



Golden Gate Regional Center

Serving people with development disabilities since 1966

Golden Gate Regional Center Board of Directors Whistleblower Policy: Transparency, Complaints and Appeals

It is the policy of the Golden Gate Regional Center (GGRC) Board of Directors to encourage openness and transparency in communicating with the people we serve and their families, service providers and GGRC staff. The statutory scheme of the Lanterman Developmental Disabilities Services Act, its supportive regulations and directives from the Department of Developmental Services (DDS), provide the framework for this policy. The policy provides opportunities for GGRC's board members, officers, employees, vendors/contractors and other key individuals to report any good faith concerns of illegal, unethical or other inappropriate activity without fear of reprisals.

TRANSPARENCY

Public Meetings

Anyone included in the above description may bring issues, including complaints, directly to the GGRC Board of Directors at the Board's regularly scheduled public meetings. The Board of Directors is required to give adequate notice of meetings and allow for public input as a part of these meetings. You will find a schedule of the dates and times of these meetings on the GGRC website.

Welfare and Institutions Code Sections 4660 and 4661

Access to Records

Every person with developmental disabilities served by GGRC, and/or their authorized representative, has the right to inspect, review, and obtain accurate copies of any information maintained by GGRC that is directly related to the person. This right also applies to a person who is believed to have a developmental disability.

Welfare and Institutions Code Section 4725 et seq.

COMPLAINTS

Complaint of Human Rights Violations

Any individual served by GGRC and/or any representative acting on behalf of an individual may file a complaint indicating that GGRC has abused, punitively withheld, or improperly or unreasonably denied rights. This complaint cannot be related to the nature, scope or amount of services or supports that should be included in the Individual Program Plan.

Welfare and Institutions Code Section 4731.

For information relating to the appeals process, refer to *Welfare and Institutions Code Section 4700 et seq.*

The GGRC Executive Director shall investigate any complaints and send a written proposed resolution within 20 days of receiving a complaint to the complainant and, if applicable, to the service provider.

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Complaints of Improper Activities

It is the intent of the GGRC Board of Directors that this policy encourages and enables any person to raise serious complaints about illegal and/or unethical actions in the local system of services.

It is the responsibility of each and every GGRC director, officer and employee to report any improper activity, including any illegal or unethical activity, to the GGRC Compliance Officer, i.e., the Executive Director or his/her designee. If the activity in question involves the Executive Director, the improper activity may be reported to any member of the Executive Committee of the Board of Directors.

All other parties wishing to may file a complaint with the designated Compliance Officer if they have information of unethical or illegal activity by the regional center or its employees, vendored providers or persons served by the regional center (individuals, conservators or guardians). Complaints must be made in good faith, ensuring the information disclosed is accurate and indicative of a violation.

All complaints will be investigated promptly and appropriate corrective action taken. All necessary actions taken as a result of an investigation will be reported to the Board of Directors.

If a complaint is filed with the designated Compliance Officer, against GGRC's accounting, fiscal, internal controls or auditing, an investigation overseen by the independent auditors and the Chief Financial Officer will be conducted. The findings of the investigation will be submitted to the Compliance Officer and reported to the Board of Directors.

Reports of improper activity will be kept confidential, to the extent possible, to be consistent with the need to conduct a proper investigation and as required to protect the health and/or safety of the individuals served. All employees involved in the investigation are required to treat the matter confidentially according to the GGRC employee guidelines. All other parties involved in the investigation are expected to treat the matter with the strictest confidence.

No GGRC director, officer, employee or provider who reports any improper activity in good faith shall suffer retaliation or adverse employment consequences for reporting such activities. Any employee who retaliates against an individual who has made such a report is subject to disciplinary action up to and including immediate termination of employment.

Complaints to the Department of Developmental Services of Improper Regional Center or Vendor/Contractor Activity

Any person may file a complaint with the Director of the Department of Developmental Services (DDS). Regional center or vendor/contractor whistleblower complaints are defined as the reporting of an "improper regional center or vendor/contractor activity."

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- ♦ An "improper regional center activity" refers to an activity by a regional center, or an employee, officer, or board member of a regional center, in the conduct of regional center business, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetence, or inefficiency.
- ♦ An "improper vendor/contractor activity" refers to an activity by a vendor/contractor, an employee, officer, or board member of a vendor/contractor, in the provision of a DDS-funded service including a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or gross misconduct, incompetence, or inefficiency.

The Department of Developmental Services (DDS) has a variety of complaint and appeal processes available to vendors/contractors, agencies, facilities, parents, and persons served. These include Consumer Rights Complaints, Early Start Complaints, Due Process Requests, Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments. For a complete list, refer to the DDS website <http://www.dds.ca.gov/Complaints/Home.cfm>. Each of these complaint and appeal processes has separate and distinct procedures for resolution. This process directive relates only to the regional center or vendor/contractor whistleblower complaints as described above.

Confidentiality

The Department of Developmental Services (DDS) will maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, in the rare circumstances where DDS is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of persons served and regional center contract compliance), the Department will attempt to inform the complainant of its need to disclose certain information prior to releasing identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

About Filing a Complaint

DDS will need a clear and concise statement of the improper activity and any evidence available to support the allegation.

If a name or other information (witnesses or documents) that clearly identifies the person alleged to have acted improperly, and the regional center or vendor/contractor that employs the person, are not provided, DDS may not have sufficient information to investigate. Copies of documents, rather than originals, should be submitted, as they cannot be returned.

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Complaints may be filed anonymously, however, if insufficient information is provided and there is no means to contact the filer, DDS may not be able to investigate the allegations.

How to File Whistleblower Complaint:

A complaint may be filed by contacting:

- Community Operations Division (916) 654-1958 (916) 654-1987 FAX
1600 9th Street, Room 320, MS 3-9
Sacramento, CA 95814
- Community Services and Supports Division (for Early Start program services)
(916) 654-2716 (916) 654-3020 FAX

APPEALS

Appeal of Individual Decision

All individuals, who are served by GGRC, and their guardians or conservators, may appeal any decision made by the agency. If they do not agree with the decision of the appeal, they are entitled to pursue a fair hearing. Reasons for an appeal may include eligibility determinations and disputes concerning the nature, scope or amount of services or supports that should be included in the Individual Program Plan (IPP).

Welfare and Institutions Code Section 4700 et seq.

Appeal of Decisions Impacting Service Providers

Any vendored service provider or applicant for vendorization, may file an appeal under the California Code of Regulations, Title 17, Division 2, Chapter 3 – Government Services, SubChapter 2, Vendorization, Article 5 – Vendorization Appeal.

Any of the following actions may be appealed to the GGRC Executive Director:

- (1) Denial of a vendorization application.
- (2) Failure of the vendoring regional center to comply with the provisions of these regulations.
- (3) Findings of non-compliance as specified in section 54370 of Title 17.

The vendor must file an appeal with the Executive Director of GGRC within thirty (30) days of receipt of written notification of action by GGRC. If a vendor wishes to have termination of vendorization stayed pending appeal, such appeal must be made prior to the end of the first working day after receipt of written notification of the proposed termination from GGRC.

If the appeal is not filed within the time specified, it shall be denied unless good cause is determined by the GGRC Executive Director or his/her designee.