

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

Claimant,

vs.

EASTERN LOS ANGELES REGIONAL
CENTER,

Service Agency.

OAH CASE No. 2017010402

DECISION

Irina Tentser, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on February 22, 2017, in Alhambra, California.

Toni DeAztlan, Attorney at Law, represented Claimant¹, who was present throughout the hearing.

Aaron Abramowitz, Attorney at Law, represented Eastern Los Angeles Regional Center (Regional Center or Service Agency).

Oral and documentary evidence was received at the hearing. The record was left open for parties to submit written closing briefs no later than March 8, 2017 and reply briefs no later than March 15, 2017. Service Agency's closing brief was timely filed and was marked as Exhibit 44. Claimant's closing brief was untimely filed on March 9, 2017 and was marked as Exhibit R. On March 9, 2017 Service Agency filed a Motion to Strike Claimant's closing brief based on its untimeliness, which was marked as Exhibit 45. Claimant filed an opposition to Service Agency's Motion to Strike on March 9, 2017, which was marked as Exhibit S. Service Agency filed its timely reply brief on March 15, 2017, which was marked as Exhibit 46. No reply brief was received on March 15, 2017 from Claimant.

The matter was submitted for decision on March 15, 2017.

¹ Claimant's name is not used to protect Claimant's privacy.

ISSUE

Should Service Agency fund 217.3 hours of Independent Living Services (ILS) provided by P.A.L.S., LLC (PALS)?

EVIDENCE RELIED ON IN REACHING THIS DECISION

Service Agency's exhibits 1 through 43; Claimant's exhibits A through Q; testimony of Claimant, Rodney Mojarro, PALS Program Director, and Norma Duenas, Service Coordinator.

FACTUAL FINDINGS

MOTION TO STRIKE

1. Service Agency's Motion to Strike Claimant's untimely closing brief is denied. Service Agency did not establish it was prejudiced by the untimely filing of the brief.

BACKGROUND

2. Claimant is a conserved, 23-year-old Service Agency consumer with diagnoses of Autism and Epilepsy. On April 9, 2014, Claimant was also diagnosed with mild Intellectual Disability. Claimant has been cared for and has resided with her grandmother, Claimant's limited conservator, her entire life. In December 2016, Claimant and her grandmother were evicted from the apartment they shared. Since December 2016, Claimant and her grandmother have been homeless. As of the date of the hearing, Claimant and her grandmother resided in a motel while seeking permanent housing.

3. Claimant is verbal and ambulatory. She needs assistance with self-care, money management, and medical services. She is able to communicate her needs and wants. She possesses many independent living skills but benefits from ILS. She needs reminders to attend to her personal hygiene. She is able to feed herself but needs assistance in cooking meals. She has a drivers' license, is able to drive, and uses her

grandmother's vehicle. She is able to use public transportation and ACCESS² coupons to/from work.

4. As of February 2016, Claimant began working as a Courtesy Clerk at Vons Grocery Store in Whittier. She works between 15 and 30 hours per week, making \$10.50 per hour in wages.³ Claimant's job duties include: cart retrieval, clearing trash from inside floor, bathroom checks, and bagging groceries.⁴ In addition to her salary, Claimant receives \$850 per month in social security benefits. Her grandmother is the payee.

5. Claimant receives service coordination from Service Agency. She is authorized to receive the following on a monthly basis: 55 hours of monthly ILS, 80 hours of monthly Supportive Employment Job Coaching, and Access coupons.⁵

JURISDICTION

6. Claimant received 52 monthly hours of ILS from her former service provider, I-AM Developmental Services. In August 2016, Claimant requested a change in ILS providers and began receiving ILS with service provider PALS. In December 2016, Claimant informed Service Agency that she no longer wanted to receive supported employment services from her former supportive employment service provider, In2Vision. PALS then informed Service Agency that, per Claimant's request, it should replace In2Vision and provide supportive employment job coaching to Claimant in her workplace.

² Access is the service name of the ADA Complementary Paratransit service for functionally disabled individuals in Los Angeles County.

³ Exh. 25, at p. ELARC000081.

⁴Exh. B, at p. 000026.

⁵ Claimant's counsel's argument that she has been "underserved" by Regional Center is unpersuasive based on the evidence. (Exh. R, at p. 5.)

