLIVER:**

(In Spanish).

**SPANISH INTERPRETER GUTIERREZ FOR MS. OLIVER:**

Hello, good afternoon, everybody. My name is Maribel Oliver. I have a son who is a client of the Redwood Coast Regional Center. And he is diagnosed with autism and intellectual disability.

My experience really has been, as I went through this process, it was terrible and it was cruel, even intimidating.

I had to go through this process while I was experiencing a very delicate pregnancy. In fact, I asked for a meeting -- I asked for a meeting -- I asked for a meeting, asked my coordinator and supervisor to see if we could reach some type of agreement. And that was denied.

They told me that they would send me the NOA. I had interpretation, but it was not good quality interpretation. In fact, the Service Coordinator, I felt, was attacking me during this mediation, did so, along with the supervisor and with the RCRC Director.

I suffered even looking for support, looking for help from DDS. And I came across retaliation. In fact, it took a whole year to be able to see services.

The only support I received was through ICC. It was through the Integradoras. I sent a 4731 complaint. And they responded that it was all my fault. It was actually even worse than the actual process.

What I found or came across was a broken system and a lot of use of power. And we've seen this -- or I've seen this in the Redwood Coast Regional Center.

Thank you so much for hearing me out, and for listening to my experience.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Next we're going to call on Gabriella Romero. Please unmute yourself.

**MS. ROMERO:**

In Spanish.

**SPANISH INTERPRETER GUTIERREZ FOR MS. ROMERO:**

Yes, good afternoon. My name is Gabriella Romero. And my comment would be the following. As of now, even to this day Regional Centers, they deny our services. And they do it without a Notice of Action.

Here's an example. Parents sometimes will only receive respite. And then all of a sudden that service itself -- even that service is removed without any type of -- without any type of acknowledgement either in writing or a telephone call or anything of the sort. It's just removed without any type of notice.

And then what happens is you've got parents who now are afraid. And they're afraid when they're told, hey you have to go through a hearing process. And for me, it's just so painful to see that even something as basic as respite is not being allowed or permitted to families without some type of, you know, without families feeling some, even fear for something so basic.

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

All right, we're going to move on to Ruby Saldania. Please unmute yourself.

**MS. SALDANIA:**

(In Spanish).

**SPANISH INTERPRETER GUTIERREZ FOR MS. SALDANIA:**

Yes, good afternoon. My name is Ruby Saldania, and I'm the mother of three children who receive services through the system.

And I've -- and I've gone through many hearings in all of the State of California. And there are three points that I want to bring up.

(Inaudible) and the ombudsmen services, although we really, really appreciate them, they really shouldn't be considered -- they really shouldn't -- they really shouldn't be institutions that are considered, you know, advocacy groups on our part. They provide guidance. And I appreciate that.

And that's what I do with families, I provide guidance. But that's really not something that's helping our families. So, that's point number one.

Number two, eligibility. Regional Centers go off of the IEP. But I can bring, you know, a thousand IEPs to the floor. And they're all going to start with saying, hey, the child is doing fine, he's doing great.

And, of course, that's not going to result in the right decisions. So, they should not base their decision just on an IEP evaluation.

And number two, ARCA guidelines. I think that they should be reviewed. Many, many children are being left behind, I feel, and Regional Centers are going off of ARCA guidelines, which say that autism -- there's a such thing as non-substantial autism. And because of that, many children are being left behind.

In fact, I know of a case where this child is about to be left homeless because he's not been able to receive a proper diagnosis.

And something else, I think that Judges should have training. They should have training regarding services --

**PRESIDING ALJ BERG:**

Thirty seconds.

**SPANISH INTERPRETER GUTIERREZ FOR MS. SALDANIA:**

-- many, many times. I've gone through current hearings in which they've confused the Judge. They've confused what's social skills and (inaudible), which are not the same thing.

Thank you for hearing my comment.



**DIVISION CHIEF ALJ FORMAKER:**

Thank you. I believe we already heard from Gabriela Romero. Is that correct?

