



REGIONAL CENTER
OF ORANGE COUNTY

November 5, 2018

Dear Regional Center of Orange County Employees:

The Department of Developmental Services (DDS) has found the Regional Center of Orange County (RCOC) to be out of compliance with the requirements in Section 4640.6 (c) of the Welfare and Institutions (W&I) Code. This section in the law requires that regional centers maintain service coordinator-to-client caseload ratios at or below specified averages.

In its report submitted to DDS on March 12, 2018, RCOC did not meet the required caseload ratio for clients enrolled on the Home and Community-Based Services Waiver (a ratio of 1 to 78.8 was reported and the required ratio is 1 to 62); for clients three years of age and younger (a ratio of 1 to 59.0 was reported and the required ratio is 1 to 62); for clients who have moved from the developmental centers to the community since April 14, 1993, and who have lived continuously in the community for more than 24 months (a ratio of 1:69.7 was reported and the required ratio is 1:62); and for clients who have not moved from the developmental centers to the community since April 14, 1993, and who are not under the age of three nor on the Home and Community-Based Services Waiver (a ratio of 1 to 80.6 was reported and the required ratio is 1 to 66).

Section 4640.6 (f) of the W&I Code requires that a plan of correction be developed by a regional center that does not comply with the caseload ratio requirements for two consecutive reporting periods. The final plan will be developed following input from the state council, local organizations representing clients, family members, regional center employees, service providers, and other interested parties.

Please read the draft caseload ratio plan of correction that I propose to send to DDS. In accordance with Section 4640.6 (f) of the W&I Code your input is requested. If you would like to provide input please submit it by e-mail to ratio.input@rcocdd.com; by fax to (714) 796-5200; or, through the United States Postal Service addressed to Patrick Ruppe Director of Services and Supports, Regional Center of Orange County, 1525 North Tustin Avenue, Santa Ana, California, 92705. In order to be considered, your input must be received by RCOC by November 19, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Larry Landauer'.

Larry Landauer
Executive Director

Enclosures: Draft RCOC Caseload Ratio Plan of Correction
Letter from DDS dated July 9, 2018
Sections 4640.6 of the Welfare and Institutions Code



REGIONAL CENTER
OF ORANGE COUNTY

November 9, 2018

Brian Winfield, Deputy Director
Department of Developmental Services
1600 9th Street
Sacramento, CA 95814

Dear Mr. Winfield:

In a letter dated July 9, 2018, the Department of Developmental Services (DDS) informed me that, based on caseload ratio data submitted to DDS on March 12, 2018, the Regional Center of Orange County (RCOC) did not meet required caseload ratios for clients enrolled on the Home and Community-Based Services Waiver; for clients who are under three years of age; for clients who have moved from the developmental centers to the community since April 14, 1993, and who have lived continuously in the community for more than 24 months; and, for clients who have not moved from the developmental centers to the community since April 14, 1993, and who are not under the age of three nor on the Home and Community-Based Services Waiver. A copy of the DDS letter is enclosed for your reference. This is RCOC's plan of correction as required in Section 4640.6 (f) of the Welfare & Institutions Code (W&I).

Letters or notices requesting input on this plan were sent to the regional manager of the State Council on Developmental Disabilities Orange County Office; all RCOC employees; and members of the Regional Center of Orange County's Vendor Advisory Committee. A notice was also posted on the RCOC's website requesting input from clients, family members, and community members. Copies of this draft, the July 9, 2018 letter from DDS, and Section 4640.6 of the W&I Code were included with each letter or notice. Copies of the letters and notices are enclosed with this draft.

For clients enrolled in the Home and Community-Based Waiver program, the caseload ratio in the RCOC March 2018 caseload ratio data report was 1 to 78.8 (the required caseload ratio is 1 to 62); for clients younger than three years of age the caseload ratio was 1 to 59.0 (the required caseload ratio is 1 to 62); for clients who have moved from the developmental centers to the community since April 14, 1993, and who have lived continuously in the community for more than 24 months the caseload ratio was 1 to 69.7 (the required ratio is 1 to 62); and, for clients who have not moved from the developmental centers to the community since April 14, 1993, and who are not younger than the age of three years nor on the Home and Community-Based Services Waiver, the caseload ratio was 1 to 80.6 (the required caseload ratio is 1 to 66).

