

Process for filing a complaint of a violation of a client's rights.

According to the Welfare & Institutions (W&I) Code, Section 4731:

- (a) Each consumer or any representative acting on behalf of any consumer or consumers, who believes that any right to which a consumer is entitled has been abused, punitively withheld, or improperly or unreasonably denied by a regional center, developmental center, or service provider, may pursue a complaint as provided in this section.

Please refer to the "Persons with Developmental Disabilities Bill of Rights" included on this page (W&I Code Section 4502) for further information.

- (b) Initial referral of any complaint taken pursuant to this section shall be to the director of the regional center from which the consumer receives case management services. If the consumer resides in a state developmental center, the complaint shall be made to the director of that state developmental center. The director shall, within 20 working days of receiving a complaint, investigate the complaint and send a written proposed resolution to the complainant and, if applicable, to the service provider. The written proposed resolution shall include a telephone number and mailing address for referring the proposed resolution in accordance with subdivision (c).

The initial referral of a W&I Code, Section 4731 complaint should be submitted to the Executive Director of the San Diego Regional. We have attached a copy of the form on this website; however, if there is additional information you would like to provide when submitting your referral, you may attach the additional information to the form. The form can be mailed to:

Mark Klaus, Executive Director  
San Diego Regional Center  
4355 Ruffin Rd. Suite 205  
San Diego, CA 92123

***The Executive Director of the San Diego Regional Center shall, within 20 working days of receiving a complaint, investigate the complaint and send a proposed resolution to the complainant. The statute does not allow for extensions of the 20 working-day timeline, even with the consent of the complainant.***

If the complainant is not satisfied with the determination or proposed resolution from the SDRC's Executive Director, a referral to the Department of Developmental Services may be completed within 15 days of receipt of the SDRC's Executive Director's proposed resolution.

- (c) If the complainant is not satisfied with the proposed resolution, the complainant may refer the complaint, in writing, to the Director of Developmental Services within 15 working days of receipt of the proposed resolution. The director shall, within 45 days of receiving a complaint, issue a written administrative decision and send a copy of the decision to the complainant, the director of the regional center or state developmental center, and the service provider, if applicable. If there is no referral to the department,

the proposed resolution shall become effective on the 20th working day following receipt by the complainant.

Please note that issues involving services and supports to be included within a client's Individual Program Plan are outside the scope of a W&I Section 4731 Complaint. If there is a disagreement related to services, clients will be notified of their appeal rights in accordance with the W&I Code Section 4710, "Fair Hearing Procedure."

- (d) This section shall not be used to resolve disputes concerning the nature, scope, or amount of services and supports that should be included in an individual program plan, for which there is an appeal procedure established in this division, or disputes regarding rates or audit appeals for which there is an appeal procedure established in regulations. Those disputes shall be resolved through the appeals procedure established by this division or in regulations.

We have included a copy of the W&I Code Section 4731 on this page for your reference.

If you have any questions regarding W&I Code Section 4731 Complaints, you may contact the SDRC Executive Office at (858) 576-2933.