Ms. Romero, did you already speak?

**MS. ROMERO:**

(In Spanish).

**SPANISH INTERPRETER BLUM FOR MS. ROMERO:**

I did, thank you. But, I mean, I can offer a last comment. To be honest --

**DIVISION CHIEF ALJ FORMAKER:**

We need to give other people a chance --

**SPANISH INTERPRETER BLUM FOR MS. ROMERO:**

-- the Regional Centers are not giving us --

**DIVISION CHIEF ALJ FORMAKER:**

We need to give other people a chance.

**MS. ROMERO:**

(In Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you.

**SPANISH INTERPRETER BLUM FOR MS. ROMERO:**

Okay, got it, thank you, thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. The next is going to be Oscar Mercado. Please unmute yourself.

**MR. MERCADO:**

Yes, good afternoon. Thank you for taking my comment. My name is Oscar Mercado. And I'm a self-advocate, autistic individual served by Valley Mountain Regional Center.

And I want to comment on some of the things that I heard about the fair hearing process. I believe that this process is very important and should be fair. And there should be equitable measures in place to make it easier for families and clients to navigate this process.

I also heard about the Notice of Actions as well. And to me that's a little concerning because it's very important that clients keep their services, because these services are fundamental for our integration into society and our functionality as members of our communities, they're very, very important.

And also about the ARCA guidelines as an individual who could be classified as high functioning autism, it's very important that just because we have the ability to talk and do the general things that most people are able to do, that does not disqualify the needs and the struggles that we face.

So, I really, really want -- that this Committee considers individuals like me, to make the process easier for families and for clients.

Thank you.

**DIVISION CHIEF ALJ FORMAKER**

Thank you. All right, next we have Yolanda. Please unmute yourself.

**MS. GRACIA:**

(In Spanish).

**SPANISH INTERPRETER BLUM FOR MS. GRACIA:**

Yes, good afternoon. First of all, my name is Yolanda Gracia. I have a son with autism. And he belongs to the Regional Center of the North.

And my comment is the following. Sometimes services are denied, and they're highly necessary, because they rather -- people rather not to appeal the Notice of Action because they're afraid of the process.

And we have no neutral help. Families cannot access help. They're just sent to the Regional Center. And in there they cannot get real help.

That's my comment, and thank you so much.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Let's see. Now we've got Mari A. Please unmute yourself.

**MARI A:**

(In Spanish).

**SPANISH INTERPRETER BLUM FOR MARI A.:**

Hi, good afternoon. Can you hear me?

**DIVISION CHIEF ALJ FORMAKER:**

Yes.

**SPANISH INTERPRETER BLUM FOR MARI A.:**

Okay. So, I'd like to have this comment. I'd like to just echo what my -- other person had said. Especially thanks to Fernando, to Dr. Wallace (sic), Nina, and Benita, because they brought very important topics of conversation to the table.

I also have been in 4731 processes that have sent to DDS. And it's truly useless, because they don't have a fair process even with DDS that can intervene with the complaints regarding the Regional Center.

And we keep talking about training for the Coordinators, because they just copy and paste the Lanterman Act Law.

And it has been said that they need to be more humane towards families and prepare better. But I think as a feedback for all of you, we need not only training for the Service Coordinators, but also for the families so they can have a solid training.

They know their rights. They are explained their rights. They know what a Notice of Action is, because sometimes people do not even know what that is. They don't know what it means and what it entails.

And sometimes it can be intimidating or harassment, basically saying you're going to have to go see a Judge, even the word Judge is intimidating for all of these families.

So, many of the families are barely entering this system. They're not aware of the system or the process. So, I do recommend that you have training also for families and have committees that are designed specifically --

**PRESIDING ALJ BERG:**

Thirty seconds.

**SPANISH INTERPRETER BLUM MARI A.:**

-- for families so families can be present, can have a sit at the table, they can be heard. And not only the Service Coordinator just passes the case along and have it denied subsequently.

