

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

2025-07-22

2. Department

Department of Developmental Services

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

Division of Community Assistance and Resolutions/Office of Community Appeals and Resolutions

4. CEA Position Title

Assistant Deputy Director, Office of Community Appeals and Resolutions

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

The Assistant Deputy Director (ADD), Office of Community Appeals and Resolutions (OCAR) will be responsible to develop and implement policies and provide leadership and direction for the OCAR including the expansion of OCAR resources to support ongoing and increasing workload related to health and safety concerns and the rising number of appeals and complaints in services provided to individuals with intellectual and/or developmental disabilities (IDD). The position will develop and implement policies for the Department and regional centers (RCs) to come into compliance with the new federal Home and Community-Based Services (HCBS) Access Rule requirements and to streamline and modernize the appeals and complaint processes. The CEA's programs and policies directly support the Department's 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.

6. Reports to: (Class Title/Level)

Deputy Director, Division of Community Assistance and Resolutions/3rd organizational 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.

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. Oversee the expansion of OCAR resources to support ongoing and increasing workload related to health and safety concerns and the rising number of appeals and complaints in services provided to individuals with IDD. Develop and implement policies, systems, and processes to streamline, modernize, and consolidate 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. Develop strategies, policies, and practices to improve the access to and equity of the complaint and appeal processes including additional training and technical assistance to OAH and outreach strategies sensitive to different cultures. Oversee and monitor the timely implementation of agreements and hearing decisions. Identify trends and make recommendations to the Deputy Director and executive management on policy and practice changes to improve dispute resolution processes and the experiences of individuals and families. Assist the Deputy Director in establishing, implementing, and monitoring strategic priorities for the Division and Office priorities.

Develop policies and implementation strategies to address the new regulatory requirements in the 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. Lead and/or participate in engagements with RCs, State Council on Developmental Disabilities (SCDD), Association of Regional Center Agencies (ARCA), Office of Clients' Rights Advocacy (OCRA, Disability Rights California (DRC) and other advocates and community partners to discuss and vet policy considerations and implementation strategies for the new Access Rule for grievances. Raise complex issues with the Deputy Director timely to permit efficient, accurate and consistent completion of policy recommendations and implementation strategies and coordinate development and presentation of final recommendations to the Department's executive management. Draft and/or review changes to statutory language, regulations, RC Directives, and other policy, procedure, and system guidance and training materials to implement the Access Rule. Oversee the provision of training and technical assistance provided to RCs, community service providers, and other community partners to enable the timely and successful implementation of the Access Rule.

Work collaboratively and proactively with all Department divisions/offices, RCs, OAH, and community partners in overseeing OCAR's complaint and appeal processes including service and eligibility appeals, clients' rights complaints and appeals, Early Start complaints, citizen complaints, and whistleblower complaints. Identify and inform the Deputy Director and executive management on issues, trends, and opportunities for systemic change identified from OCAR's programs and activities. Track changes in statute, regulation and Department policy and identify associated impacts to OCAR activities. Plan, direct and oversee the activities of OCAR and provide leadership and guidance to staff. Promote quality, consistency, and best practices in the investigative and evidence collection methods and practices and in identifying appropriate and effective informal and formal dispute resolutions. Develop and maintain long term goals and objectives for the Office 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 Office.

In coordination with the Information Technology Division (ITD) provide leadership and oversee the development of an integrated complaint and appeals tracking and reporting system to improve transparency and accountability of the OCAR processes and to provide consolidated reports on the status of individual's complaints and appeals for more immediate and effective resolutions for individuals and their families. Oversee the design of data collection, reporting, and visualization processes and tools used to monitor and forecast the impact of ongoing process improvements for appeals and complaints. Work in collaboration with ITD to develop and implement a tracking and reporting system for the new HCBS Access Rule grievance process. Oversee the development and identification of data sources, collection methods, business requirements, workflows, and reporting needs as well as planning for consolidation with the other complaint and appeal reporting systems.

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: The Department funds and oversees services to over 450,000 individuals with IDD pursuant to the California Lanterman Developmental Disabilities Services Act (Lanterman Act) and the federal Individuals with Disabilities Education Act (IDEA) Early Start Program. Eligibility for these services is determined by the 21 RCs, who then authorize necessary services that are provided by service providers contracted by the RCs. In California services and supports to individuals with IDD are provided in two ways, either in the community (i.e., family home, own home, licensed setting, etc.) for most individuals, or in state-operated facilities for a small portion of the population. The Department operates one developmental center, one community facility, and seven small acute crisis facilities, Stabilization Training Assistance and Reintegration (STAR) Homes, to serve individuals on a 24/7 basis.

