

ADVISORY COMMITTEE MEETING

April 3, 2024

OFFICE OF ADMINISTRATIVE HEARINGS' (OAH) RESPONSE TO ADVISORY COMMITTEE RECOMMENDATIONS

AGENDA ITEM 9:

RECOMMENDATION:

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

OAH RESPONSE:

During the April 2024 Advisory Committee meeting, the Department of Developmental Services (DDS) did not provide the most current information when it was stated that the surveys were not currently being sent to all individuals involved in the process. When an appeal is closed,

claimants who provided an email address receive an automated email requesting feedback on the appeal process using an electronic survey link. The electronic survey is currently available in 17 languages. OAH and DDS will continue to discuss the most efficient and effective means to automate the survey process, obtain feedback about experiences from parties in hearings and mediations, and provide the public with general data about feedback.

AGENDA ITEM 10:

RECOMMENDATION:

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

OAH RESPONSE:

OAH Administrative Law Judges (ALJs) provide hearing and mediation services in Lanterman Act matters. Based on judicial ethics rules, it would be inappropriate for ALJs to comment publicly on their individual experiences in mediations and hearings.

AGENDA ITEM 11:

RECOMMENDATION:

That the Advisory Committee should make recommendations for

additional changes to the Lanterman Act mediation and hearing process.

OAH RESPONSE:

The Advisory Committee may bring forward ideas for potential changes. These ideas will be documented in the public record, allowing any interested party to consider those ideas. Because OAH is not a legislative body, OAH would be unable to act upon any recommendations from the Committee seeking statutory changes to the Lanterman Act. OAH will implement any statutory changes that might be made to the Lanterman Act. OAH will consider and respond to specific recommendations made by the Committee for non-statutory changes to hearing and mediation processes.

AGENDA ITEM 12:

RECOMMENDATION:

That information about the hearing process should be made more accessible to consumers, such as through plain language materials, video information about the hearing process, or other ways.

OAH RESPONSE:

DDS has made modifications to its website to provide accessible information to consumers about the hearing process, including through an

updated Lanterman Act Appeals Information Packet. That packet can be found here: [Lanterman Act Eligibility & Service Appeals : CA Department of Developmental Services](#). Materials are available in different languages and in print form. OAH has modified its mediation and hearing notices to provide updated information to the parties and plans to continue to update its notices, forms, and website to increase accessibility, as necessary or warranted. OAH also receives training from DDS on various areas of the Lanterman Act and hearing and mediation procedures. The Advisory Committee may provide specific actionable suggestions to help DDS prioritize its efforts.

AGENDA ITEM 13:

RECOMMENDATION:

That the Advisory Committee should recommend ways to make interpretations and translations more accessible, more culturally sensitive, and more accurate.

OAH RESPONSE:

OAH provides interpretations and translations in connection with hearings and mediations through contractors. Some initiatives are for DDS to provide OAH a glossary of commonly utilized terminology to help make interpretations and translations more accurate, for OAH to maintain its

forms in multiple languages, and for there to be a process for parties or DDS to request additional translation of OAH's forms.

AGENDA ITEM 14:

RECOMMENDATION:

That the Advisory Committee be provided a summary, in plain language, of what has been done by DDS, OAH, and regional centers to implement the changes to the Lanterman Act, as well as a summary of the training received by the ALJs on those changes, including any training on engaged neutrality.

OAH RESPONSE:

As stated during the April 2024 Advisory Committee meeting, the Committee members were provided a summary of the changes implemented because of the reforms to the Lanterman Act. That summary, which was also posted on OAH's website, can be found here: <https://www.dgs.ca.gov/-/media/Divisions/OAH/General-Jurisdiction/OAH-Advisory-Committee/4324-Appeal-Process-History.pdf>. DDS also issued a July 2024 update regarding Lanterman Act Appeal Process Changes, which can be found here on the DDS website: [Appeals Process Updates : CA Department of Developmental Services](#). On the DDS website, data is available about appeals, both before and after changes

were implemented based on the reforms to the Lanterman Act. The data dashboard can be found here: [Lanterman Act Eligibility and Service Appeals Data : CA Department of Developmental Services](#). OAH and DDS have met regularly to address process issues as the Lanterman Act changes were implemented.

On January 27, 2023, OAH and DDS provided approximately three hours of training to the ALJs on the changes to the Lanterman Act appeals process.

On February 28, 2023, DDS provided OAH ALJs a day of training covering eligibility for services, Tailored Day Services, Coordinated Family Supports, Participant Directed Services, the Self-Determination Program, the background for the changes to the Lanterman Act, the appeals process timeline, communication and decision writing, a review of changes to the Lanterman Act mediation and hearing processes, a discussion of the Advisory Committee, and data collection. The Department of Social Services, working in concert with DDS, also provided training on engaged neutrality.

On March 14, 2024, DDS provided OAH ALJs with approximately three hours of training covering an overview of the developmental services system, an overview of Early Start and Lanterman program eligibility and services, the Self-Determination Program, Coordinated Family Support services, social recreation and camping services, appeal and complaint

processes, communication and language access, significant case law, and DDS's plan to transform developmental services.

AGENDA ITEM 15:

RECOMMENDATION:

That for remote mediations, mediation agreements be circulated for signature in a way other than by OAH serving them on the regional center through OAH's secure e-file transfer (SFT) system for the regional center to obtain signatures so that mediation resolutions can be reached more quickly.

OAH RESPONSE:

Working with its enterprise technology support, OAH is currently investigating alternative ways of circulating mediation agreements for signature that are consistent with the Department of General Services' privacy and security guidelines in a way other than by OAH serving them on the regional centers through the secure e-file transfer (SFT) system.

AGENDA ITEM 16:

RECOMMENDATION:

That parties be notified when proposed decisions are submitted to DDS.

OAH RESPONSE:

Welfare and Institutions Code section 4712.5, subdivisions (a)(2) and (e)(1) and (2), provide for proposed decisions to be electronically transmitted to DDS. These provisions do not provide for the parties to receive proposed decisions that have been submitted to DDS except as set forth in subdivision (e)(2), in the event the final decision of the director of DDS differs from the proposed decision of the hearing officer.