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Okay, next is Elizabeth Gomez. Please unmute yourself.

**MS. GOMEZ:**

Hi, good afternoon. My name is Elizabeth Gomez. I'm the director of the Integrative Community Collaborative.

And the first thing I want to do is thank the Committee for listening to our comments today and for really taking to heart everything that's been discussed by Dr.

Weller and Fernando Gomez, who I thank so much for their hard and their hard work in presenting a lot of the issues that families face.

The Integradoras attend IPPs and, you know, meetings with the -- with the families. And they stay with them the whole process. So, the experience that we are presenting to you is first-hand experience.

So, we attend the IPPs. We stay with them through the Notice of Action. We stay with them through the -- through the informal hearing, the mediation, and the fair hearing.

So, we pretty much can have -- witness with them everything that has been said and a lot of the barriers that they experience.

The one thing that I want to say to you today is that the process, even though there's a reform that's been implemented, it has helped. But at the same time we still are facing a lot of the intimidation factors, a lot of the Notice of Actions who do not represent exactly what the services that's being denied. We still see a lot of the issues that were covered today.

But for the most part, the one part that I think the Committee needs to hear is that there's no fair process when the families, at the end of the day, go through so much stress and sometimes lose because they were not, or they did not have enough representation.

**PRESIDING ALJ BERG:**

Thirty seconds.

## **MS. GOMEZ**

So, one of the things that I believe that recommendation today for that pre -- for that department that, or Committee, that will review things and come to solutions prior to sending families through this lengthy process, would be very much appreciated.

So, I thank you for considering this.

## **DIVISION CHIEF ALJ FORMAKER:**

Thank you. Next we're going to have iPhone 96. Please unmute yourself.

## **MS. QUEVAS:**

Hi, good afternoon. My name's Elizabeth Quevas (phonetic). I'm so sorry that my name wasn't on there.

I'm a parent of a child with the Regional Center, well, he's an adult now. And I'm also an IF. And I just wanted to give some feedback as to what I have experienced and seen with many fair hearings with many different Regional Centers across California.

One, I've noticed that not all Regional Centers have an informal mediation. Some go straight into mediation in front of a Judge. So, families are quite taken aback.

Also, IF's like myself, we really would like training to better help families. We are not attorneys or anything close to that. So, we can definitely use some more support and some trainings.

I've also noted that not all Judges are familiar with Regional Center services and how they work.

I've also noticed that different Regional Centers have different -- their POS policies are written in such a way that for some Regional Centers it's very hard for any family to get any service. They're written in a very strict way.

And I'm not sure why DDS approves the policies as they're written, because it's very difficult, especially when a Judge is not experienced with Regional Center. They go by the POS --

**PRESIDING ALJ BERG:**

Thirty seconds.

**MS. QUEVAS:**

-- policy only. So, that's the only point that we can argue. And if the POS policy is not written in a fair way, then parents lose out on that service.

So, those are some of the things that I would like to present today. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. So, we only have five minutes left. And I want to make sure that we provide an opportunity for those who need chat as an accommodation to provide their comments.

And I think what we'll need to do is to take our written comments at the next meeting.



So, at this time, if anyone needs chat as an accommodation, please keep your hand up. Otherwise, if you could put your hand down so that we can hear from those who need chat as an accommodation.

Okay. So, in terms of those who need chat. I'll be calling on you in the order of your virtual hand being up. You'll be promoted to a panelist. You will need to click yes to join as a panelist. You'll have two minutes to enter your chat comments. And those will be read for no more than two minutes.

Okay. So, I'm going to promote Lourdes (phonetic) as a panelist. Tzer, can you please promote Lourdes as a panelist? It's not working for me. Tzer, were you able to?

**MS. LOR-SNYDER:**

Hi Susan, yes, I did.

**PRESIDING ALJ BERG:**

I'm showing that it occurred.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. I'm not seeing any comments in chat. So, we'll make sure that Lourdes has the two minutes.

