

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

and

SAN DIEGO REGIONAL CENTER,

Agency.

OAH No. 2014080585

DECISION

Administrative Law Judge Roy W. Hewitt, Office of Administrative Hearings, State of California, heard this matter in San Diego, California, on December 11, 2014.

Counsel for the San Diego Regional Center (SDRC), Ron House, Esq., represented SDRC.

Claimant represented himself.

The matter was submitted on December 11, 2014.

ISSUES

1. Should claimant's supported living services (SLS) hours be increased by four and one-half hours per day?
2. Should SDRC be required to provide all documents, including his complete file, to him in 20-point font?
3. Should SDRC be required to provide assistance to claimant in operating his business?
4. Should SDRC be required to provide claimant with travel assistance for trips he would like to take?

FACTUAL FINDINGS

JURISDICTION

1. Claimant is 55 years old and receives SDRC services due to a diagnosis of Cerebral Palsy.

CLAIMANT'S REQUEST FOR AN INCREASE IN SLS SERVICES

2. Claimant has requested that SDRC increase his SLS services by four and one-half hours per day.

3. Currently, claimant receives seven and one-half hours per day of SLS services from "A Better Life Together," an SLS agency. SLS agencies are independent of the regional centers. A regional center, such as SDRC in this instance, pays an SLS agency a flat rate for its services. The agency, in this case A Better Life Together (ABLT), assesses an individual, in this case claimant, to determine the level of SLS hours required. The agency then provides the necessary SLS hours and supports for the individual.

4. Claimant's most recent SLS assessment and support plan, dated September 25, 2014, does not recommend an increase in claimant's current SLS hours. In fact, a review of claimant's SLS use reveals that he has not been using all of his current SLS hours. Currently, claimant is eligible for approximately 210 hours of SLS services and supports per month. From November 15, 2013, through November 15, 2014, claimant has used 839 SLS hours out of the approximately 2,500 SLS hours approved for that time frame.

5. Ms. Kimberly Mills, the Chief Executive Officer of ABLT testified that claimant does not need more SLS services. Additionally, claimant is receiving In Home Support Services (IHSS) hours from the County; however, claimant has not provided ABLT with any IHSS records necessary for ABLT to coordinate claimant's support

services. Although claimant's needs have changed over time, Ms. Mills testified that his current level of SLS services is more than adequate to meet his needs.

Assessment

6. Claimant's current level of SLS services is appropriate.

CLAIMANT'S REQUEST THAT ALL DOCUMENTS BE PROVIDED TO HIM IN 20-POINT FONT

7. Claimant has vision problems and is legally blind. During the instant hearing he was assisted with a "reader" so that any documents he could not read could be read to him.

8. SDRC Program Manager Aubrey B. Dobson testified that SDRC's computer charting system does not allow an increase in font size; however, ABLT's SLS provider can read documents for claimant and/or, claimant can access documents on a computer and "blow them up" to a readable size.

Assessment

9. Claimant can have his SLS provider read documents to him or use a computer to access documents and increase the font size on the computer.

CLAIMANT'S REQUEST FOR ASSISTANCE WITH HIS BUSINESS

10. Claimant sells leather goods at various venues throughout the county, and he would like help setting up and taking down merchandise displays and handling the money (due to vision problems he cannot tell the denominations of bills he is given).

11. ABLT is ready, willing, and able to assist claimant by telling him what money he is being given but, due to liability concerns, ABLT is unable to physically handle claimant's money or physically set up and take down claimant's displays. ABLT is willing to assist claimant but it does not want its individual providers to function as claimant's employees.

Assessment

12. An employer-employee relationship between claimant and ABLT's employees would be inappropriate. ABLT cannot be compelled to have its employees set up and take down claimant's displays. If claimant needs help determining the amount of money he is handling, the ABLT provider is willing to tell claimant the amount he is being given by a purchaser and the amount of change he is giving back; however, the provider may not be required to actually handle the money for claimant.

CLAIMANT'S REQUEST FOR TRAVEL ASSISTANCE

13. Claimant would like to travel to Los Angeles, San Francisco and Las Vegas and he would like assistance during his travels.

14. Ms. Mills testified that currently ABLT is able to assist claimant during any travel within California or within 50 miles of the California border. Ms. Mills explained that the support would work as follows: if claimant wanted to travel to San Francisco, ABLT would send a facilitator with claimant; the facilitator would provide support for claimant for seven and one-half hours per day and take the rest of the day off; and claimant would not have to pay for the facilitator's time off during the trip.

Assessment

15. Claimant is currently able to receive adequate travel assistance.

LEGAL CONCLUSIONS

1. California Welfare and Institutions Code section 4648, subdivision (a)(1), provides, in pertinent part:

It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising

personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow . . . adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

2. Claimant's current level of SLS services is appropriate.
3. Claimant is already receiving services that will allow him to have help in reading documents.
4. Claimant's request for assistance in setting up and taking down displays is denied. He is already receiving services that will allow him to receive money and make change for customers.
5. Claimant is already receiving services that will allow him to travel.

ORDER

Claimant's requests for additional services are denied

DATED: December 30, 2014.

_____/s/____

ROY W. HEWITT

Administrative Law Judge

Office of Administrative Hearings

NOTICE:

This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5(b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.