



APPEALS RESOLUTION POLICY

- I. **Purpose:** It is the intent of San Andreas Regional Center to ensure that all service requests receive proper consideration and to facilitate every avenue for due process, in compliance with all state and federal laws, regulations, and court decisions.
- II. **Definitions:**
 - **Consumer, individual, and person served are used interchangeably in regional center policy and the Lanterman Developmental Disabilities Services Act and mean a person who has been found eligible and receives services from the regional center.**
 - *Due process* means the steps of appeal guaranteed by law. This includes notices of proposed action, appeal requests, informal meetings, mediations, and hearings.
 - A *Notice of Proposed Action* (NOA) is a form provided to the person served and/or their representative when a regional center makes a determination that will affect their services or eligibility for services and with which they do not agree. The NOA must be sent in the person or representative's specified preferred literate language within five (5) business days of the regional center's decision, and must include the regional center's proposed action, why it believes that action is appropriate, and what facts and authorities give the regional center the ability to take that action.
 - A *Letter of Good Faith Belief* is a letter from the regional center following a decision that will affect a person's services or eligibility and which the regional center believes the person agrees to. The letter must be sent within five (5) business days in the person's or representative's specified preferred literate language and must include a description of the proposed action, the reason(s) the regional center believes the person agrees to the action and must include information on how to request an appeal.

- *Requests for Appeal* are submitted using the Lanterman Appeal Request form (DS1821), available from SARC and the Department of Developmental Services (DDS). The appeal may request an informal meeting, mediation, and/or a hearing, in person or by teleconference. The request for appeal must be submitted on or before sixty (60) calendar days from the date of receipt.
- *Informal meetings* are an opportunity for the person and their family, advocates, or representatives to meet with the executive director's designee to discuss the denial of their request and the reasons for the request.
- *Mediation* is a process where a neutral third-party acts as a facilitator for resolution of the appeal. Mediation is optional for the person and, if requested, the regional center must attend. Mediation may result in an interim or final agreement to resolve the appeal.
- *Fair Hearings*, also known as administrative or administrative law hearings, are informal judicial proceedings held in front of an impartial finder-of-fact known as an administrative law judge. The person or their representative may represent themselves or may engage an advocate or attorney to represent them. The regional center is represented by a non-attorney advocate known as the director's designee. Both sides will have the opportunity to provide evidence in the form of exhibits, testimony, and cross-examination.
- The *executive director's designee* is a regional center staff member designated by the executive director to represent the regional center during the appeals process. The designee is empowered to resolve appeals by overturning, modifying, or affirming regional center decisions if appropriate.

III. **Policy:** The regional center shall make every reasonable effort to ensure that people served are afforded the opportunity to appeal a decision regarding eligibility for or authorization of purchases of service by the regional center under the Early Start or Lanterman Act Services programs. Regional center staff shall facilitate the request for an appeal to DDS and, if appropriate, the Office of Administrative Hearings (OAH), and its resolution through the appeals process.

- IV. **Process:** When the regional center determines that it is appropriate to deny a request for authorization or eligibility for services, or to reduce or terminate an existing authorization or eligibility for services, the regional center shall provide adequate notice in clear, nontechnical language to the individual program plan (IPP) team. If the team agrees with that determination, the regional center shall confirm that agreement in writing via a signed IPP addendum and/or other written communication from the person and/or authorized representative, and in their preferred literate language.

If the regional center cannot confirm their agreement in writing within five (5) business days, the regional center shall issue a Letter of Good Faith Belief indicating the proposed action, the agreement and reason for the belief in that agreement, and the timeframe for implementing the agreement. This letter shall be issued in the preferred literate language of the person and/or their authorized representative and shall include information and documentation necessary to appeal the determination.

If the IPP team is not in agreement with the determination, or if the regional center cannot establish good faith belief that there is agreement, a Notice of Proposed Action shall be issued in the person's or their authorized representative's preferred literate language.

The notice shall state the proposed action the regional center has determined is appropriate, why it believes the IPP team agrees, and when the action shall take effect. If the action will affect an existing authorization or eligibility, the action shall not take effect until thirty (30) days from the date of the notice. The notice shall be sent within five (5) business days of making the determination and shall include information and documentation necessary to appeal the determination. For children who have been determined not to be eligible for Lanterman Act Services while receiving services as Provisionally Eligible, existing authorizations shall continue until the appeal is resolved; however, new requests shall not be considered. Authorizations for services for children aging out of the Early Start Program cannot be continued when appealing eligibility for Lanterman Act Services.

The person and/or their authorized representative has sixty (60) calendar days to appeal the determination. Appeals regarding existing authorizations or eligibility that are received within thirty (30) calendar days of receipt of the notice shall suspend the proposed action until the appeal process is resolved.

The regional center shall provide technical assistance to facilitate the submission of an appeal to the Department of Developmental Services, as necessary. Once the appeal is received from the Department, the regional center shall assign a designee to resolve the appeal. The regional center shall not consult with or engage an attorney for the appeal unless the person or their authorized representative is educated and/or licensed to practice as an attorney or has retained one for the purposes of the appeal. The designee shall be available to the person and/or authorized representative to provide technical assistance with the appeal process.

An appeal may request an informal hearing, mediation, and/or a fair hearing. The appeal request may be modified at any time; for example, a person who requests an informal hearing but is not satisfied by the proposed resolution may modify their request to include a fair hearing. An appeal does not require mediation; however, in the event one is requested, the regional center must agree to attend. The appeal must be modified within 60 days following any decision from the requested informal hearing or mediation, or it shall be administratively closed. For appeals where an existing authorization or eligibility is at issue and where only informal hearing or mediation were held, the proposed action shall be enacted in ten (10) days from receipt of the informal hearing decision or the mediation, unless a request to modify the appeal is made within three (3) calendar days or as otherwise specified in an interim or final mediation agreement.

In the event an appeal results in a final decision regarding an existing authorization or eligibility for services, the regional center shall implement the decision after fifteen (15) calendar days. If the final decision is in the person's favor regarding a new request for authorization or eligibility, the decision shall be implemented no later than thirty (30) calendar days from receipt by the regional center. The regional center reserves all rights to appeal a final or proposed decision to the Office of Administrative Hearings, DDS, or Superior Court, as appropriate.

Board Adopted June 15, 2026