

2005 W&I Section 4731

Public Log

Date Rec'd	RC Log #	Description of Complaint	Outcome	Statutory Due Date	Date Closed
2/9/05	05-001/SDRC	<p>1. The medicine cabinet was unlocked and the residents had access to the key. The Complaint alleged: 2. he had to be out of the residence between 10:00 AM and 2:00 PM; 3. request to shower in the morning was denied; 4. while absent from the facility, his bed was used for respite without his permission.</p>	<p>Issue 1: The Administrator failed to assure that the Complainant and other residents were free from harm, per CCR, Title 22, section 80072, prior to the April 16, 2004, meeting when the medicine cabinet key was found to be accessible to the home residents, and the Complainant was found to be storing his vitamins in his room with out a CCL approved plan. Further, the Administrator and the SDRC SC failed to fulfill their mandatory special incident reporting per CCR Title 17 sections 56027 (a) and 54327.1. Issue 2: Because of the conflicting statements there is insufficient evidence to substantiate a rights violation. Issue 3: Outside the scope of DDS. Issue 4: Due to the lack of evidence regarding this accusation, a rights violation is not substantiated.</p>	03/26/05	03/22/05

Date Recd	RC Log #	Description of Complaint	Outcome	Statutory Due Date	Date Closed
2/23/05	05-002/WRC	<p>The Petitioner requested that WRC be independently assessed by another regional center for compliance with governing laws, and provide him with its detailed written assessment within ten working days. The Petitioner does not agree with the continuation of the service coordinator (SC) and wants her replaced with an alternate person. The Petitioner requested a comprehensive review of both the Complainants' Individual Program Plan (IPP). The Petitioner requested that WRC provide written notification to all parents and their authorized representatives of all future meetings to develop or revise the Complainants' IPP. The Petitioner alleged that the IPP process practiced since 2001, by WRC is flawed, deceptive, and illegal. The Petitioner wants WRC to petition to the court to disregard letters sent to the court by WRC regarding conservatorship authority. The Petitioner requested that respite services provided to the mother of the Complainants in the years 2001-2005 be provided to the Petitioner equal to half the value in cash reimbursement or in compensatory services in the future. The Petitioner requested the Director of WRC or another director of</p>	<p>Issue 0: DDS found no violation by WRC. Issue 1: WRC should have attempted to mediate this dispute toward an agreement among all involved parties to achieve the intent of section 4647(b). Issue 2: WRC was not in compliance with Section 4646(b), Section 4646(e), 4646(g), and 4646.5(a)(1). Issue 3: It is DDS' expectation that now that the Petitioner has made a request for a meeting notice, WRC will provide such notices in accordance with Section 4646(e). Issue 4: WRC did not comply with the provisions in Probate Code, Section 1827.5(d) assigned to the regional centers. Issue 5: The appropriate mechanism for this issue is the fair hearing appeals procedure described in Section 4700 et seq. Issue 6: WRC was not in compliance with 4646(g). Issue 7: DDS mailed the last three annual Section 4731 Annual Complaint Logs to the Petitioner on February 24, 2005. DDS Issue: WRC is not in compliance with Section 4731(b).</p>	04/09/05	04/15/05

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2/25/05	05-003/SDRC	<p>One resident who has a history of violent outbursts has not only made the residents fearful but also compromised their freedom. They are often remanded to isolation in their rooms for extended periods, for their own safety. There is a house rule that all residents must be out of the house during certain hours. The home is dirty and laundry is not being done. The Complainant) was yelled at; felt threatened; and was coerced into signing a thirty-day notice.</p>	<p>Issue 1: Rights violation unsubstantiated for this issue. Issue 2: There is insufficient evidence to substantiate a rights violation for this complaint. Issue 3: This issue is closed, per the Petitioner's request. Issue 4: There is insufficient evidence to substantiate a rights violation for this issue.</p>	04/11/05	04/18/05
2/28/05	05-004/SDRC	<p>(The Complainant) was made to accompany the house parent and her family to their church. (The Complainant) was required to sleep on a sofa in the den while she was receiving out-of-home respite services from Special Friends Foundation. Alleged mental abuse of the Complainant.</p>	<p>Issue 1: Based on the evidence presented, SFF did not comply with section 4502.1, and CCR, Title 17, section 50510 (a)(4). Issue 2: The licensing agency with oversight of the SFF facility is the appropriate agency to address this issue.</p>	04/14/05	04/22/05
3/4/05	05-005/NBRC	<p>NBRC will not correct misinformation in files, because the file is closed.</p>	<p>Not in jurisdiction. Son is not a current consumer of regional center. Sent this case to DDS Community Operations Division for review.</p>	04/18/05	03/17/05