7. Service Agency did not authorize PALS' request to provide Claimant with job assistance based on its assertion that PALS does not have Supportive Employment Job Coaching support as part of PALS current Program Design. Service Agency informed Claimant that these services would be transferred to another appropriate Supportive Employment service provider. No agreement was reached by the parties as to a replacement Supportive Employment service provider.

8. Beginning in October 2016 through January 2017, PALS submitted three ILS Assessments regarding Claimant to Service Agency. Each revised PALS report requested additional ILS service hours (181, 190 to the current 217.3.) In December 2016, Service Agency increased ILS service hours to 55 hours and authorized a one-time emergency increase in ILS hours to 105 hours for PALS to assist Claimant in securing housing based on her and her grandmother's eviction. Claimant declined Service Agency's offer to provide her with emergency housing because it would result in her living apart from her grandmother.

9. Service Agency and PALS ongoing negotiations regarding the amount of ILS hours to be provided to Claimant did not result in agreement. Consequently, on December 21, 2016, Service Agency provided two Notice of Proposed Action (NPA) to Claimant's counsel. (Exh. 3.) The first NPA denied PALS' first Assessment request of 190 monthly hours of ILS support hours. The second NPA denied PALS' request to provide employment support hours.

10. On December 29, 2016, Claimant submitted her Fair Hearing Request based on Service Agency's denial of her request to receive 190 monthly hours of ILS support from PALS. (Exh. D.) On January 12, 2017, PALS submitted an amended Independent Living Services Assessment (Assessment), requesting an increased amount of ILS hours of 217.3. (Exh. 9.) At the February 22, 2017 hearing of this matter, Service Agency agreed to waive notice and consider the revised 217.3 hours in ILS support hours requested by Claimant.

CLAIMANT'S INDIVIDUAL PROGRAM PLAN

11. The last individual program plan (IPP) meeting which resulted in agreement between Service Agency, Claimant, and Claimant's grandmother was held on April 19, 2016. (Exh. B.) Service Agency and Claimant agreed on the following desired outcomes: (1)

Claimant will continue to live with her grandmother; (2) Claimant will work on developing her job skills/duties in order to successfully maintain her job; (3) Claimant will maintain optimal health status; (4) Claimant will safely use public transportation to get to/from work. (*Id.*)

12. Per Claimant's April 2016 IPP, Service Agency determined that job coaching was not the typical job of ILS staff. (Exh. B at p. 26.) However, Service Agency agreed to "temporary request hours to assist with job coaching, while assistance with linking [Claimant] with Department of Rehabilitation." (*Id.*) Service Agency's agreement to allow ILS staff to provide temporary job coaching to Claimant was based on Claimant's confusion and need for assistance at her job at Vons. (*Id.*)

13. On December 6, 2016, an IPP meeting was held between the parties. The Draft IPP (draft IPP) has not been finalized and was first provided to Claimant at the February 22, 2017 hearing. (Exh. 26.) The parties have not agreed on the draft IPP based on Claimant's disagreement as to what services and supports are needed for Claimant to achieve her desired outcomes. However, the parties agree as to Claimant's desired outcomes identified in the draft IPP. Those include: (1) Claimant to live with her grandmother in a stable and safe environment; (2) Claimant will work on developing her job skills/duties in order to successfully maintain her job; (3) Claimant will ask for therapy services if needed;⁶ (4) Claimant will master additional skills to increase her independence; (5) Claimant will have appropriate socialization involvement; (6) Claimant will drive safely and use public transportation to get to/from work. (*Id.*)

14. There is no dispute that Claimant requires ILS services to reach her desired outcomes and that PALS is Claimant's chosen ILS provider. (Exh. 44.) The dispute is over the number of ILS hours Claimant is entitled to receive under the Lanterman Act.

⁶ Service Agency suggested therapy services to Claimant after receiving a December 13, 2016 Special Incident Report (SIR) where it was reported Claimant made a suicide threat. (Exh. 26 at p. ELARC000087.)

