

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 320, MS 3-9
SACRAMENTO, CA 95814
TDD 654-2054 (For the Hearing Impaired)
(916) 654-1958



July 28, 2010

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: DEPARTMENT OF DEVELOPMENTAL SERVICES' WHISTLEBLOWER COMPLAINT PROCESS

This letter is sent to advise you of the Department of Developmental Services' (Department) process for handling whistleblower complaints regarding alleged improper activity by regional centers or vendors/contractors. The Department has posted to its website information regarding this process (see Attachment A) and requests that your regional center do the same. Additionally, utilizing other communication mechanisms in use at your regional center, please provide notification to employees, board members, consumers/families, and vendor community of this complaint process and their right to make reports of improper activity to the Department.

Thank you for your cooperation and immediate attention to this matter. If you have any questions about this policy, please contact Brian Winfield, Manager, Regional Center Operations Section, at (916) 654-1569.

Sincerely,

Original Signed By

RITA WALKER
Deputy Director
Community Operations Division

Attachment

"Building Partnerships, Supporting Choices"

**Department of Developmental Services
Regional Center or Vendor/Contractor Whistleblower Complaint Process
Filing and Contact Information**

Definition of Regional Center or Vendor/Contractor Whistleblower Complaints:

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" means 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, incompetency, or inefficiency.
- An "improper vendor/contractor activity" means an activity by a vendor/contractor, or an employee, officer, or board member of a vendor/contractor, in the provision of DDS funded services, 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, incompetency, or inefficiency.

The Department of Developmental Services (DDS) has a variety of complaint and appeal processes available to vendors/contractors, agencies, facilities, parents, and consumers. These include Consumer Rights Complaints; Early Start Complaints, Due Process Requests, and Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments (see <http://www.dds.ca.gov/Complaints/Home.cfm> for list). 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 do everything possible to 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 consumers 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

We will need a clear and concise statement of the improper activity and any evidence you have to support the allegation.

If you do not provide a name or other information (witnesses or documents) that clearly identifies the person you are alleging has acted improperly, and the regional center or vendor/contractor where that person works, we may not have sufficient information to investigate. Copies of documents, rather than originals, should be submitted, as they cannot be returned.

Although complaints may be filed anonymously, if insufficient information is provided and we have no means to contact you, we may not be able to investigate your 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

1600 9th Street, Room 340, MS 3-24
Sacramento, CA 95814