

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

1. Date

2. Department

Department of Developmental Services

3. Organizational Placement (Division/Branch/Office Name)

Data Analytics and Strategy / Division of Community Assistance and Resolutions

4. CEA Position Title

Deputy Director

5. Summary of proposed position description and how it relates to the program's mission or purpose.  
(2-3 sentences)

The Department of Developmental Services (Department) proposes a major change in concept for the CEA titled Deputy Director, Division of Community Assistance and Resolutions (DCAR). This CEA will establish and provide overall leadership, strategic planning and execution, integration, and direction for DCAR and be responsible for setting and updating broad policy for the Office of Complaints and Resolutions (OCAR), Conservatorship Program, and Foster Grandparents/Senior Companion (FG/SC) Program; and will provide administrative direction to the Offices of the Lanterman Ombudsperson and the Self-Determination Program (SDP) Ombudsperson both of which report to the Director. This position will represent the Department and DCAR before community partners, regional centers (RCs), other state departments, the public, and the Legislature. The functions under this CEA are directly related to the Department mission to ensure Californians with intellectual and developmental disabilities (IDD) have the opportunity to make choices and lead independent, productive lives as members of their communities in the least restrictive setting possible.

6. Reports to: (Class Title/Level)

Chief, Data Analytics and Strategy / 2nd org level

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*):

8. Organizational Level (*Select one*)

- ☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Establish and provide overall leadership, strategic planning and execution, integration, and direction for the DCAR. Set and update broad policy for OCAR, Conservatorship Program, and FG/SC Program. Additionally, oversee the Offices of the Lanterman Ombudsperson and the SDP Ombudsperson and support the Ombudspersons by providing departmental context to them in the development of their recommendations, and assisting with how their recommendations are advanced to the programs and Directorate for consideration. In the division's program areas of responsibility, provide policy oversight to implement initiatives to ensure recent budget investments are successful in meeting the goals of service access and equity, accountability, transparency and improved experiences and outcomes for individuals with IDD served by the Department. Develop and maintain long term goals and objectives for the DCAR and allocate resources to address these priorities. Oversee the development of all necessary policy, regulations, standards, legislation, and procedures required to accomplish the goals of the DCAR. Integrate Department priorities and initiatives into the work of the division.

Develop and implement policies for informal and formal dispute resolution processes for individuals served in both the RC community services system and in state-operated facilities. Develop policies and implementation strategies to address new federal Centers for Medicare and Medicaid Services (CMS) regulatory requirements in the Home and Community-Based Settings (HCBS) Final Access Rule requiring the establishment of a new grievance process to address situations surrounding Medicaid (Medi-Cal) recipients' dissatisfaction with any component of their Individual Program Plan implementation, or that their residential setting is not compliant with the HCBS Settings Rule. Develop and implement policies to streamline and modernize the various Department complaint processes to address immediate health and safety issues on a timely basis, triage and investigate complaints in coordination with individuals and families, RCs, and authorized representatives to resolve complaints within statutory requirements. Oversee and monitor the timely implementation of agreements and hearing decisions. Identify trends and make recommendations to the Director and executive management on policy and practice changes to improve dispute resolution processes and the experiences of individuals and families.

Develop and implement policies for the effective management and coordination of the Conservatorship Program with the Directorate, Office of Legal Affairs, Office of Statewide Clinical Services, RCs, the courts, Adult Protective Services, law enforcement, public guardian's offices, and community providers in accordance with all mandated conservatorship activities in the Health & Safety Code (HSC) Section 416 et seq., and Welfare & Institutions Code (WIC) Section 21000 et seq., and court-ordered conservatorship duties. Manage the oversight of RC's delegated conservatorship activities including the review of conservatorship nominations, monitoring the status of conservatees. Develop and implement policies for the coordination and oversight of activities to carry out conservatorship duties where the Department's Director has been appointed conservator for individuals who receive RC services and live in the community or in state-operated facilities. Oversee the monitoring and oversight of the RCs to ensure they meet the delegated conservatorship authority granted by the Director.

Develop policies for implementation, coordination, and oversight of new mandated conservatorship activities in Assembly Bill (AB) 1663 Chapter 894, Statutes of 2022 including the establishment of a supported decision-making process as an alternative option to conservatorship for adults with IDD, development of guidelines to mitigate conflicts when a RC is acting as designee, annual written information to conservatees regarding their rights, and expansion of annual required visits and reporting requirements. Identify and inform the Directorate and other executive management staff on issues, trends, and opportunities for systemic change learned from the implementation of AB 1663. Develop policies and implementation strategies to comply with Senate Bill (SB) 280 Chapter, 705, Statutes of 2023 (Probate Code (PC) Section 2351.2) requiring conservators to develop, and file with the court, a care plan for each conservatee with specified filing timeframes. Make policy recommendations on solutions to barriers impeding change, and strategies to improve the Conservatorship Program.