CLAIMANT'S REQUEST FOR 217.3 ILS HOURS

15. PALS completed its amended assessment on January 12, 2017. (Exh. 9.) In its report, the agency set forth the following goals: (1) Claimant will make her own decisions and effectively communicate her wants and needs with others (Autonomy/Choice); (2) Claimant will effectively communicate with her conservator regarding her overall well-being. (Self-Advocacy); Claimant will utilize Social Media as a platform to express herself in a manner that is responsible and considerate of others in her community (Social Media); (3) Claimant will actively participate in the routine shopping, and price comparison (Domestic Skills); (4) Claimant will learn to shower and practice personal hygiene on a daily basis (Self-help); (5) Claimant will responsibly participate in managing her personal finances (Personal Finances); (6) Claimant will establish and maintain good standing with all tenant/Housing Authority related correspondence (Housing); (7) Claimant will achieve and maintain optimal health (Physical/Mental/Dental Health); (8) Claimant will participate to the best of her ability in all aspects of acquiring and advocating for generic services (Generic Resources); (9) Claimant will establish and maintain relationships that are mutually beneficial (Community Integration); (10) Claimant will learn how to maximize her personal, home, and community safety to ensure her wellbeing (Safety); (11) Claimant will gain and maintain employment as it relates to her trade and education (Employment); and (12) Claimant will maintain her driving privileges (Mobility).

16. On December 16, 2016 PALS recommended 190 hours of service per month to assist Claimant work toward meeting these goals. In subsequent communications with Service Agency, PALS estimate increased to 217.3. The requested increase will result in an average of 7.16 hours of functional skills training seven days a week.

17. PALS estimated that the following number of service hours will be needed to meet the specific goals: 60.5 hours per month to work on the Domestic Skills goal, 15.15 per month to work on the Self-help goal, 15.15 hours per month to work on the Personal Finances goal, 4 hours per month to work on the Housing goal, 26 hours per month to work on the Physical/Mental Health goal, 8 hours per month to work on the Generic Resources goal, 39 hours per month to work on the Community Integration goal, 2 hours per month to work on the Safety goal, 45.5 hours per month to work on the Employment goal, and 2 hours per month to work on the Mobility goal. The Autonomy/Choice and

Self-advocacy goals are part of all activities and do not require a specific dedicated number of hours. (Exh. 9.)

18. Will Rivas (Rivas),⁷ PALS Case Manager, drafted the Assessment. Rodney Mojarro (Mojarro), PALS Program Director, testified and explained the services PALS would provide to help Claimant achieve her goals. In explaining how the hours contained in the Assessment were determined, Mojarro testified that the hours were calculated by adding the amount of time he and Rivas expected Claimant to take to perform any given task. He further testified that the plan for service was not tied to the hours estimated and that he didn't know how long it would take to accomplish the service, but was confident Claimant needed the services. For example, Mojarro testified that he calculated the time allotted to the Domestic Skills goal by adding the time it would take Claimant to cook three meals per day and clean up afterwards. Claimant testified that the motel where she and her grandmother reside has a "tiny kitchen" and that they primarily purchase and eat microwaved meals and fruit salad.

19. In the Self-help goal, PALS staff will assist Claimant in showering and in maintaining a personal hygiene routine, will remind or prompt Claimant to shower and/or complete personal hygiene tasks daily, and will model various personal hygiene routines. Mojarro testified that Claimant's current employer has voiced concerns regarding Claimant's body odor and personal grooming standards. Claimant also testified that her employer indicated her personal hygiene was an issue. She further described that her grandmother helped her with grooming by showing her how to braid her hair in different ways.

20. In the Personal Finance goal, PALS staff will coordinate with Claimant to assist her with preparing a monthly budget, will routinely review with Claimant billing statements and mail sent to her new home, will assist Claimant to learn effective banking skills through modeling and verbal prompting, will reinforce appropriate and trustworthy members of the community in which to share financial information, and will assist

⁷ Rivas appeared on Claimant's witness list, was present throughout the hearing, but was not called to testify.

Claimant in developing a better understanding of the value of money. Claimant testified that she wanted assistance in learning how to handle money from PALS. She further testified that her grandmother handles her money and gives her money as needed.

