

**Golden Gate Regional Center
Board of Directors
Policy on Complaints and Appeals
Approved on October 18, 2011**

Philosophy on Complaints and Appeals

The Golden Gate Regional Center (GGRC) Board of Directors (hereafter called “Board” or “GGRC Board”) believes that everyone has a right to be heard and their legitimate issues addressed when they believe that Golden Gate Regional Center has acted illegally, irresponsibly, or has in any way violated an individual’s rights, systemically violated human rights, or engaged in improper activities. In addition, the GGRC Board of Directors believes that publically funded entities (e.g., the Governor’s office, the Administration, legislators and regional center-contracted service providers) have a responsibility to respond to complaints and appeals made in good faith.

Policy on Complaints and Appeals

The GGRC Board of Directors adopts the following policies in compliance with law, noted in the text, in order to assure everyone has access to a mechanism for review, investigation and resolution of complaints and appeals.

Current employees and board members will receive a copy of the policy within 30 days of the effective date. New employees upon hire and individuals newly appointed to the Board will receive a copy of the policies on their first day, and annually thereafter. Employees are able to review the policy on the GGRC Office Information Center (OIC) at any time. This policy is also posted on GGRC’s website at www.ggrc.org.

**Appeals and Complaints to Golden Gate Regional Center
of Improper Regional Center or Vendor/Contractor Activity**

Policy and Procedure: Appeals by Individuals Served

Individuals served by GGRC and their guardians or conservators may appeal a decision made by the agency through the fair hearing process. If they do not agree with the outcome of the appeal, they may pursue judicial review in a court of competent jurisdiction within 90 days of the appeal decision. Reasons for an appeal include: Eligibility determinations and disputes concerning the nature, scope or amount of services or supports that are included in the Individual Program Plan (IPP)/Individual Family Service Plan (IFSP).

IPP - Welfare and Institutions Code Section 4700 et seq.

IFSP - Code of Federal Regulations Section 303.420 and California Code of Regulations Section 52172.

Policy and Procedure: Appeals by Service Providers

Vendored service providers or applicants 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.

The following actions are 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.

A 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. 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.

Policy and Procedure: Complaints regarding Human Rights

All individuals served by GGRC and/or representatives 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 complaints and send a written proposed resolution to the complainant and, if applicable, to the service provider, within 20 days of receiving the complaint.

Policy and Procedure: Complaints of Improper Activities

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

It is the responsibility of a GGRC board member, officer and/or employee to report improper activity, including any illegal or unethical activity, to the GGRC Compliance Officer (e.g., the Executive Director or his/her designee.) If the activity in question involves the Executive Director, the improper activity must be reported to a member of the Board Executive Committee.

Individuals having information of unethical or illegal activity by the regional center, its employees, vendored providers or persons served by the regional center (e.g., individuals, conservators or guardians) may file a complaint by putting their concerns in writing with detailed information (e.g., individuals involved and specific actions) and mail it, with copies of any supporting documentation, to the following address:

Principal Address:

Golden Gate Regional Center
Attention: Compliance Officer
875 Stevenson Street, 6th Floor
San Francisco, CA 94103

Individuals may also mail their complaint to the GGRC Board Executive Committee at the following address:

Golden Gate Regional Center
Attention: Board of Directors Executive Committee
875 Stevenson Street, 6th Floor
San Francisco, CA 94103

All written complaints will be acknowledged and investigated promptly and appropriate corrective action will be taken, if warranted. All necessary actions taken as a result of an investigation will be reported to the Board of Directors. GGRC will not retaliate against an individual who has made a complaint against GGRC, its employees or vendors.

If a complaint is filed with the designated Compliance Officer against GGRC's accounting, fiscal, internal controls or auditing, an investigation overseen by 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 privacy, health and/or safety of individuals served. All employees involved in the investigation are required to treat the matter confidentially according to GGRC Employee Handbook. All other parties involved in the investigation are required to treat the matter confidentially.

No GGRC board member, officer, employee or provider who reports improper activity in good faith shall suffer retaliation or adverse employment consequences for reporting such activities. GGRC will promptly investigate all claims of retaliation and take appropriate corrective action, if warranted. An employee who retaliates against an individual that reports an improper activity is subject to disciplinary action 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."

- ◆ An "improper regional center activity" refers to an activity by a regional center, regional center employee, officer, or board member in the conduct of regional center business that violates State or Federal law or regulation, 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 execution of a DDS-funded service (e.g., a violation of State or Federal law or regulation, 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 vendor/contractors, agencies, facilities, parents/conservators, and persons served. These processes include, but are not limited to, the following: 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>. Both the complaint and appeal processes have 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 (e.g., ensuring the health and safety of persons served and regional center contract compliance), the Department will attempt to inform the complainant of the 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 with DDS

Send DDS a clear and concise statement of the improper activity and 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 name of 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.

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) 654-3641 FAX
1600 9th Street, Room 320, MS 3-9
Sacramento, CA 95814
- Community Services and Supports Division (for Early Start program services)
1600 Ninth Street, Room 340, MS 3-24
Sacramento, CA 95814
(916) 654-2716 (916) 654-3020 FAX