

Office of Administrative Hearings Advisory Committee

Regional Centers Role in Appeals Process – March 13, 2025

Dr. Jesse Weller, Executive Director, San Gabriel/Pomona Regional Center
Fernando Gomez, Parent-Cofounder, Integrated Community Collaborative

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.
- **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.
- 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.

- 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.

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.
- Ensure that NOAs are written in clear, accessible language and provide specific reasons for the decision.
- 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.
2. **Internal Quality Review** – A secondary review by a neutral party within the Appeals & Resolutions Team to ensure the decision is justified and necessary.
3. **Translation & Accessibility Considerations** – Ensure the NOA is in the family's preferred language and accessible to those with disabilities.

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.

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.

D. Ensure Timely Implementation of Rulings

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

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.
 - 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.

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.