21.a. In the Physical/Mental/Dental Health goal, PALS staff will: verbally prompt Claimant to make healthy choices when it comes to diet and exercise, provide assistance to Claimant to schedule all physician appointments, transport and attend all physician appointments, coordinate with physician, specialists and pharmacist to ensure she is receiving the best possible care, monitor Claimant's moods and general disposition daily, by engaging Claimant in conversation related to any sources of stress and anxiety.

b. Claimant's last physical was in December 2015. (Exh. 26 at p. ELARC000086.) In March 2016 Claimant received a pap smear which resulted in report of abnormalities. (*Id.*) Dental care is also pending with Claimant reporting to Service Agency that she was told she needs braces. On December 6, 2016 Service Agency encouraged Claimant and PALS to follow up on Claimant's pending medical needs. PALS requested additional ILS hours to assist Claimant in meeting her health goals. However, no evidence was provided at hearing as to what assistance PALS, if any, has been provided to Claimant in following up on her outstanding medical needs since December 2016.

22. a. In the Employment goal, PALS staff will: maintain compliance with Social Security Office, assist Claimant with roundtrip transportation when necessary to work and/or related activities to her career, assist Claimant with managing her work schedule, assist her to manage and maintain relationships with her employer and coworkers, provide her instruction with regard to her job responsibilities, assist her in maintaining adequate grooming standards, assist her to maintain required uniform and work attire standards, assist her in her interactions with customers, assist Claimant with correspondence related to her employment, assist Claimant in creating a resume, application, and prepping for interviews, assist Claimant in scheduling and transporting to interviews, assist Claimant with any and all generic resources related to her profession. Claimant does not want constant on the job supervision by her ILS provider. Mojarro testified that PALS staff would not assist Claimant at her job site, or job coaching. Rather, Mojarro indicated PALS would assist with all aspects of preparing for work such as ensuring that her uniform meets the appropriate work standard, ensuring she understands her weekly work schedule and daily

work responsibilities before she arrives at work, transportation to and from work if necessary, and appropriate social media posts related to her work.

b. Claimant's counsel argued that Claimant works on average 30 hours per week and requires constant maintenance in this area in order to ensure employment. (Exh. R.) According to Claimant's counsel, Claimant does not read, and requires assistance with all employment materials and staff notices. (*Id.*) Claimant's counsel asserted that preparing for work, getting to work, understanding what's asked of an employee, getting home from work and ensuring appropriate interactions with co-workers outside of work, are all areas that ILS services can and should assist Claimant. (*Id.*)

23.a. In the Housing goal, PALS staff will: assist Claimant to apply for Section 8 and/or subsidized housing, assist Claimant to manage and maintain her Section 8 voucher once Section 8 is acquired, provide assistance in completing necessary paperwork and go to any appointments related to housing, assist Claimant to have a better understanding of the rules and requirements as set forth by her current landlord, assist Claimant to more effectively communicate and correspond with her apartment manager, assist Claimant to actively participate in the monthly payment of her rent, and assist Claimant with any inquiries/repairs her apartment or rented property requires.

b. In its assessment, PALS did not request an extension of Service Agency's one-time emergency December 2016 increase in ILS hours for PALS to assist Claimant in securing housing based on her and her grandmother's eviction. As of the date of the hearing, Claimant and her grandmother continue to be homeless. Mojarro testified that securing housing for Claimant is challenging based on Claimant's history of eviction. PALS assisted Claimant with securing five appointments since her December 2016 eviction to secure new housing and submitted eight applications on Claimant's behalf to secure housing. None resulted in housing.

c. Claimant is not currently on the Section 8 Housing waitlist. Mojarro testified that the application is extensive and requires monthly visits in person to the HUD, to ensure that one is not removed from the waitlist. No explanation was provided by PALS as to why a Section 8 application was not submitted to date on Claimant's behalf with PALS' assistance based on the additional emergency housing ILS hours provided to PALS in

December 2016 for housing assistance. All other goals similarly refer to assisting Claimant with various tasks to meet her goals.

24. Service Agency considers the proposed 217.3 number of hours excessive, and concluded that 55 hours per month would be sufficient to meet existing IPP goals. Specifically, Service Agency believes 12 hours of domestic skills, 12 hours of self-help, 10 hours of community integration, .5 hours of safety, .5 hours of mobility, and four hours each employment, personal finance, housing, physical/mental/dental health, and generic services, will adequately meet Claimant's IPP goals. PALS and Service Agency agree that 4 ILS hours should be provided to Claimant for housing assistance.

