

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

ALTA CALIFORNIA REGIONAL CENTER,

Service Agency.

OAH No. 2018041056

DECISION

This matter was heard before Administrative Law Judge Ed Washington, State of California, Office of Administrative Hearings (OAH), in Sacramento, California, on May 16, 2018.

Legal Services Manager Robin Black represented the Service Agency, Alta California Regional Center (ACRC).

Attorney Tomek J. Koszylko represented claimant. Claimant's parents, who are also her conservators and vendored service providers, were present throughout the hearing.

Oral and documentary evidence was received. Submission of this matter was deferred pending receipt of closing briefs. Service Agency's Closing Brief and Claimant's Post-Hearing Brief were submitted on May 30, 2018, and marked respectively as Exhibits 11 and I. The record was closed and the matter was submitted for decision on May 30, 2018.

ISSUES

Should ACRC be required to reimburse claimant's mother for time spent providing back-up Supported Living Services (SLS) to claimant when her live-in caretaker is not available?

FACTUAL FINDINGS

1. Claimant is a 45-year-old woman diagnosed with moderate intellectual disability, cerebral palsy, and epilepsy. Claimant cannot appreciate or respond to dangerous situations, and therefore requires 24-hour protective supervision. Claimant shares a home in Roseville with her primary caregiver. Claimant is receiving services from ACRC pursuant to the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code Section 4500 et seq.)¹

2. As indicated in her Individual Program Plan (IPP), dated May 1, 2017, claimant's goals are as follows:

1. To live in the community with supports.
2. To enhance her recreational, socialization, community integration, pre-vocational, self-advocacy, functional living skills.
3. To maintain good physical, mental and dental health.
4. To increase self-advocacy skills.

3. Pursuant to these goals, claimant receives 461 hours of SLS and 283 hours of In-Home Support Services (IHSS) each month. These hours are adjusted based on need to ensure claimant is provided support 24 hours a day.

¹ Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

4. On May 11, 1993, claimant's parents were appointed limited conservators of claimant's person. They were given powers to give consent for claimant to receive medical treatment, subject to certain statutory limitations. They were also provided with authority to select claimant's residence, have access to claimant's confidential records, consent or withhold consent for claimant to marry, limit claimant's right to contract, and limit claimant's right to control her own social and sexual contact and relationships. Claimant's parents are vendored and paid by ACRC to provide an SLS program to claimant only, as a single household vendor.

5. The primary caregiver has been claimant's paid live-in primary SLS direct care support provider for approximately 19 years. Her SLS direct care includes providing protective supervision, assistance with eating, bathing, toileting, home chores, menu preparation, shopping, transportation to and from social and exercise activities, and other services. The primary caregiver accrues 252 hours of time a year that can be used as sick leave or vacation.

6. For approximately 13 years, claimant's parents also hired Eleanor Swanson as a "weekend SLS provider" to provide coverage for at least one weekend each month when the primary caregiver was off work. When Ms. Swanson could no longer provide SLS services, claimant's parents hired Waltileza White as a weekend SLS worker. Each weekend SLS worker also provided "back-up" SLS services for claimant when the primary caregiver took sick leave, vacation, or during unexpected emergencies when the primary caregiver was not available. The back-up SLS services were provided through ACRC funded SLS hours.

7. In or around December 2016, Ms. White stopped providing services for claimant during the primary caregiver's absence. Claimant's parents have not replaced Ms. White and have not tried to secure a replacement. Since Ms. White's departure, claimant's mother has provided weekend care for claimant, funded by IHSS. The IHSS services

provided by claimant's mother have been provided in her own home, rather than in claimant's home. Since Ms. White's departure, claimant's mother has also provided unpaid back-up SLS for claimant.

8. Claimant's parents want claimant's mother to be paid for providing back-up SLS services for claimant, through ACRC SLS hours. They discussed this desire with ACRC and formally requested that claimant's mother be paid for providing back-up SLS services through regional center funds. On February 20, 2018, claimant's parents confirmed with claimant, in writing, that it is also her desire that claimant's mother provide back-up SLS care for her when the primary caregiver is not available.

9. On March 14, 2018, ACRC issued a Notice of Proposed Action (NOPA) to claimant, advising that it "is denying [claimant's mother's] request to be paid to perform direct SLS services for [claimant], as a back-up for those times when [claimant's] live-in direct services provider is not available to care for her." The NOPA listed the following bases for the denial:

[Claimant's parents] as paid administrators are responsible for hiring appropriate staff as back-up SLS. [Their] decision as administrators to not hire back-up direct care staff does not require that [they] hire and pay themselves to provide back-up direct care services.

