



DEVELOPMENTAL DISABILITIES AREA BOARD 10

Protecting and Advocating for Persons with Developmental Disabilities in Los Angeles County

Testimony to the Senate and Assembly Human Services Committees

JOINT OVERSIGHT HEARING Oversight of California's Regional Centers November 4, 2010

Developmental Disabilities Area Board 10 (Area Board 10) is charged with protecting the legal, civil and service rights of people with developmental disabilities who reside in Los Angeles County. Los Angeles County is home to over 60,000 residents with developmental disabilities who are served by one of the seven regional centers in our county.

As one of the first lines of contact for advocacy assistance, area boards are uniquely positioned to observe the relationships between consumers, their families, provider agencies and the regional centers. We receive calls, nearly daily, from families who are encountering difficulty in accessing services that they believe are necessary. Many area board staff have themselves worked for a regional center and/or a service provider. We are well aware of the strengths and weaknesses of California's developmental services system. As such, we are pleased to have the opportunity to comment on the California State Auditor report on DDS and the regional center system.

Although the report focuses primarily on the business practices and relationships between regional centers and service providers, it is important to note that consumers are directly impacted by those practices and therefore, their perspective is as important as those of regional center staff and provider staff. The developmental services system exists after all to provide services to people with developmental disabilities so that they can thrive in their families and be productive members of their community. To the extent that the service delivery system provides quality, cost-effective and timely services that accomplish those goals, we can be assured that taxpayer dollars are being used wisely.

Unfortunately it has been our experience that the language contained in the Lanterman Act does not always comport with reality. "Choice", "individualized program planning" and "person-centered planning" are cornerstones of the Lanterman Act. But too often, the reality is far more constricted. A few examples may illuminate this point.

Each regional center catchment area typically contains hundreds of providers who offer a variety of services. Additionally, a regional center may purchase services from any vendor, including one operating in a neighboring regional center area. In theory then, a consumer would have many options, especially in a dense urban area like Los Angeles.

But in reality, some regional centers will permit consumers to utilize only a limited number of preferred providers. Some regional centers will only permit consumers to utilize vendors of that regional center, even if a highly successful, cost effective provider is available five minutes from the consumer's home, but just outside that catchment area.

The process by which a service provider is identified to deliver a specific service is often shrouded in mystery and certainly not consumer-friendly. Families are rarely informed of their options or rights. Additionally, each regional center has its own service standards and management structure all of which make it difficult for families to navigate or to advocate effectively for their loved ones.

Another timely example of the lack of transparency in the service system is that in Fiscal Year 2010-2011 DDS implemented a significant change in the allocation methodology by which regional centers are funded to purchase services for consumers (known as the Purchase of Service budget – POS) Under pressure from some regional centers who claim that other regional centers are spendthrifts, DDS in partnership with ARCA but with no Legislative oversight, embarked on a plan to standardize allocations using a per capita formula. There was apparently no consideration of regional differences or rate differences. Our point is not that this change is improper but that these significant changes, which will directly impact the delivery of service to consumers, are made behind closed doors.

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We believe that one of the most effective ways to make the service system more responsive to consumers and their families is for the Legislature to affirmatively direct DDS to move forward with the expansion of the Self-Directed service model, which has been stalled within DDS for years. Executed properly, Self-Directed services would offer greater consumer control and choice while promoting free market competition, and ensuring cost effectiveness, even cost savings. All together, a win for consumers, a win for business and nonprofits and a win for California's taxpayers.

We also urge the Legislature to investigate methods by which DDS can be empowered and required to strengthen its oversight of regional center operations, policies and practices. The regional center system now expends in excess of \$4 billion in taxpayer funds yet DDS continues to maintain that, despite existing contracts with each regional center, they are limited in their ability to fully monitor how those taxpayer funds are expended. And more importantly, they claim to be unable to oversee regional centers even when there is evidence of inadequate or improper delivery of services to consumers.

We appreciate that the Senate and Assembly Human Services Committees take seriously that California must act responsibly in discharging its mandate to assist and support people with developmental disabilities. We urge you to treat this Oversight Hearing as one step in the process of bringing all stakeholders, especially people with disabilities and their loved ones, together to modernize and improve upon a valuable and valued service system.

Sincerely,

Marilyn Barraza
Chairperson

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