

May 15, 2025

Public Comment Submission

“Regional Centers Role in Appeals Process – March 13, 2025”

Purpose: To reference existing statutes applying to the subject matter raised in the “Regional Centers Role in Appeals Process – March 13, 2025” report, added by blue text with links to referenced statutes¹

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Regional Centers Role in Appeals Process – March 13, 2025

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Regional Center’s Role in the Appeals Process: Improving Transparency and Accessibility

Introduction

A regional center's role in the appeal process is to initially review and respond to a consumer's dispute regarding a service or eligibility decision. The process includes offering an informal meeting before a consumer formally appeals to the Department of Developmental Services (DDS). If the appeal progresses to a hearing, the regional center must implement the final decision. However, many individuals find the process intimidating, overwhelming, and complex, often fostering distrust in the system and those implementing it.

To improve fairness, accessibility, and transparency, regional centers must reassess their role and responsibilities in the appeals process. Below is a breakdown of the current process, areas for improvement, and recommendations for ensuring that families feel supported rather than discouraged when seeking their rights.

- Consulted with numerous individuals to include: DRC (Will Leiner/Vivian Haun), CBO’s (ICC)

1. Regional Center Appeals & Resolutions Team

Each regional center has an established Appeals & Resolutions Team, typically composed of:

- **Manager /Specialist of Appeals & Resolutions** – Oversees appeal cases and ensures compliance with state regulations.
- **Service Coordinator Supervisor** – Reviews case files and assesses service determinations before an appeal proceeds.

¹ Title 17 Regulations relating to Fair Hearing Process ([link](#)) has not been updated to reflect latest changes in 2022-2023 appeals process changes (Senate Bill 188, Chapter 49, Statutes of 2022).

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- **Service Coordinator** – Serves as the main contact for families and provides justification for service decisions.
- **Legal Representative (as needed)** – Provides legal insight into appeal responses and potential hearings.
- **Clinical or Professional Staff** – Evaluates medical or therapeutic justifications related to the appeal.

Issues:

- In many cases, this internal process is overlooked, and NOAs are issued immediately after the IPP.
- The appeals process is sometimes used as a way to delay decisions regional centers are not ready to make.
- There is a perception from families that there is a "culture of no," where they feel they must fight or beg for services only to be denied.
- Potential NOAs are not escalated to the Director of the regional center for further review.
- No set standards by regional centers. Each center approached the appeals process differently.
- Many NOA contain errors and misinformation.
- Gatekeepers at times prevent individuals from reaching senior management for a potential resolution.

Recommendations:

- Train service coordinators and empower them to follow the process and seek viable solutions before issuing an NOA.
- Require discussion with senior management before issuing an NOA to explore possible solutions. → [WIC § 4646.4\(a\)](#)
- Be sensitive to potential bias in decision-making and ensure a fair, person-centered approach.

2. Breakdown of the Appeals Process

A. Pre-Notice of Action (Pre-NOA)

- When a service coordinator and family disagree on a requested service, an internal review process is initiated before a Notice of Action (NOA) is issued.
- The service coordinator discusses the request with their supervisor to determine whether an alternative solution can be provided without formal denial.

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- A preliminary review by the Appeals & Resolutions Team assesses whether the decision aligns with the Lanterman Act and DDS regulations.
- Families should be informed of their rights and possible appeal options before receiving an official denial.

Issues:

- NOAs are issued too quickly with little internal discussion or family engagement.
- Internal decision-making lacks adequate oversight, resulting in rushed and potentially unfair denials.

Recommendations:

- Require internal discussions with a supervisor and quality review before issuing an NOA.
- Mandate pre-NOA family meetings to ensure transparency and possible resolution before a formal denial.

→ Service discussions and information gathering/sharing occur during IPP Development
See WIC §§ 4646-4648 ([4646](#), [4646.4](#), [4646.5](#), [4647](#), [4648](#))

WIC § 4646.4(a):

“Regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer’s individual program plan...or of an individualized family service plan...**the establishment of an internal process.** This internal process shall ensure adherence with federal and state law and regulation, and if purchasing services and supports, shall ensure all of the following:

- (1) Conformance with the regional center’s purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.
- (2) Utilization of generic services and supports if appropriate...”

EXCERPTS:

WIC § 4646.5 (a):

“The planning process for the individual program plan described in Section 4646 shall include all of the following:
(1) Gathering information and conducting assessments...”

WIC § 4647(a):

“Pursuant to Section 4640.7, service coordination shall include those activities necessary to implement an individual program plan, including, but not limited to, participation in the individual program plan process; assurance that the planning team considers all appropriate options for meeting each individual program plan objective; securing, through purchasing or by obtaining from generic agencies or other resources, services and supports specified in the person’s individual program plan; coordination of service and support programs; collection and dissemination of information; and monitoring implementation of the plan to ascertain that objectives have been fulfilled and to assist in revising the plan as necessary.

(b) The regional center shall assign a service coordinator who shall be responsible for implementing, overseeing, and monitoring each individual program plan.

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WIC § 4648:

“In order to achieve the stated objectives of a consumer’s individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities to achieve the greatest self-sufficiency possible and to exercise personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer’s individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports that would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

(2) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, if appropriate, the consumer’s family.”

B. Notice of Action (NOA)

- A formal NOA is issued when the regional center denies, modifies, or reduces a requested service.
- The NOA must clearly state:
 - The decision being made (denial, modification, or reduction of services).
 - The justification for the decision, referencing legal and policy guidelines.
 - The consumer’s right to appeal and the timeline for doing so.
 - Contact information for further clarification.

