

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

vs.

GOLDEN GATE REGIONAL CENTER,

Service Agency.

OAH No. 2017101107

DECISION

Administrative Law Judge Jill Schlichtmann, State of California, Office of Administrative Hearings, heard this matter on December 11, 2017, in San Francisco, California.

Norman Manglona, Manager, Regional Center Services, represented Golden Gate Regional Center (GGRC), the service agency.

Claimant was present and represented herself. Interpreter Sam Lam provided claimant with Cantonese interpretation.

The matter was submitted for decision on December 11, 2017.

ISSUE

Has GGRC failed to assist claimant in receiving supported living services so that she can meet her goals?¹

¹ Claimant also appealed the reduction in her monthly State Supplementary Payment Restoration Funds from \$61.20 to \$56.88. At hearing, she learned that the

FACTUAL FINDINGS

1. Claimant is 60 years old and is eligible for services from GGRC based upon her seizure disorder. Claimant lives independently but requires assistance with independent living skills. Claimant receives 56 hours per month of In-Home Support Services (IHSS) to help with cooking, cleaning and shopping. Pursuant to her August 17, 2016 Individual Program Plan (IPP), GGRC identified claimant's need for Supported Living Services (SLS) and approved 25 hours per month of those services. Claimant is currently authorized to receive up to 25 hours per month of Independent Living Skills (ILS) support from Toolworks, while she is on the waitlist for SLS support. The ILS and SLS programs provide similar services, but ILS is intended to be used during a transition period before an individual begins to live independently. When Toolworks is able to support claimant through its SLS program, she will be transferred to that program. Claimant has been working well with her Toolworks ILS provider.

2. Claimant has a busy schedule. She meets with her IHSS worker two to three days each week, she works with her Toolworks ILS provider two afternoons each week, she volunteers her time and she attends regular medical appointments.

3. On October 22, 2017, claimant filed a request for a state level fair hearing, alleging that she was not receiving her full 25 hours of SLS and that when she needs to reschedule for health reasons, the vendor is unable to do so. Claimant seeks assistance from GGRC in receiving the full SLS hours in order to work on her goals.

Department of Developmental Services ordered GGRC to decrease the funding it forwards to all consumers residing independently based upon changes to the state budget. After learning the reason for the reduction, claimant withdrew her appeal as to this issue.

4. Claimant would like her SLS provider to assist her in learning to: 1) clean a computer screen, keyboard and speakers; 2) change the battery in her answering machine and knowing which battery to buy; 3) properly use cleaning products for cleaning her apartment; 4) use her debit card when shopping; 5) use her VHS player and the remote control; 6) order food at American restaurants or take out establishments; 7) use new public transportation lines; 8) buy BART tickets and ride BART; 9) explain cultural and social differences; 10) copy or print documents at a store; and 11) how much to tip at restaurants.

5. Claimant meets with her Toolworks provider Tuesday and Thursday afternoons from 2:00 to 5:00 p.m.; based on this schedule, claimant only receives 24 hours per month instead of 25 hours. She has raised this issue with Toolworks, but has not been successful in obtaining the extra hour each month. In addition, on occasion her provider has a dental appointment or is ill, requiring her to cancel their meeting. And, at times claimant needs to cancel because she has had a seizure or is not feeling well. When an appointment is canceled, claimant has a difficult time rescheduling it because of her busy schedule and because Toolworks is unable to cover a different time slot. Claimant has difficulty in learning all that she would like to learn during the SLS hours she receives.

6. Claimant's social worker, Marc Manning, has been assisting claimant in securing SLS. Manning understands that claimant has been working on some of her goals with her Toolworks provider. In addition, GGRC paid for an SLS assessment that was completed by another SLS vendor, Social Vocational Services. Claimant is not interested in receiving services from Social Vocational Services because the program is located too far from her home and because the individual performing the assessment was late to their meeting.

At hearing, Manning offered to pursue obtaining an assessment from DABS,

another SLS vendor. Manning will follow up on that offer if claimant would like to move forward with it. In the meantime, Manning has spoken with Toolworks personnel. Toolworks is currently unable to provide more ILS hours to claimant because the organization does not have enough ILS providers to cover additional hours. However, when Toolworks is able to provide SLS to claimant, they will have more flexibility in meeting claimant's needs because they have back up SLS providers.

LEGAL CONCLUSIONS

1. In the Lanterman Developmental Disabilities Services Act, the State of California accepts responsibilities for persons with developmental disabilities. (Welf. & Inst. Code, § 4500 et seq.²) The Act mandates that "an array of services and supports should be established ... to meet the needs and choices of each person with developmental disabilities ... and to support their integration into the mainstream life of the community." (§ 4501.) The purpose of the scheme is two-fold: (1) to prevent or minimize the institutionalization of persons with developmental disabilities and their dislocation from family and community and (2) to enable persons with developmental disabilities to approximate the pattern of everyday living of nondisabled persons of the same age to lead more independent and productive lives. (§§ 4501 & 4685; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

2. The Department of Developmental Services is the state agency charged with implementing the Lanterman Act. It contracts with regional centers that are charged with the responsibility of providing developmentally disabled individuals with access to services and supports best suited for them. (§ 4620, subd. (a).) To determine

² All subsequent statutory references are to the Welfare and Institutions Code.

how a consumer is to be served, regional centers conduct a planning process that results in the development of an IPP. (§ 4646.) The IPP is developed by an interdisciplinary team with the participation by the consumer and/or his or her representative. Among other things, the IPP must set forth goals and objectives for the consumer, contain provisions for the acquisition of services, and reflect the consumer's desires and preferences. (§§ 4646 & 4646.5.)

3. The purchasing of services and supports by a service agency is driven by the IPP. In this matter, claimant's IPP identifies the need for GGRC to fund SLS for claimant at a volume of 25 hours per month. GGRC has worked with claimant to obtain more hours with Toolworks and has funded an assessment with Social Vocational Services. GGRC is open to pursuing SLS with DABS and has advocated for her to receive more hours from Toolworks. Once claimant is transferred from the ILS program to the SLS program with Toolworks, there will be more flexibility in scheduling. Claimant did not establish that GGRC has failed to authorize, or to advocate for her to receive, 25 hours of SLS per month.

ORDER

Claimant's appeal is denied.

DATED: December 21, 2017

_____/s/_____
JILL SCHLICHTMANN
Administrative Law Judge
Office of Administrative Hearings

NOTICE

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