Develop and maintain cooperative relationships and represent the Department and DCAR before community partners, RCs, other state departments, the public, and the Legislature. Lead engagements with RCs, State Council on Developmental Disabilities (SCDD), Office of Clients' Rights Advocacy (OCRA) in Disability Rights California (DRC) and other advocates and community partners to discuss and vet policy considerations and implementation strategies for new HCBS Access Rule for grievances, in streamlining the complaint and resolution processes, state law changes impacting the Conservatorship Program, and to address issues and policy recommendations resulting from systemic trends and issues identified by the Ombudspersons.

Participate as a member of the Department's executive management team. Identify and inform the Directorate and executive management on issues, trends, and opportunities for systemic change identified from DCAR programs and functions. Make policy recommendations to the Directorate and executive management team on changes to relevant laws, regulations, policies, practices, and other actions to improve Department and RC programs and services. Oversee the development of policies for the data and reporting systems to be used to track activities in DCAR and make presentations on the DCAR activities.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: This CEA will establish and provide overall leadership, strategic planning, integration, and direction for DCAR and be responsible for setting and updating broad policy for the OCAR, Conservatorship Program, and FG/SC Program; and provide administrative direction and support to the Offices of the Lanterman Ombudsperson and the SDP Ombudsperson both of which report to the Director of the Department. This position will represent the Department and DCAR before community partners, RCs, other state departments, the public, and the Legislature. The functions under this CEA are directly related to the Department mission to ensure Californians with IDD have the opportunity to make choices and lead independent, productive lives as members of their communities in the least restrictive setting possible.

This CEA's programs and activities support critical programs and initiatives that ultimately enable the quality person-centered individual outcomes that the California Health and Human Services Agency (CalHHS), the Department, and other community partners seek to achieve. The DCAR resources and focused policy leadership provide an expanded level of support for individuals with IDD and their families, increase their understanding of and satisfaction with the system, educate them about their rights and available services, programs, and processes, and provide a neutral review of different circumstances with a goal of informal yet consistent resolutions.

In addition, the DCAR under the leadership of this CEA advances the following CalHHS guiding principles: actively listen; put the person back in person-centered; and deliver on outcomes. Further, this CEA's policy development and execution will further the Department's strategic pillars that focus on improved individual experience and outcomes, accountability, and transparency to effectuate foundational changes in California's developmental services delivery system.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Department has experienced unprecedented growth and operational complexity over the past several years, driven by significant budget and program expansion, new initiatives, and evolving federal and state policy requirements. The Department's budget has grown 100% in the last five years from \$8 billion in the 2019-20 Fiscal Year (FY) to \$16 billion in the 2024-25 FY and Headquarters position authority has grown 41% from 504 positions in the 2019-20 FY to 708 positions in the 2024-25 FY. Further, the Department continues to experience incredible caseload growth with a 33 percent increase from 350,000 in the 2019-20 FY to over 465,000 in the 2024-25 FY.

There have been over 70 new initiatives started in the Department in the last two years. The policy development and implementation for the vast majority of these initiatives land in the program divisions. Also impacted by program and budget growth are the divisions and offices in Operations and Community Assistant and Development that support the program divisions. Several of the major new initiatives are of great interest to the Governor's Office, Legislature, and the developmental disabilities services community. To successfully execute these initiatives executive level policy and management workload needs to be rebalanced at the chief deputy and deputy director levels across the Department. A more equitable distribution of policy and management workload will preserve the Department's ability to advance critical initiatives.

The specific changes that make this major concept change necessary are changes in the programs in DCAR. The 2022 Budget Act authorized resources to create a new division of DCAR consisting of five offices, Quality Assurance (QA), Risk Management (RM), Ombudsperson, SDP Ombudsperson, and OCAR. Under the current restructuring the Offices of QA and RM are being moved into a new Division of Population Risk, Quality Assurance, and Data Operations to effectively leverage and integrate the information technology systems, data analytics, research activities, QA, and RM Programs. The Conservatorship and FG/SC Programs are being moved from the Community Services Division into DCAR to provide for greater coordination between the Ombudsperson Offices, Conservator Program, and OCAR. Also, there is significant new policy workload in the OCAR from recent state law and federal regulatory changes.