25. Claimant's Service Coordinator, Norma Duenas (Duenas),⁸ testified about the basis for Service Agency's conclusion. Duenas testified that Claimant's request for ILS hours appeared to be more of a request for Supported Living Services (SLS) hours, a service which was not permitted based on the fact that Claimant resided with her grandmother. Duenas explained that the purpose of ILS is to train the consumer, not to simply supervise the consumer. She indicated the requested hours included substantial time that was more similar to supervision rather than to training. By way of example, the area of Domestic Skills included substantial time to supervise Claimant while Claimant cooked meals and cleaned up thereafter. Duenas testified that ILS services are primarily intended to teach skills to consumers, and she was concerned that PALS' recommendation had too many supervision hours. If Claimant requires additional supervision or assistance to perform certain tasks, Duenas testified that other programs may be a better solution.

26. Duenas testified that certain goals in the PALS assessment were inappropriately the subject of ILS service hours. Specifically, Duenas testified that Community Integration and Employment should be provided by services other than the

⁸ In January 2017, Service Agency filed an SIR report with Adult Protective Services for alleged emotional/mental abuse of Claimant by her grandmother. After Service Agency filed its SIR, Claimant's counsel filed an SIR against Duenas alleging violation of rights. Claimant has requested that Duenas be replaced as her Service Coordinator.

PALS ILS. She testified that Community Integration should be funded through Community Integration Training (CIT) services and that Employment should be funded through Employment Coaching, which services must be included in a vendor's program design before Service Agency can fund them and which are not included in PALS ' program design.

27. Duenas testified that PALS 217.3 hour estimate of ILS hours for Claimant was excessive. Her opinion was based on Claimant's IPP goals, her experience as a Service Coordinator, review of Claimant's psychological evaluation of Claimant's indicating her high level of independent skill (Exh. 41), and the prior ILS providers much lower assessments of hours of ILS service necessary to assist Claimant.

28. During her testimony, Duenas expressed concern that communication between Claimant and Service Agency was ineffective regarding necessary ILS services. In support of her assertion, she cited to the fact that direct communication between Claimant and Service Agency was terminated at the request of Claimant's counsel as to all services provided to Claimant by Service Agency. She described that multiple inquiries were made by Service Agency to PALS to ascertain where Claimant and her grandmother were residing after their eviction before a response was obtained. Based on the lack of communication, Service Agency questioned the reliability of the 217.3 estimate in ILS hours requested by PALS in their assessment.

29. Duenas acknowledged, however, that Claimant's current homeless situation, precarious employment status, and need for medical assistance would justify a temporary increase in ILS service hours.

30. Service Agency further argued that the request for eight hours of monthly Generic Resources was unwarranted because Claimant was already receiving services a generic service through Access Services, which Claimant uses to be transported to work. Service Agency cited that, according to her IPP, she also receives SSA, which is a generic resource.

DISCUSSION

31. Service Agency and Claimant did not complete their negotiation regarding the amount ILS hours to be provided by PALS prior to engaging in the fair hearing

process. Evidence at hearing demonstrates that PALS' 217.3 hours Assessment is a general estimate of ILS hours needed to meet Claimant's needs, rather than a justifiable final figure. Further, the assessment hours provide primarily supervision rather than training for Claimant, which is not the function of ILS.

32. Notwithstanding the lack of exactness in formulating PALS' Assessment, the evidence demonstrates that Claimant needs immediate assistance in meeting her housing, employment, and health needs. She is homeless, in precarious standing at work, and requires medical care to ensure her health needs are met. Claimant's needs must be addressed and cannot wait until PALS and Service Agency resolve their communication issues.

33. PALS has not requested additional housing hours beyond the four agreed to by Service Agency to meet Claimant's housing needs in its Assessment. However, the evidence presented at hearing clearly established that Claimant, who is homeless, needs to continue to receive the 50 additional temporary ILS housing assistance hours authorized by Service Agency for December 2016 until permanent housing can be secured.