In its letter dated July 9, 2018, DDS states parenthetically, "RCOC received additional Operations funding to maintain a one-to forty-five (1:69.7) ratio for an additional year for individuals who have moved from a developmental center". The purpose of this statement is not clear. For clients who have moved from a developmental center and have lived in the community for more than 24 months, the average RCOC caseload ratio is 1:69.7. For clients who have moved from a developmental center and have lived in the community for 12 to 24 months, the average RCOC caseload ratio is 1:8.9. For clients who have moved from a developmental center and have lived in the community for less than 12 months the average RCOC caseload ratio is 1:6.4. RCOC is in process of transitioning clients from Fairview Developmental Center because of its planned closure. Maintaining a lower caseload for clients recently transitioned from a developmental center is an RCOC priority.

From fiscal year 2010-11 to 2012-13, the operations allocations for RCOC were significantly reduced because of the effects of the recession on the state budget. Since the recession and state budget crisis, it has been exceedingly difficult to maintain caseload averages required in statute. RCOC has been out of compliance with one or more required caseload ratios since 2012.

RCOC continues to experience a tremendous rate of client growth. At the end of June 2017, the total number of clients being served was 20,517. By the end of June 2018, the total had grown to 21,277. This is a net increase of 760 clients in one year. RCOC would need to add approximately 12 more service coordinator positions just to cover the growth. I estimate that RCOC needs more than 60 additional service coordinator positions to be in full compliance with the applicable state statute. Every attempt is being made to hire additional service coordinators with the operations allocation provided by the state. In the past fiscal year we increased the amount of authorized positions and added 48 new service coordinators. For fiscal year 2018-19, RCOC plans to hire 42 new service coordinators along with necessary supervisory and support staff.

If you have questions please call me at (714) 796-5255.

Sincerely,



Larry Landauer
Executive Director

ENCLOSURES

c: Amy Westling, Association of Regional Center Agencies



Regional Center of Orange County

Caseload Ratio
Plan of Correction
Fiscal Year 2017-18

Caseload Ratio Plan of Correction

- ▶ Insufficient funding
- ▶ Regional Center of Orange County would need to hire 60 more service coordinators to be in compliance, at an annual cost of \$4.5 million



Lanterman Act Specifies Caseload Ratios

- ▶ 1 to 62 for all persons served three years of age and younger, and those we serve enrolled in the Home and Community-Based Services Waiver (HCBS) program, also known as Medicaid Waiver
- ▶ 1 to 66 for all other persons we serve



1 to 66 Eliminated for Five Years

- During the recession, from 2009 to 2014, the 1 to 66 ratio was eliminated
- Effective July 1, 2014, the requirement was reinstated



For Those Five Years

- Non-Early Start, non-Medicaid Waiver caseload ratios were higher – 1 to 100+
- Service Coordinator NCI ratings remained high

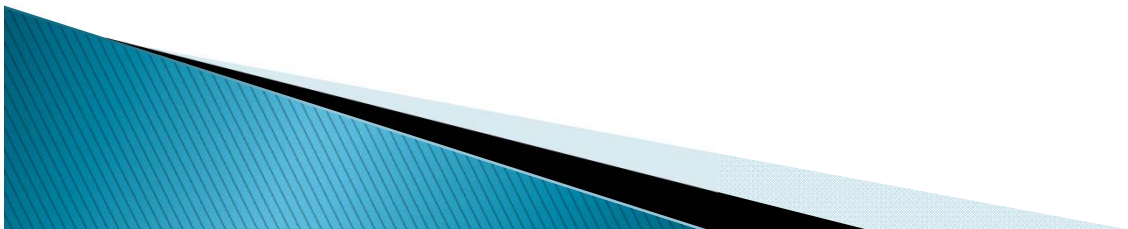
NCI Question	FY 2009-10	FY 2010-11	FY 2011-12
Has met SC	88%	94%	92%
SC asks what person wants	85%	88%	88%
SC helps get what person needs	89%	92%	88%
SC calls back right away	76%	66%	73%