Conservatorship Program - Conservatorships are established when an adult lacks the capacity to make medical, financial, or life decisions for themselves. The Conservatorship Program provides independent oversight and coordination of activities related to conservatorship responsibilities for the Director. Approximately 57,000 individuals in the Department's system are conserved by a family member, friend, fiduciary, or other individual and the Director currently serves as the limited conservator for approximately 360 individuals. In August 2022, the Department in conjunction with the National Association of State Directors of Developmental Disabilities Services convened an expert panel to undertake a thorough review of the Department's Conservatorship Program. The panel issued a report in March 2023 titled Expert Panel: Review of California Developmental Services Conservatorship Program Report and made recommendations to improve the conservatorship process, strengthen the Department's oversight, and identify alternatives to conservatorship including supported decision-making. Subsequently, state law changes in AB 1663 Chapter 894, Statutes of 2022 and SB 280 Chapter, 705, Statutes of 2023 significantly revised various procedures in the conservatorship process to improve the Department's oversight and protection of conservatees and to expand alternative options other than conservatorship to permit and encourage maximum self-reliance on the part of the conserved individual.

OCAR – Individuals served, and their families have multiple options to file complaints and appeals to resolve disputes with a RC or state-operated facility (SOF) about eligibility for services or the nature, scope, or amount of services and supports a person should be receiving; complaints when an individual served, or any representative acting on their behalf, believes their rights have been unfairly denied by a RC or SOF. SB 188 Budget Act of 2023 in WIC Section 4705 enacted comprehensive changes to the fair hearing process, requiring every RC and SOF to have an appeals procedure for resolving conflicts between the RC or SOF and recipients of, or applicants for, services. Additionally, the HCBS Final Access Rule, released by CMS (CMS-2442-F) on April 22, 2024, requires the Department to establish a new grievance process for Medicaid (Medi-Cal) recipients who believe their Individual Program Plan was not developed in a person-centered way, or that their residential setting is not compliant with the HCBS Settings Rule. Further, the Department has seen a significant increase in the number of complaints filed as the result of heightened public awareness of the complaint process and changes in the Lanterman Act appeal process that became effective in March 2023. The number of several work-intensive categories of complaints doubled, and in some categories tripled. Most concerning is a backlog of whistleblower complaints, many of which require immediate welfare checks for individuals. The Department needs to streamline and modernize the various complaint processes to address immediate health and safety issues, triage and investigate complaints timely, and resolve complaints within statutory requirements.

This CEA will be responsible for major policy-setting in unifying the programs in DCAR to assist and inform individuals about their rights and available services, to implement new state and federal regulatory requirements, to improve timely resolution of complaints in OCAR, and to implement state law changes impacting the Conservatorship Program.

## C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

**HCBS Access Rule** - The final HCBS Access Rule, released by CMS in April 2024, mandates that beginning in 2026, the Department will need to demonstrate compliance with regulations regarding the handling of grievances for individuals served who are Medicaid (Medi-Cal) recipients who believe their Individual Program Plan was not developed in a person-centered way, or that their residential setting is not compliant with the HCBS Settings Rule. This CEA will be the primary policy maker in the development and implementation of the new Access Rule grievance process that will require significant engagement with RCs, SCDD, OCRA in DRC and other advocates and community partners to discuss and vet policy considerations and implementation strategies. Specific policies to be developed include the processes and procedures to coordinate grievance review and resolution with RCs and individuals. Other policies will include identifying the appropriate data, documentation, and reporting requirements to CMS and for reporting to the California Legislature and for transparency on the Department's website. Timely due process is a legal requirement for recipients of Medi-Cal services and compliance with federal standards is necessary to maintain federal funding through the Medicaid program of over \$5 billion.

**Streamline and Modernize the Complaint Processes** - Individuals served, and their families have multiple options to file complaints and appeals to resolve disputes with a RC or state-operated facility about eligibility for services or the nature, scope, or amount of services and supports a person should be receiving; complaints when an individual served believes their rights have been unfairly denied, and whistleblower complaints for reporting of improper activities by a RC or service provider. Each of these complaint processes has separate and distinct procedures for reporting and resolution. The number of several work-intensive categories of complaints, whistleblower issues, and appeals have doubled, and in some categories tripled, in the past three fiscal years because of a combination of factors, including heightened public awareness of the legally required complaint processes, changes in the Lanterman Act appeal process, and caseload growth. The complexity of some complaints has also increased, requiring more time for investigation, and more complaints requiring immediate health and welfare investigations. This CEA will be the primary policy maker in the development and implementation of streamlined and modernized complaint processes including simplified complaint input processes that provide for the timely receipt and investigation of complaints particularly for immediate health and safety issues. Specific policies will include triage processes to identify priorities to investigate and the appropriate Department division/office(s) to refer the complaint and/or to a RC if the complaint is not regarding the RC. Complaints about violations of rights, health, safety, and treatment must be promptly investigated to avoid harm to individuals and to exercise the Department's oversight of the developmental services system in a prevention capacity to avoid adverse outcomes and future harm to additional people.