34.a. With regards to Claimant's employment, Claimant has demonstrated that her current situation warrants an increase in ILS hours. At her request, Claimant no longer receives 80 hours of supportive employment job coaching support from In2Vision. She has also indicated that she does not want to receive on the job employment job coaching services from another service provider. As a result, a void in necessary service has been created with no other supportive employment service provider to replace In2Vision. The evidence demonstrates that Claimant's ability to fulfill her IPP goal of maintaining her employment will be negatively affected if she does not receive some type of employment service.

b. Mojarro testified that PALS staff would not coach Claimant at her job site. Rather, PALS would assist with all aspects of preparing for work, ensuring that her uniform meets the appropriate work standard, understanding her weekly work schedule, understanding her daily work responsibilities before she arrives at work, transportation to and from work if necessary, as well as appropriate social media posts related to her work. Claimant works on average 15 to 30 hours per week and requires constant maintenance in this area in order to ensure employment. Claimant requires assistance with all employment

materials and staff notices. PALS argument that preparing for work, getting to work, understanding what's asked of an employee, getting home from work and ensuring appropriate interactions with co-workers outside of work, are all areas that ILS services can assist Claimant is persuasive.

35. Claimant is overdue for essential medical visits and follow-up care related to her irregular gynecology results in accordance with her IPP. An emergency one month increase to PALS requested 26 hours of health related ILS service is warranted in order for PALS to assist Claimant with establishing appropriate doctors and specialists, including but not limited to, a primary care physician, dentist, mental health therapist, dermatologist, ophthalmologist and gynecologist. The additional hours should be used by PALS to assist Claimant in securing appointments, preparing for appointments, attending appointments, coordinating medications, coordinating proper insurance benefits, and pharmacy facilitation. However, after Claimant's initial medical needs are met by a one month increase to 26 hours, Service Agency's argument that maintaining Claimant's health by ensuring appropriate follow through with doctors' instructions and follow-up visits can be accomplished in four hours per month of ILS assistance is persuasive.

36. PALS is Claimant's choice to be her ILS service provider. PALS is reminded that as a contracted vendor of Service Agency, PALS is required to provide Service Agency with prompt communication regarding the status of ILS services provided to Claimant. PALS is further encouraged to use the additional hours provided for ILS employment services and the temporary additional ILS hours authorized in the following order to diligently assist Claimant in meeting her housing, employment, and health needs.

LEGAL CONCLUSIONS

1. In enacting the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare and Institutions Code⁹ section 4500 et seq., the Legislature accepted its responsibility to provide for the needs of developmentally disabled individuals and recognized that services and supports should be established to meet the

⁹ All further statutory references are to the Welfare and Institutions Code.

needs and choices of each person with developmental disabilities. (§ 4501.) The Lanterman Act gives regional centers, such as Service Agency, a critical role in the coordination and delivery of services and supports for persons with disabilities. (§ 4620 et seq.) Regional centers are responsible for developing and implementing IPPs, for taking into account consumer needs and preferences, and for ensuring service cost-effectiveness. (§§ 4646, 4646.5, 4647, and 4648.)

2. Section 4512, subdivision (b), defines the services and supports that may be funded, and the process through which such are identified, namely, the IPP process, a collaborative process involving consumer and service agency representatives. "The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual plan participants, the effectiveness of each option in meeting the goals in the individual program plan, and the cost-effectiveness of each option. ..." (*Id.*)

3. Section 4688.05 provides: "Regional centers shall provide independent living skills services to an adult consumer, consistent with his or her individual program plan, that provide the consumer with functional skills training that enables him or her to acquire or maintain skills to live independently in his or her own home, or to achieve greater independence while living in the home of a parent, family member, or other person."

4. The Department of Developmental Services has enacted regulations to govern provision of ILS services. As defined in California Code of Regulations (CCR), title 17, section 54302, subdivision (a)(35): " 'Independent Living Program' means a community-based day program that provides to adult consumers the functional skills training necessary to secure a self-sustaining, independent living situation in the community and/or may provide the support necessary to maintain those skills. Independent living programs focus on functional skills training for adult consumers who generally have acquired basic self-help skills and who, because of their physical disabilities, do not possess basic self-help skills, but who employ and supervise aides to assist them in meeting their personal needs."

