

EMAILED PUBLIC COMMENTS UNABLE TO BE READ ALOUD

OFFICE OF ADMINISTRATIVE HEARINGS

DDS ADVISORY COMMITTEE MEETING

NOVEMBER 12, 2024

OAH received the following emailed public comments shortly before the Advisory Committee meeting ended and after written public comments had been read aloud. As a courtesy, OAH is providing these comments with the transcription of the meeting.

THE FOLLOWING WRITTEN COMMENT WAS PROVIDED:

(Subject) comments re appeals process

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 clients/families 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 in SDP) would be helpful for the vast minority of families going through this process if that person was properly trained.

THE FOLLOWING WRITTEN COMMENT WAS PROVIDED:

(Subject) OAH Advisory Meeting

We agree with the suggestion to assign a representative for OCRA or outside advocate to assist families. When we receive a 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 avenue. We have gone in circles trying to get to the right system.