California is the only state in the nation that has prioritized services for individuals with IDD by establishing an entitlement program, meaning the services have been deemed a "civil right". Also, the Legislature has mandated that individuals with IDD shall have certain additional rights including a right to make choices in their own lives and a right to a prompt investigation of any alleged abuse against them (Welfare and Institutions Code (WIC) 4502). 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; and complaints when an individual served, or any representative acting on their behalf, believes their rights have been unfairly denied by a RC or state-operated facility. Other complaint processes are available for Early Start complaints, citizen complaints, and whistleblower complaints.

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 2019-2020 Fiscal Year (FY) to \$16 billion in the 2024-2025 FY and a 29% increase in caseload growth from 350,000 in the 2019-2020 FY to over 450,000 in the 2024-2025 FY. As the developmental services system has grown, it has become more challenging for individuals and families to navigate. The availability of unbiased information and assistance is both key to facilitating fair and equal access to services and to providing a means of identifying systemic issues that should be mitigated. Families and self-advocates have shared a desire to make the processes easier to navigate and less intimidating from the individual served perspective, particularly through focusing on cultural and linguistic responsiveness to underserved communities and communities of color.

The OCAR programs, policies, and activities directly support the Department's mission and goals in administering the various complaint and appeal processes to improve individual experience and outcomes. Additionally, with streamlined and modernized processes the OCAR programs will provide for due process that is more culturally and linguistically responsive, increased individual and family awareness, and increased satisfaction of individuals and their families with the Department's and RC's due process procedures. Further, the OCAR advances the following CalHHS guiding principles: focus on equity; actively listen, use data to drive action; put the person back in person-centered; and deliver on outcomes.

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 2022 Budget Act authorized resources to create a new Division of Community Assistance and Resolutions that included the consolidation of all due process functions within the OCAR. Senate Bill 188 (WIC 4705) as a trailer bill to the 2022 Budget Act enacted comprehensive changes to reform the Department's complaint and hearing processes including that the Department would receive requests to utilize the appeals process, instead of those requests going to RCs. Additionally, every RC and state-operated facility was required to have an appeals procedure for resolving conflicts between the RC or state-operated facility and recipients of, or applicants for, services. These processes were required to include options for an informal meeting, mediation, and a fair hearing and requirements governing those options, including notice, timeline, and procedural requirements, and the rights and duties of the parties. These changes currently being implemented require significant new policy development involving extensive community engagement to obtain input about challenges with the current system, modern business practices, evolving technologies, and efforts to enhance equitable access to services.

The 2025 Budget Act authorized new OCAR resources including a CEA position to address the final Access Rule, released by the federal Centers for Medicare and Medicaid Services (CMS) in April 2024. The Access Rule mandates states to meet specific regulations relating to the administration of their Section 1915 federal authorities that provides federal funding for the Department's HCBS Waivers and State Plan Amendment (SPA) that brings in over \$5 billion annually. To meet the requirements of the Access Rule, the Department must begin work immediately to address the new federal grievance/complaint process requirements for a Medicaid (Medi-Cal) recipient's dissatisfaction with any component of their Individual Program Plan (IPP). The Access Rule requires a new grievance process for individuals who believe their IPP was not developed in a person-centered way, or that their residential setting is not compliant with the HCBS Access Rule. To respond to these grievances, Department staff will need to coordinate with RCs and individuals receiving services, conduct research, and resolve each grievance within 90 calendar days from the date the Department receives the grievance. Significant new policy development will be required to meet the federal mandated implementation date in July 2026. This policy workload will require the OCAR CEA to lead and/or participate in engagements with RCs, SCDD, ARCA, OCRA in DRC and other advocates and community partners to discuss and vet policy considerations and implementation strategies for the new Access Rule for grievances. The new grievance process will require significant changes to statutory language and regulations and development of RC Directives, and other policy, procedure, and system guidance and training materials to implement the Access Rule.

Further, the 2025 Budget Act authorized new OCAR resources to support ongoing and increasing workload related to health and safety concerns and rising appeals and complaints workloads. The increased number of appeals and complaints resulted from a combination of factors, including heightened public awareness of the legally required complaint processes, changes in the Lanterman Act appeals process that became effective March 2023, and caseload growth. The Department has seen an increase of nearly 30% in the number of individuals with IDD served over the past five years and the number of complaints and appeals filed with the Department have grown even faster. The volumes of several work-intensive categories of complaints, whistleblower issues, and appeals have doubled, and in some categories tripled, in the past three fiscal years. The complexity of some complaints also has increased and there are more complaints requiring immediate welfare investigations. These appeals and complaints are handled by OCAR, in partnership with the Office of Community Operations, Early Start, and Office of Legal Affairs. The increase in the number and complexity of complaints and appeals requires an expanded policy role and management leadership to develop and implement policies, systems, and processes to streamline, modernize, and consolidate 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. Other policy workload will be required in the development of a consolidated automated systems to track, monitor, and report on the status of complaints and appeals. Further, new policies, procedures, and practices are required to address continuing disparities in individuals who access the complaint and appeal processes including additional training and technical assistance to OAH to improve cultural sensitivity and linguistic responsiveness and outreach strategies to underserved communities and communities of color.