The next graph shows the
way we work:

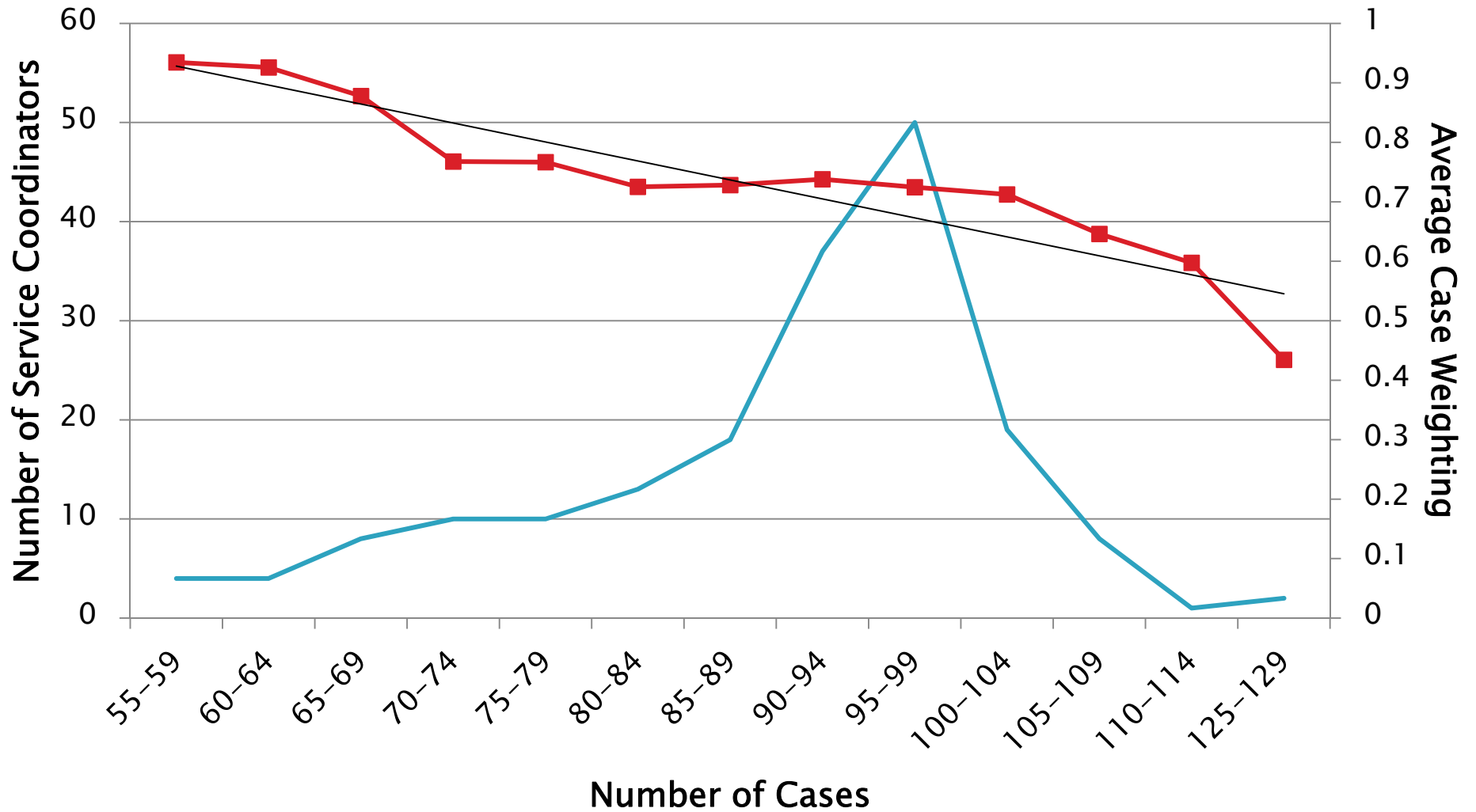
Workload (case weighting)

versus

Caseload (number of cases)