Issues:

- Families often receive an NOA without prior discussion or explanation, making the process abrupt and stressful.
- Many NOAs lack sufficient detail, making it difficult for families to understand the reasoning behind the denial.
- Many instances the NOA is generated incorrectly and with errors.

Recommendations:

- Require service coordinators to hold a discussion with families before issuing an NOA.

WIC § 4646(b):

“For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person’s achievement or changing needs, and no less often than once every three years. If the consumer or, if appropriate, the consumer’s parents, legal guardian, authorized representative, or conservator requests an individual program plan

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review, the individual program plan shall be reviewed within 30 days after the request is submitted, or no later than 7 days after the request is submitted if necessary for the consumer’s health and safety or to maintain the consumer in their home.”

- Ensure that NOAs are written in clear, accessible language and provide specific reasons for the decision. → Adequate notice requirements: WIC §§ 4701, 4710
- Provide alternatives options for viable solutions and help obtain.
- Process should include empathy and respect and clarity within the process.

C. Internal Steps Before Issuing an NOA

To improve fairness and transparency, regional centers should implement the following before issuing an NOA:

1. **Family Engagement Meeting** – Before finalizing a decision, service coordinators should schedule a conversation with the family to discuss concerns and potential alternatives. → WIC § 4646(b)
2. **Internal Quality Review** – A secondary review by a neutral party within the Appeals & Resolutions Team to ensure the decision is justified and necessary. → WIC § 4646.4(a)
3. **Translation & Accessibility Considerations** – Ensure the NOA is in the family’s preferred language and accessible to those with disabilities. → WIC § 4701(a)

3. Key Recommendations for Improvement

A. Increase Transparency & Communication

- Require service coordinators to discuss potential denials with families before issuing an NOA.
- Provide clear, accessible, and multilingual information on appeal rights.

B. Enhance Fairness in the Process

- Implement an independent oversight body to review NOAs before issuance.
- Offer third-party mediation as an option before an informal meeting. → WIC §§ 4707, 4710.7

WIC § 4707(a):

“The following appeals processes shall be available for resolving conflicts between regional centers or state-operated facilities and recipients of, or applicants for, services under this chapter.

(1) An informal meeting held by the regional center or state-operated facility to resolve the issue or issues as provided for in Sections 4710.6 to 4710.9, inclusive.

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(2) Mediation as provided for in Section 4711.5.

(3) A fair hearing as provided for in Sections 4711 and 4712.

(b) **When filing an appeal, a claimant may initially request one or more parts of the appeals processes identified in subdivision (a).** The claimant may subsequently amend their request to select parts of the appeals process not previously selected...”

WIC § 4710.7(a):

“The purpose of the informal meeting is to attempt to resolve the issue or issues that are the subject of the appeal request informally prior to a mediation or fair hearing.”

C. Provide More Support to Families

- Assign a Family Advocate or Ombudsman to guide families through the appeals process.
- Help families obtain necessary documentation to strengthen their appeals.
- Establish flexible meeting times for working families who struggle to attend daytime meetings. → WIC § 4710.6

WIC § 4710.6(b):

“The regional center or state-operated facility shall notify the claimant and their authorized representative in writing and in their preferred language of the mutually agreed-upon date, time, and place for the informal meeting.”

D. Ensure Timely Implementation of Rulings

- Set firm deadlines for regional centers to implement hearing decisions. → WIC §§ 4713, 4713.5
- Impose consequences for delays in providing services that have been approved through appeals.

WIC 4713.5.

“(a) The regional center shall implement the final hearing decision as soon as practical and not later than 30 days following the date of the final hearing decision, or, if a reconsideration was granted, the regional center shall implement the final corrected decision 30 days following the reconsideration, unless the regional center notifies the claimant and their authorized representative in writing, with a copy to the department, of the specific exceptional circumstances that make it impossible to implement the decision within that timeframe and provides the date when the decision will be implemented.

“(b) The claimant or authorized representative may contact the department if they are dissatisfied with the regional center’s or the state-operated facility’s compliance with the decision. Upon notification, the department shall take appropriate actions to obtain compliance with the decision.”

E. Global Issues looking to address:

- Mediation: agreement reached but not implemented
 - Report on status that captures appeals that have not been implemented.
 - Reviewed by Executive Director and their Designee
- Drop Appeals process prior to hearing because of fear to lose appeal and not having ability.

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- The issue has not been resolved. Regional center team needs to continue to help and find a solution.
- When you drop from the appeals process it may incorrectly be reported that the issue was resolved.
 - Surveys or questionnaires that help capture the reason.
- Issues with clear and representation of discussion by interpreters.
 - Training certification and established standards.
- Appeals process is too complicated and overwhelming. Most families do not understand how to prepare for the process.
 - Revise process to use plain language and simplified process.

WIC 4901(a). Office of Clients’ Rights Advocacy

“The protection and advocacy agency, for purposes of this division, shall be a private nonprofit corporation and shall meet all of the requirements of federal law applicable to protection and advocacy systems, including, but not limited to, the requirement that it establish a grievance procedure for clients or prospective clients of the system to ensure that people with disabilities have full access to services of the system.”

Links/Resources:

[DDS Appeals Information Packet](#)

[OCRA Advocacy Assistance](#)

4. Conclusion: A Call for a Fair and Accessible Appeals Process

The appeals process should serve as a safeguard for individuals with developmental disabilities to ensure they receive the services they need and deserve. However, the current process often creates additional barriers instead of facilitating solutions. By increasing transparency, improving fairness, and providing more direct family support, regional centers can transform the appeals system into one that fosters trust rather than fear. The goal should not be to defend denials but to ensure equity and accessibility for all consumers.

It is time for regional centers to take a proactive approach in reforming their role in the appeals process, ensuring that families feel heard, supported, and empowered—not discouraged.