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.

Final Access Rule Grievance Process - The final HCBS Access Rule, released by CMS in April 2024, mandates that by July 2026, the Department will need to demonstrate compliance with regulations regarding the handling of grievances for individuals served who are Medi-Cal recipients who believe their IPP 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. The new grievance process will require significant changes to statutory language and regulations and development of RC Directives, and other policy, procedure, and system guidance and training materials to implement the Access Rule. 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 HCBS Waivers and SPA of over \$5 billion.

Streamline and Modernize the Complaint/Appeal Processes - The Department has seen an increase of nearly 30% in the number of individuals with IDD served over the past five years and the number of complaints and appeals filed with the Department have grown even faster. The volumes of several work-intensive categories of complaints, whistleblower issues, and appeals have doubled, and in some categories tripled, in the past three fiscal years. The complexity of some complaints also has increased, requiring more time for investigation, and there are more complaints requiring immediate welfare investigations. This CEA will be the primary policy maker in efforts to streamline, modernize, and consolidate the complaint and appeal processes to maintain the Department's ability to timely address: immediate health and safety issues; triage and investigate complaints; coordinate with individuals and families and RCs, authorized representatives, and the California Department of Education; investigate and resolve complaints and disagreements within statutory requirements; and oversee and monitor the timely implementation of agreements and hearing decisions. Further policy workload will be required in the development of a consolidated automated system to track, monitor, and report on the status of complaints and appeals. 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. Further, timely due process is a legal requirement for recipients of Medi-Cal services.

Address Disparities in Appeals Process – Comprehensive changes were made to the appeals hearing process in 2023 (WIC 4711 and 4712), in part, to address concerns shared by self-advocates and family members that the appeal hearing process administered by the OAH can be intimidating, difficult to navigate, and experienced as “unfair,” particularly for individuals whose preferred language is not English and/or for whom questioning authority is culturally difficult. While some improvements have been made there are continuing disparities in individuals who access the appeal processes requiring new outreach strategies to underserved communities and communities of color and the need for additional training and technical assistance to OAH to improve cultural sensitivity and linguistic responsiveness. This CEA will be the primary policy maker in working in collaboration with advocates, other community partners, and OAH on strategies and policies for ease of access, equity, adequacy of interpretation and translation, and adequacy of representation in the process. Other policies will be required to improve the training program for Administrative Law Judges that serve as Hearing Officers (WIC 4712(b)(2)) to include Lanterman Act and regulations, relevant written directives and guidance issued by the Department, case law, information about services and supports available to persons with IDD, the contract between DDS and RCs, and RC purchase-of-service policies. The training shall also include methods to create an impartial and informal hearing environment that encourages the free and open exchange of information and engages the parties to bring out relevant facts and protecting the rights of claimants at hearings.

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 Department and RCs to come into compliance with the new federal HCBS Access Rule requirements and in the expansion of OCAR resources and streamlined processes to support ongoing and increasing workload related to health and safety concerns and the rising number of appeals and complaints in services provided to individuals with IDD. The CEA will also have decision-making authority in working with the OAH in on policies and processes for ease of access and equity and to improve the training program for Administrative Law Judges that serve as Hearing Officers.

This CEA will have decision-making authority and/or to work in collaboration with other executive management and to advise the Directorate on the most critical policy decisions and to provide policy recommendations for system and process changes to address systemic issues and trends identified from the complaint and appeal processes. This CEA will have considerable interactions with SCDD, OCRA in DRC, RCs, ARCA, disability advocates, vendor-provider organizations, and other community partners to discuss and vet policy considerations in OCAR programs and activities.

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 the current complaint and appeal systems and processes. New policies will be developed and implemented to come into compliance with the federal Access Rule for a new grievance process for Medi-Cal recipients, to streamline and modernize the various complaint and appeal processes including simplified complaint input processes. This new policy development will involve extensive community engagement, input about challenges with the current complaint and appeal processes, modern business practices, evolving technologies, and efforts to enhance equitable access to services.

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 programs have had changes in federal and state law and regulations, 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 various Department workgroups and committees that advise the Department on policy issues and recommendations as well as the Master Plan for Developmental Services – A Community Driven Vision issued by CalHHS 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, ARCA, and Department workgroups and committees. Other policy recommendations will be developed from concerning trends and systemic issues identified by the OCAR activities.