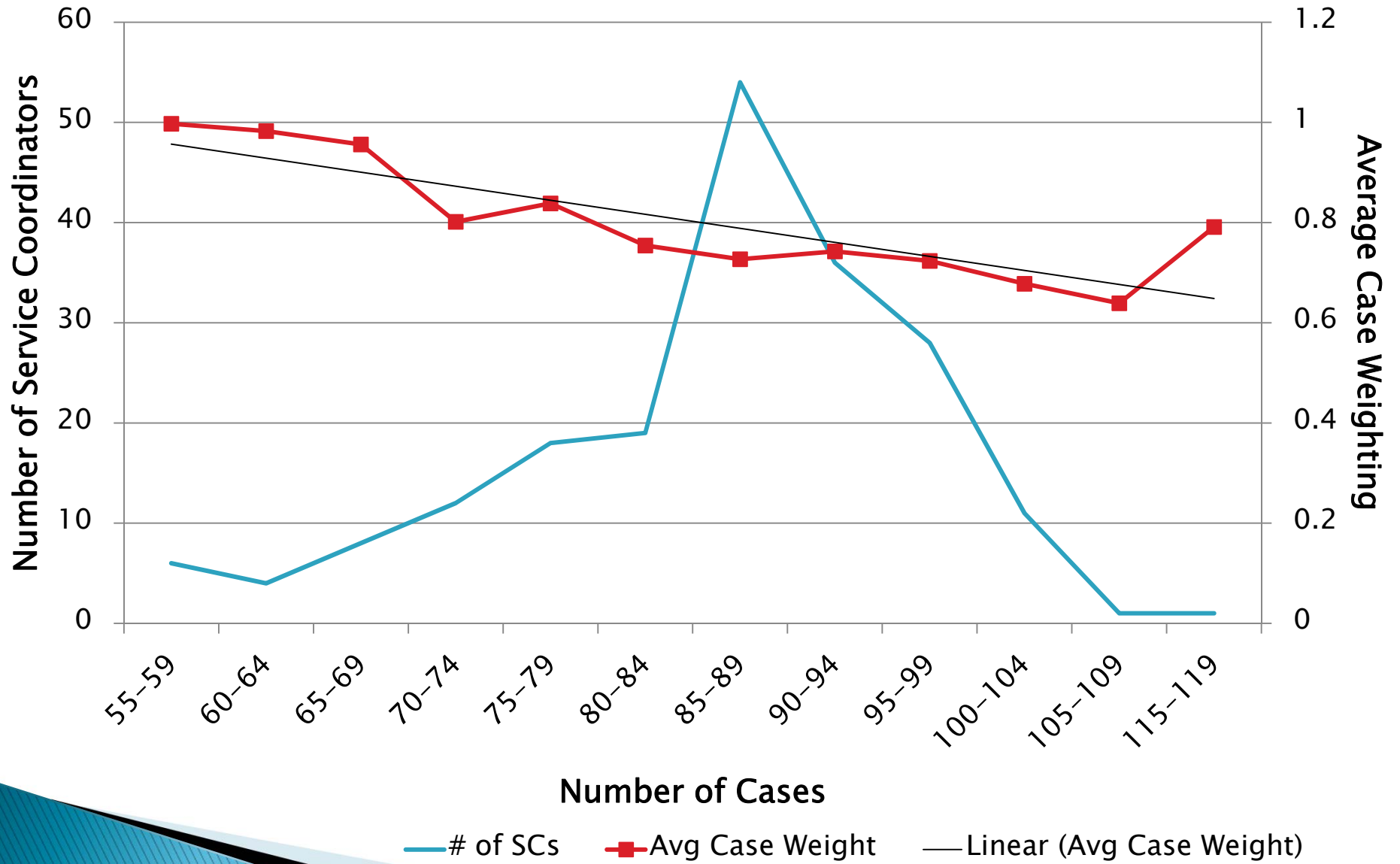


Caseload Assignments and Average Case Weighting as of May 18, 2017



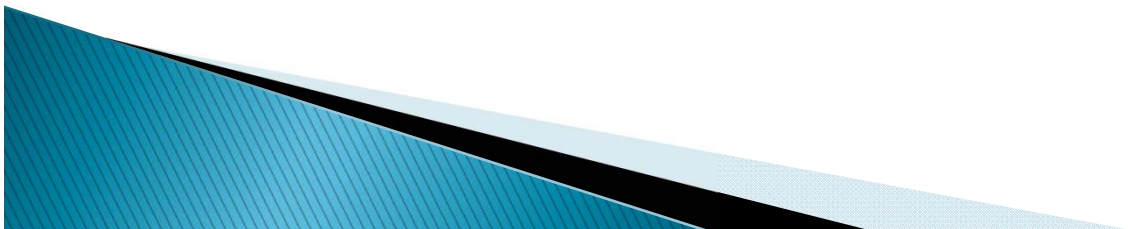
— # of SCs
 ■ Avg Case Weight
 — Linear (Avg Case Weight)

Caseload Assignments and Average Case Weighting as of June 15, 2018



Continuation of Higher Ratios

- ▶ Higher ratios have not reduced service to those we serve and families
- ▶ Allocation to regional centers is not enough for 1 to 66
- ▶ Would mean hiring 60 more service coordinators at an annual cost of \$4.5 million



Quality vs. Quantity

- ▶ Caseload size does not equal workload
- ▶ Better to have fewer service coordinators working efficiently and reward their good work



- ▶ DDS requires a plan of correction and will not approve higher ratios
- ▶ Plan of correction includes input from the community



Any Questions or Suggestions?



DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 320, MS 3-9
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1958



July 9, 2018

Larry Landauer, Executive Director
Regional Center of Orange County
P. O. Box 22010
Santa Ana, CA 92702-2010

Dear Mr. Landauer:

Thank you for your service coordinator caseload ratio survey emailed to the Department of Developmental Services (Department) on March 9, 2018. The data you provided indicates that as of March 1, 2018, Regional Center of Orange County (RCOC) did not meet the required caseload ratios for: 1) consumers enrolled on the Home and Community-Based Services Waiver; 2) consumers who have moved from the developmental centers to the community since April 14, 1993, and who lived continuously in the community for more than 24 months (RCOC received additional Operations funding to maintain a one-to-forty-five (1:45) ratio for an additional year for individuals who have moved