5. The purpose of ILS services is to provide functional skill training to developmentally disabled individuals and to provide the support necessary to maintain the skills pursuant to section 4688.05 and CCR, title 17, section 54302. Claimant's IPP contains ILS goals, and Service Agency has agreed to fund ILS services, as set forth in factual findings 14. The PALS assessment properly focuses on providing Claimant with skills to help her live independently and sets forth goals intended to meet her individual needs.

6. The assessment contains requisite training components, but it also proposes providing substantial assistance for Claimant to perform many specific activities. While support in maintaining acquired skills is contemplated by law, the level of assistance recommended in the assessment for was not shown necessary to meet the Claimant's IPP goals in the areas of domestic skills, self-help, personal finances, generic resources, community integration, safety, and mobility.

7. Based on the fact that the assessment proposes more assistance or supervision hours than is contemplated by section 4688.05 and CCR, title 17, section 54302 for ILS services, Service Agency's assessment that ILS hours are presently sufficient to meet Claimant's needs as to domestic skills, self-help, personal finances, community integration, safety, generic services, and mobility, set forth in the IPP is reasonable.

8. However, based on Claimant's current demonstrated need for assistance to maintain her employment, consistent with Claimant's IPP goal, Claimant has established that she needs an increase in additional employment ILS hours to the requested 45.5 hours per month.

9. With regards to housing, PALS and Service Agency are in agreement that four hours per month are sufficient to meet Claimant's housing service needs. Four hours of ILS housing service are approved for PAL to assist Claimant with housing on an ongoing basis. However, the evidence demonstrates that based on Claimant's current homelessness, she requires an additional 46 hours per month in emergency housing assistance until permanent housing can be located. PALS shall provide the additional 46 hours of emergency housing service to Claimant until a new provider is found by Service Agency.

10. In the area of physical/mental/dental health, in order to meet Claimant's IPP goals and address Claimant's immediate health needs, PALS shall provide 26 hours of ILS service for the month of April 2017. Thereafter, four hours of ILS services in the area of physical/mental/dental health are sufficient to meet Claimant's IPP goal of maintaining her health, unless otherwise demonstrated by Claimant.

11. Accordingly, by reason of factual finding numbers 1 through 36 and legal conclusion numbers 1 through 10, Service Agency need not fund 217.3 hours of ILS services. 96.5 hours of ILS services are appropriate to meet Claimant's needs as follows (subject to increases in April 2017 for health needs and for housing as noted below):

- domestic skills -12 hours;
- self-help -12 hours;
- community integration -10 hours;
- safety -.5 hours;
- mobility -.5 hours;
- personal finance - 4 hours;
- generic services - 4 hours;
- housing - 4 hours;
- physical/mental/dental health - 4 hours beginning May 2017; and
- employment services - 45.5 hours.

12. For April 2017, PALS authorized ILS hours shall be increased for one-month from 4 to 26 hours to address Claimant's immediate health needs and thereby meet Claimant's IPP goals. Beginning in May 2017, physical/mental/dental health ILS service hours shall be decreased from 26 to 4 hours.

13. Based on Claimant's homelessness, emergency housing needs require an ILS increase to 50 hours per month until permanent housing can be secured. PALS shall provide the 4 hours housing assistance on an ongoing basis with the remaining 46 hours of housing assistance to be provided by PALS on a temporary basis until a new housing assistance provider is found by Service Agency or until permanent housing is secured for Claimant.

14. Because Claimant has not previously received ILS services at this increased rate, review of her continued level of support in the near future is appropriate. Moreover,

in light of testimony received at the hearing about Claimant's needs, it may be appropriate for the parties to explore if Claimant needs other services in addition to or in lieu of ILS services.

ORDER

1. Claimant's appeal is denied in part and affirmed in part. Service Agency need not fund 217.3 hours of ILS services.
2. Service Agency shall fund 96.5 hours of monthly ILS services.
3. For the month of April 2017, Service Agency shall fund an additional 22 hours of physical/mental/dental health ILS services.
4. Service Agency shall fund an additional 46 hours of housing ILS service until permanent housing can be secured for Claimant and she is no longer homeless. The additional 46 hours of housing ILS service shall be provided by PALS until a new provider is found.

Dated:

IRINA TENTSER
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter and both parties are bound by this Decision. Either party may appeal this Decision to a court of competent jurisdiction within 90 days.