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3/18/05	05-006/NBRC	Petitioner requests change of regional center outside catchments area of Complainants residence.	Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700.	05/02/05	04/11/05
4/18/05	05-007/ELARC	Threats to discontinue services unless the service provider agreed to falsify progress reports.	Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700.	06/02/05	04/26/05
5/5/05	05-008/ACRC	ACRC willfully violated federal and state privacy and confidentiality rights. The Petitioners filed 13 related complaints. Issues 1,2,3,4,5, and 11, were addressed. DDS determined that issues 6,7,8,9,10, and 13 were wither not initially filed with ACRC, or were issues pertaining to services and supports.	Issue 1: ACRC did violate HIPAA [45 CFR Section 164.502(e)(2)], and section 4514. No other violations were noted or were not within DDS authority under the section 4731 complaint process.	06/19/05	06/14/05

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5/19/05	05-009/ACRC	Son is living in and unsafe and unstable environment.	Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700.	07/03/05	05/25/05
5/2/05	05-010/ACRC	Complaint against regional center employee.	Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700.	06/16/05	06/07/05
6/1/05	05-011/RCRC	RCRC fails to provide agreed upon services to son.	Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700.	07/16/05	06/07/05

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5/6/05	05-012/WRC	<p>0. WRC is in noncompliance of 4731. 1. WRC failed to provide adequate notice. 2. WRC failed to provide access to records. 3. WRC failed to reimburse the complainant as agreed. 4. WRC reversed reimbursement. 5. WRC failed to deliver notice of action by certified mail. 6. WRC is punishing the complainant by not reimbursing the complainant due to complaints.</p>	<p>Withdrawn by the complainant. WRC reached a settlement with</p>	06/20/05	05/31/05
9/19/05	05-013/RCOC	<p>Issue 1: Services need to remain in the natural environment. Issue 2: Services need to remain with RCOC and not be transferred to CSS.</p>	<p>Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700. Currently being reviewed by the Office of Administrative Hearings. L2205090448</p>	11/03/05	09/26/05

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8/29/05	05-014/FNRC	<p>Issue 1: Discouraging consumers, through intimidation or coercion tactics, from attending People First meetings and trying to start a separate chapter of People First for Plumas Rural Services (PRS) clients, which PRS staff would have primary control over; Issue 2: Discouraging consumers, through intimidation or coercion tactics, from participating in activities at Lighthouse Living Services; Issue 3: Violating client confidentiality by discussing a consumer's mental health and personal life with other consumers and people in the community; Issue 4: Threatening consumers with a lawsuit or arrest when allegations were made regarding inappropriate behavior by one of their employees and her spouse.</p>	<p>Issue 1: DDS staff concluded that PRS staff harassed and intimidated complainant 1, violating section 4502(h). This issue did not apply to Complainant 2 or Complainant 3. Issue 2: DDS staff concluded that PRS staff harassed and intimidated the Complainant 2, violating section 4502(h). No violation noted for Complainant 1 and complainant 3. Issue 3: No rights violation noted. Issue 4: DDS concluded that PRS staff "illegally" threatened Complainant 2, violating section 4502(h). This issue did not apply to Complainant 1 or Complainant 3.</p>	10/13/05	10/11/05

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9/23/05	05-15/CVRC	<p>Issue 1: The Petitioners are concerned that the Section 4731 investigation was biased. Issue 2: The Petitioners allege that the Complainant's rights under Section 4503(c) visitation were violated. Issue 3: The Petitioners allege that the Facility underestimated the Complainant's rash and denied the Complainant prompt medical treatment. Issue 4: The Petitioners allege that the Complainant's rights under Section 4503(d) were violated because he was denied access to a telephone.</p>	<p>Issue 1: No violation substantiated. Issue 2: The Facility and CVRC are in violation of Section 4503(c), 4504, and CCR Title 17, Section 50530-50532, and the Facility is also in violation of Title 22, Section 102419(e). Issue 3: DDS concludes that the Facility did not provide prompt medical treatment and therefore is in violation of Section 4502(h). Issue 4: No rights violation substantiated.</p>	11/07/05	10/31/05

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10/27/05	05-16/ELARC	<p>1. The regional center violated the Complainant's right to adequate notice for termination of services.</p> <p>2. The regional center violated the Complainant's right to due process by failing to provide adequate notice.</p> <p>3. The regional center disregarded the Complainant's Administrative Decision that ordered supported living services dated March 2004, and terminated her services effective January 1, 2005. To date, supported living services have not taken place.</p> <p>4. The regional center failed to provide adequate services by denying vendorization for [REDACTED] as the Petitioner was providing the direct care and could not be a venter and reimburse herself. No reimbursement for services provided since January 1, 2005.</p>	<p>Issues raised are not within the jurisdiction of the W&I Code 4731 complaint process, because this process specifically excludes disputes concerning the nature, scope, or amount of services. The appropriate mechanism is the fair hearing appeals procedure under W&I Code 4700. Currently being reviewed by the Office of Administrative Hearings.</p>	12/11/05	11/17/05
10/31/05	05-17/PDC	<p>1. The Complainant has been neglected and at times receives no daily hygiene. 2. The Complainant suffered assault and battery by two PDC staff on August 27, 2005.</p>	<p>Issue 1: There is no corroborating evidence to substantiate the allegation that "The Complainant has been neglected and at times receives no daily hygiene." Issue 2: DDS finds that the allegation of abuse against the Complainant by PDC staff on August 27, 2005, is substantiated.</p>	12/15/05	12/06/05