from a developmental center); 3) consumers who have not moved from the developmental centers to the community since April 14, 1993, and who are not under the age of three nor on the Home and Community-Based Services Waiver. As you know, this ratio is mandated by Welfare and Institutions Code (WIC) section 4640.6, subd. (c). Based on caseload ratio data submitted to the Department in March 2017, RCOC was also out of compliance in one or more areas for that reporting period.

This letter is to notify you that, as specified in WIC section 4640.6, subd. (f), a plan of correction is required since RCOC failed to maintain the required service coordinator caseload ratios for two consecutive reporting periods. The plan of correction must be developed following input from the state council, local organizations representing consumers, family members, regional center employees, including recognized labor organizations, service providers, and other interested parties. In developing your plan, we recommend you hold a minimum of one public meeting, with at least 10 days advance written notice, to solicit input from the entities described above. With the plan of correction, please describe how input was incorporated from interested parties.

“Building Partnerships, Supporting Choices”

Larry Landauer, Executive Director
July 9, 2018
Page two

Please email your plan of correction within 45 days from the date of this letter to:

Maria Pena
Department of Developmental Services
Email: Maria.Pena@dds.ca.gov

The Department is available to provide technical assistance if you believe this would be helpful to RCOC in achieving the required service coordinator caseload ratios. If you have any questions, please contact Maria Pena, Assistant Chief, Regional Center Operations Section, at (916) 654-2205.

