

SAN ANDREAS REGIONAL CENTER  
FAIR HEARING PROCESS

*What issues may be appealed through a fair hearing ?*

Any decision by the regional center that the applicant, consumer, parent of a minor, conservator or authorized representative believes to be illegal, discriminatory, or not in the best interests of the applicant or consumer.

*Who has the right to request a fair hearing?*

Any applicant, consumer, parent of a minor, conservator or authorized representative can request a fair hearing. The person who requests a fair hearing is referred to as a claimant.

Notice of Action.

The regional center must send a Notice of Action (NOA) to an applicant, consumer, parent of a minor, conservator or authorized representative in the following situations:

- *A 30-day prior notice is required before the Regional Center may reduce, terminate or change any existing service.*
- *A 30-day prior notice is required if the Regional Center believes that the consumer is no longer eligible.*
- *A 5-working-day notice is required when the regional center decides not to add a requested service to the Individual Program Plan.*
- *A 5-working-day notice is required when the regional center determines that an applicant is not eligible*
- *A 10-day notice is required after the regional center reduces, changes or terminates a service due to health and safety conditions.*

The regional center must always attach *A Fair Hearing Request Form* to any Notice of Action.

*Aid Paid Pending (Continuation of Services)*

The regional center will continue to fund an existing service on the stated Individual Program Plan (IPP) throughout the fair hearing process, if a request for a fair hearing is postmarked or received by the regional center no later than *10 days* after the applicant, consumer, parent of a minor, conservator or authorized representative receives the Notice of Action.

*Optional Informal Meeting*

The director's designee is required to hold an informal meeting to attempt to resolve the issue or dispute if requested by the claimant. The directors designee sends a written decision to the claimant within five calendar days of the meeting.

If the claimant is satisfied with the decision from the informal meeting or chooses not to proceed with the fair hearing, the regional center implements the decision 10 days after the claimant submits a Notice to Withdraw the Fair Hearing Request form.

If the Claimant does not submit the Notice to Withdraw the Fair Hearing Request, the appeal proceeds to an independent state agency for a fair hearing, or optional mediation.

#### *Optional Mediation*

The claimant can request mediation with an independent state mediator. The regional center has 5 working days from the request to accept or decline mediation.

The mediation meeting is held within 20 days of the date that the regional center receives the fair hearing request.

If the issue is resolved in mediation, the mediator prepares a written resolution which goes into effect 10 days after the claimant submits a Notice to Withdraw the Fair Hearing Request.

If the claimant does not submit the Notice to Withdraw the Fair Hearing request, the appeal proceeds to an independent state agency for a fair hearing.

#### *When and where do I send my Fair Hearing Request form?*

The request form must be sent to Santi Rogers, Executive Director of San Andreas Regional Center, within 30 days of receipt of a Notice of Action.

#### *Fair Hearing*

The fair hearing is held within *50 days* of the date that the regional center receives the fair hearing request.

The parties must exchange documents and witness lists at least *5 days* before the hearing.

The hearing is convened by an independent hearing officer. The hearing is conducted in English. An interpreter is provided if needed.

The hearing officer must send the parties the fair hearing decision *10 days* after the hearing and no later than *80 days* from the date that the regional center received the fair hearing request. The decision is implemented *within 10 days* unless Superior Court grants a stay.

If the decision involves services provided under Medicaid Waiver, the decision must be reviewed by the Director of Health Services.

Either party may appeal to the Superior Court within *90 days* of the decision.

#### *Rights*

The person requesting the fair hearing has the following rights:

To be informed of the right to appeal any decision of the regional center.

To be given a fair hearing request form and receive assistance in completing the form if necessary.

To be present in all proceedings and to give oral and written testimony.

To cross examine witnesses.

To appear with an advocate or counsel.

To examine and receive copies of information in the file of the applicant or consumer prior to the information meeting, mediation or fair hearing.

To the services of an interpreter.

To tape record all proceedings.

To have the informal meeting, mediation and fair hearing at a place that is reasonably convenient.

To request an extension (continuation) of the time limit for the informal meeting, mediation or fair hearing.

#### SAN ANDREAS OFFICE LOCATIONS

SANTA CLARA COUNTY  
300 Orchard City Drive, Suite 170  
Campbell, CA 95008  
P.O. Box 50002  
San Jose, CA 95150-0002  
Phone (408) 374-9960  
Fax # (408) 376-0586

SOUTH SANTA CLARA COUNTY  
AND SAN BENITO COUNTY  
7855 Wren Avenue, Suite A  
Gilroy, CA 95020  
Phone (408) 846-8805  
Fax # (408) 846-5140

MONTEREY COUNTY  
344 Salinas Street, Suite 207  
Salinas, CA 93901  
Phone (831) 759-7500  
Fax # (831) 424-300

SANTA CRUZ COUNTY  
1110 Main Street, Suite 8  
Watsonville, CA 95076

Phone (831) 728-1781  
Fax # (831) 728-0675

ADVOCACY SERVICES

**Area Developmental Disabilities**

Area Board VII  
2580 N. First Street, Suite 240  
San Jose, Ca. 95131  
Phone (408) 324-2106

**Protection And Advocacy, Inc.**

449 15 th. Street Suite 401  
Oakland, CA 94312  
Phone (510) 839-0811  
Phone (800) 776-5746

**Clients Rights**

San Andreas Regional Center  
300 Orchard City Drive, Suite 170  
Campbell, CA 95008  
Phone (408) 374-2470  
Fax # (408) 374-2956