**Conservatorship Program RC Conflict of Interest** - AB 1663 Chapter 894, Statutes of 2022 (HSC Section 416.9) revised various procedures in the conservatorship process to improve the Department's oversight and protection of conservatees. One significant provision prohibits a RC from acting as a conservator but permits a RC to act as a designee of the Director of the Department. This CEA will be the primary policy maker in the development and implementation of the process and procedures for RCs to mitigate conflicts that may arise when the RC is acting as designee while at the same time providing service coordination activities to the conservatee. Specific policies will include how RCs can maximize the conservatee's autonomy and support the conservatee in making their own decision, how RCs can effectively monitor the conservatee's health, safety and well-being and protection of their rights, and required reporting to the Department on any changes which impact the conservatee's health, safety or well-being and changes to their services or service needs. Further, this CEA will be developing and implementing the process, assessment tools, and reporting system for monitoring the RCs compliance with separating the RC service coordination functions from the delegated conservatorship responsibilities. The HSC Section 416.7 state the Legislature's intent that the Director, when acting as conservator of an individual with IDD, shall maintain close contact with the individual, shall act as a wise parent would act in caring for the individual, and permit and encourage maximum self-reliance on the part of the conserved individual.

**Conservatorship Program Care Plans** - SB 280 Chapter, 705, Statutes of 2023 (PC Section 2351.2) require the conservator to develop, and file with the court, a care plan for each conservatee within specified timeframes that must include details such as the conservatee's living arrangements, health status, medications, level of care, financial needs, and daily activities. This CEA will be the primary policy maker in the development and implementation of the process for RCs and other conservators to develop and file care plans for conservatees in compliance with the Probate Code. Specific policies will include the process and criteria for the Department's review of the care plan to determine if in compliance with the Probate Code and the development of a tracking and reporting system to ensure accountability and transparency. The Legislature in PC Section 1800 stated its intent and priority to protect the rights of persons who are placed under conservatorship and that an assessment of the needs of the person is performed to determine that the health and psychosocial needs of conservatees are met.



### **C. ROLE IN POLICY INFLUENCE (continued)**

#### **13. What is the CEA position's scope and nature of decision-making authority?**

This CEA has broad and extensive decision-making authority in the development and execution of policies in the DCAR to ensure full alignment and integration with the Department mission, goals, and in support of new initiatives and changes in state law and federal regulations. The DCAR centralizes policy and oversight for critical programs and functions that collectively provide information and assistance to individuals served and their families, and other community partners, promote community engagement, and equitable and fair complaint resolutions. The DCAR was created to separate program oversight, improvement, and due process protections from the same chain of command as the programs themselves, to maximize their objectivity and independence of action.

This CEA will have considerable decision-making authority and/or to work in collaboration with other executive management and to advise the Directorate on the most critical policy decisions. This CEA will also work closely with the Directorate and the executive management team to collaborate on policies and implementation strategies that impact other areas of the Department and the service delivery system.

This CEA will have considerable interactions with Developmental Services (DS) Task Force, SCDD, OCRA in DRC, RCs, Association of Regional Center Agencies (ARCA), disability advocates, vendor-provider organizations, and other community partners to discuss and vet policy considerations in all aspects of policy areas within DCAR.

#### **14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

This CEA will be developing and implementing new policy and also interpreting and implementing existing policies. There are existing policies for DCAR functions in OCAR, Conservatorship Program, FG/SC Program, and for the administration of the Ombudsperson Offices and activities.

This CEA will develop and implement new policy in response to changes in federal and state laws and regulations and from Administration policy shifts. In recent years, the OCAR and Conservatorship Program have had changes in federal and state law and regulations in recent and this is expected to continue as these programs are sensitive and highly visible to the Administration, Legislature, disability advocates, and other community partners. Other new policy changes could come from the ongoing engagement of the DS Task Force and other workgroups and committees that advise the Department on policy issues and recommendations as well as CalHHS's draft of the Master Plan for Developmental Services – A Community Driven Vision issued in March 2025 pursuant to WIC Section 4580.

The new policies will be developed and implemented with input from the Department's executive management team, SCDD, OCRA in DRC, the DS Task Force, and other workgroups and committees. Other policy recommendations will be developed from concerning trends and systemic issues identified by the DCAR activities including from the Lanterman Ombudsperson and SDP Ombudsperson, complaint and appeal processes, and Conservatorship Program.