Sincerely,

Original signed by

BRIAN WINFIELD
Deputy Director
Community Services Division

cc: Alan Martin, Board Chair
Regional Center of Orange County, Inc.

Amy Westling, Executive Director
Association of Regional Center Agencies

State of California

WELFARE AND INSTITUTIONS CODE

Section 4640.6

4640.6. (a) In approving regional center contracts, the department shall ensure that regional center staffing patterns demonstrate that direct service coordination are the highest priority.

(b) Contracts between the department and regional centers shall require that regional centers implement an emergency response system that ensures that a regional center staff person will respond to a consumer, or individual acting on behalf of a consumer, within two hours of the time an emergency call is placed. This emergency response system shall be operational 24 hours per day, 365 days per year.

(c) Contracts between the department and regional centers shall require regional centers to have service coordinator-to-consumer ratios, as follows:

(1) An average service coordinator-to-consumer ratio of 1 to 62 for all consumers who have not moved from the developmental centers to the community since April 14, 1993. In no case shall a service coordinator for these consumers have an assigned caseload in excess of 79 consumers for more than 60 days.

(2) An average service coordinator-to-consumer ratio of 1 to 45 for all consumers who have moved from a developmental center to the community since April 14, 1993. In no case shall a service coordinator for these consumers have an assigned caseload in excess of 59 consumers for more than 60 days.

(3) Commencing January 1, 2004, the following coordinator-to-consumer ratios shall apply:

(A) All consumers three years of age and younger and for consumers enrolled in the Home and Community-based Services Waiver program for persons with developmental disabilities, an average service coordinator-to-consumer ratio of 1 to 62.

(B) All consumers who have moved from a developmental center to the community since April 14, 1993, and have lived continuously in the community for at least 12 months, an average service coordinator-to-consumer ratio of 1 to 62.

(C) All consumers who have not moved from the developmental centers to the community since April 14, 1993, and who are not described in subparagraph (A), an average service coordinator-to-consumer ratio of 1 to 66.

(4) For purposes of paragraph (3), service coordinators may have a mixed caseload of consumers three years of age and younger, consumers enrolled in the Home and Community-based Services Waiver program for persons with developmental disabilities, and other consumers if the overall average caseload is weighted proportionately to ensure that overall regional center average service coordinator-to-consumer ratios as specified in paragraph (3) are met. For purposes

of paragraph (3), in no case shall a service coordinator have an assigned caseload in excess of 84 for more than 60 days.

(d) For purposes of this section, “service coordinator” means a regional center employee whose primary responsibility includes preparing, implementing, and monitoring consumers’ individual program plans, securing and coordinating consumer services and supports, and providing placement and monitoring activities.

(e) In order to ensure that caseload ratios are maintained pursuant to this section, each regional center shall provide service coordinator caseload data to the department, annually for each fiscal year. The data shall be submitted in the format, including the content, prescribed by the department. Within 30 days of receipt of data submitted pursuant to this subdivision, the department shall make a summary of the data available to the public upon request. The department shall verify the accuracy of the data when conducting regional center fiscal audits. Data submitted by regional centers pursuant to this subdivision shall:

(1) Only include data on service coordinator positions as defined in subdivision (d). Regional centers shall identify the number of positions that perform service coordinator duties on less than a full-time basis. Staffing ratios reported pursuant to this subdivision shall reflect the appropriate proportionality of these staff to consumers served.

(2) Be reported separately for service coordinators whose caseload includes any of the following:

(A) Consumers who are three years of age and older and who have not moved from the developmental center to the community since April 14, 1993.

(B) Consumers who have moved from a developmental center to the community since April 14, 1993.

(C) Consumers who are younger than three years of age.

(D) Consumers enrolled in the Home and Community-based Services Waiver program.

(3) Not include positions that are vacant for more than 60 days or new positions established within 60 days of the reporting month that are still vacant.