**LOURDES:**

(In Spanish).

**SPANISH INTERPRETER BLUM FOR LOURDES:**

Good afternoon, can you hear me?

**DIVISION CHIEF ALJ FORMAKER:**

So, we were moving to people who needed to provide their comment in chat as an accommodation.

**LOURDES:**

(In Spanish).

**SPANISH INTERPRETER BLUM FOR LOURDES:**

Okay. Can you please hear me out? I think it's difficult -- I think it's difficult. So, I don't know if I can just verbally say my comment.

I thank -- I would like to thank you, yes?

**DIVISION CHIEF ALJ FORMAKER:**

Yes.

**LOURDES:**

In Spanish.

**SPANISH INTERPRETER BLUM FOR LOURDES:**

I'd like to thank you for listening to our voices. But I do have a daughter with Down syndrome from Center South.

And I think it's very complex, all of this hearing is very difficult. The Regional Centers keep sending us to hearings knowing that us, as a Latino family or indigenous family, we are not tech savvy. They are very burdensome processes.

So, we really cannot be in front of a Judge and sustain a hearing. Sometimes we don't have the information. We don't know how these work. We don't have access to technology. So, we do need that the Regional Center gives us support and services, because they only say denied without a reason.

And that's not fair for our children, because we know that they are in dire need of these services.

So, in my case, my daughter cannot communicate. So, how is it possible that they cannot provide us with the necessary support. I mean, they just tell us, you know what, there are no services. You know what, you're not eligible. You know what, you don't qualify.

And that's all we get. So, it's not fair for a child --

**PRESIDING ALJ BERG:**

Thirty seconds.

**SPANISH INTERPRETER BLUM FOR LOURDES:**

with a disability that it's just denied for no good reason.

Thank you for hearing me out.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you. So, we are now at 4 o'clock. And I -- as I understand it, our interpreters are no longer going to be available to us.

So, Karin, I'm going to leave this to you in terms of how to proceed here. We weren't able to get any comments via chat.

**FACILITATOR BLOOMER:**

Well, Susan, sorry. It sounds like if the interpreters can't stay I'm not sure we have an option other than to adjourn. Unless, in fact, that they can stay on.

So, I really defer to OAH on this.

**DIVISION CHIEF ALJ FORMAKER:**

Well, if we can't use our interpreters, then I think we're going to have to adjourn. As I understand it, the Department of Developmental Services is under contract with the interpreters.

So, I think that what we are going to have to do is to take additional public comment during the next meeting, any of the written public comments that came in we can append as -- append to the transcript or have as an addendum to the transcript.

But in terms of the additional comments that people want to make, we just have run out of time during this meeting.

**FACILITATOR BLOOMER:**

Understood. Okay, Fernando I see your hand. I apologize, we need to adjourn. Is it like a 10 second comment?

**COMMITTEE MEMBER GOMEZ:**

Just real quickly, that I think, and what we'll do is in the next agenda for the May meeting that we talk about this process and make some recommendations that work.

It's not fair for those over 100 people who waited four hours to make a comment that we're not able to accommodate the brief time for them to make it.

So, something's not right. So, we need to fix it. Thank you.

**FACILITATOR BLOOMER:**

Thanks, Fernando, appreciate that. And thank you Committee members for your time today. We'll see you in May.

Thank you, with that the meeting is adjourned. Take care.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you, everyone.

**(Off the record.)**

- ADVISORY COMMITTEE MEETING CONCLUDED -

## **CERTIFICATE OF TRANSCRIPT**

I, Sherry L. Mainus, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the DDS Advisory Committee meeting that took place on February 13, 2025, Office of Administrative Hearings, via Zoom videoconference.

This is the corrected original transcript and the statements that appear in this transcript were transcribed by me to the best of my ability. Executed under penalty of perjury in Sacramento, California on the 16th day of March, 2025.

Sherry L. Mainus

Transcriber

Northern California Court Reporters