(4) For purposes of calculating caseload ratios for consumers enrolled in the Home and Community-based Services Waiver program, vacancies shall not be included in the calculations.

(f) The department shall provide technical assistance and require a plan of correction for any regional center that, for two consecutive reporting periods, fails to maintain service coordinator caseload ratios required by this section or otherwise demonstrates an inability to maintain appropriate staffing patterns pursuant to this section. Plans of correction shall be developed following input from the state council, local organizations representing consumers, family members, regional center employees, including recognized labor organizations, and service providers, and other interested parties.

(g) Contracts between the department and regional center shall require the regional center to have, or contract for, all of the following areas:

(1) Criminal justice expertise to assist the regional center in providing services and support to consumers involved in the criminal justice system as a victim, defendant, inmate, or parolee.

(2) Special education expertise to assist the regional center in providing advocacy and support to families seeking appropriate educational services from a school district.

(3) Family support expertise to assist the regional center in maximizing the effectiveness of support and services provided to families.

(4) Housing expertise to assist the regional center in accessing affordable housing for consumers in independent or supportive living arrangements.

(5) Community integration expertise to assist consumers and families in accessing integrated services and supports and improved opportunities to participate in community life.

(6) Quality assurance expertise, to assist the regional center to provide the necessary coordination and cooperation with the state council, in conducting quality-of-life assessments and coordinating the regional center quality assurance efforts.

(7) Each regional center shall employ at least one consumer advocate who is a person with developmental disabilities.

(8) Other staffing arrangements related to the delivery of services that the department determines are necessary to ensure maximum cost-effectiveness and to ensure that the service needs of consumers and families are met.

(h) Any regional center proposing a staffing arrangement that substantially deviates from the requirements of this section shall request a waiver from the department. Prior to granting a waiver, the department shall require a detailed staffing proposal, including, but not limited to, how the proposed staffing arrangement will benefit consumers and families served, and shall demonstrate clear and convincing support for the proposed staffing arrangement from constituencies served and impacted, that include, but are not limited to, consumers, families, providers, advocates, and recognized labor organizations. In addition, the regional center shall submit to the department any written opposition to the proposal from organizations or individuals, including, but not limited to, consumers, families, providers, and advocates, including recognized labor organizations. The department may grant waivers to regional centers that sufficiently demonstrate that the proposed staffing arrangement is in the best interest of consumers and families served, complies with the requirements of this chapter, and does not violate any contractual requirements. A waiver shall be approved by the department for up to 12 months, at which time a regional center may submit a new request pursuant to this subdivision.

(i) From February 1, 2009, to June 30, 2010, inclusive, the following shall not apply:

(1) The service coordinator-to-consumer ratio requirements of paragraph (1), and subparagraph (C) of paragraph (3), of subdivision (c).

(2) The requirements of subdivision (e). The regional centers shall, instead, maintain sufficient service coordinator caseload data to document compliance with the service coordinator-to-consumer ratio requirements in effect pursuant to this section.

(3) The requirements of paragraphs (1) to (6), inclusive, of subdivision (g).

(j) From July 1, 2010, until June 30, 2013, the following shall not apply:

(1) The service coordinator-to-consumer ratio requirements of paragraph (1), and subparagraph (C) of paragraph (3), of subdivision (c).

(2) The requirements of paragraphs (1) to (6), inclusive, of subdivision (g).

(k) (1) Any contract between the department and a regional center entered into on and after January 1, 2003, shall require that all employment contracts entered into with regional center staff or contractors be available to the public for review, upon request. For purposes of this subdivision, an employment contract or portion thereof may not be deemed confidential nor unavailable for public review.

(2) Notwithstanding paragraph (1), the social security number of the contracting party may not be disclosed.

(3) The term of the employment contract between the regional center and an employee or contractor shall not exceed the term of the state's contract with the regional center.

(Amended by Stats. 2014, Ch. 409, Sec. 43. (AB 1595) Effective January 1, 2015.)