It is a conflict of interest to allow [claimant's mother], the parent vendor and also [claimant's] conservator, to provide direct staff services because [claimant's mother] is already paid by ACRC to administer and oversee the provision of SLS direct care services for [claimant].

[Claimant's parents] have demonstrated difficulty managing the responsibilities of an administrator. Therefore it is not reasonable to conclude that [claimant's mother] could adequately perform both the responsibilities of administrator and direct service provider.

ACRC cannot pay [claimant's parents] to provide direct SLS services when they have demonstrated that they are willing and able to provide [claimant] unpaid care and supervision, clearly based on the fact that [claimant] is their child and that they are her conservators. To do so would supplant [claimant's] natural supports.

[It] would not be the least restrictive environment in which [claimant] could receive the services since [claimant's mother] is also [claimant's] conservator . . .

[I]t would be inconsistent with the Lanterman Act mandates because clients who receive SLS (and not their conservators) should have control over the environment within their house.

[R]egional center services are designed to promote independent, productive, and normal lives; having one's parent provide direct services in one's own home does not promote a client's independence and is not typical or normal for an adult without disabilities.

10. On April 16, 2018, claimant filed a Fair Hearing Request to appeal the NOPA. The request specified ACRC's decision was not supported by the law or prior DDS

guidance. The request also specified that the denial was not in claimant's best interest "as she has difficulty adjusting to change and has not responded well to strangers providing back-up care when her live-in caregiver is unavailable."

11. On April 30, 2018, an informal meeting was held to discuss claimant's appeal. After that meeting, ACRC's representative prepared a memorandum, dated May 7, 2018, sustaining its denial of claimant's mother's request. The memorandum reiterated the bases for denial specified in the NOPA. ACRC provided the following additional information to support its decision:

- a. [T]he back-up SLS care [claimant's mother] proposes to be paid to provide would be in [claimant's parents'] home, and not in [claimant's] home. SLS is designed to allow an individual to reside in their own home with support, and may not be provided in others' homes on a regular and ongoing basis . . .
- b. It is acknowledged that [claimant] has difficulties with new people/caregivers, [but this is not] a reason to stop trying to obtain qualified caregivers, but rather . . . [is] a challenge . . . that can be overcome. . . . Having parents or family members provide services to clients may be indisputably easier than locating unfamiliar qualified individuals to perform that work, but isn't necessarily better.
- c. [I]t would be expected that [any payment to claimant's mother for the time claimant] is visiting the family home when [the primary caregiver] is sick or on vacation [claimant's mother] could bill for the IHSS hours that [the primary caregiver] does not bill for.
- d. [I]t does appear that Title 17 regulations permit SLS vendors to perform multiple roles, including caregiving. . . . [S]hould [claimant's mother] ultimately be hired to provide back-up care for [claimant], the vendorization agreement should be amended to be consistent with that agreement.

TESTIMONY OF CAROL WILHELM

12. Carol Wilhelm works at ACRC as a Client Services Manager. She has held that position for over 17 years, and has also worked for 9 years as an ACRC Service Coordinator. Ms. Wilhelm testified that SLS is a service model provided to clients needing daily support, who reside in their own home in which no parent or provider lives. She testified that SLS assists clients with tasks such as "personal activities, working with their landlord, working with other relationships, and grocery shopping." She described SLS as "sort of [Independent Living Services] on steroids," as it is a service model that provides support on a daily basis for needs that go above and beyond those addressed by Independent Living Services and IHSS. Supports are developed during the planning team process to address needs related to the claimant's developmental disability. The assigned regional center will fund for SLS services up to 24 hours each day. Those hours may be supplanted by IHSS, if a claimant qualifies.

13. Claimant's case is within Ms. Wilhelm's unit. She recalled that claimant receives 744 hours of supported living hours in a 31-day month, of which 283 hours are provided through IHSS. ACRC provides funding for the remaining 461 hours.

14. Ms. Wilhelm testified that "it is completely legal for parents to be SLS vendors." She noted that ACRC currently has several parent vendors. However, prior to becoming parent vendors, the client must agree to the arrangement, the services provided may not supplant natural supports, and the SLS hours cannot replace IHSS hours. It is Ms. Wilhelm's opinion that the weekend or backup care that claimant's mother provides for claimant, in claimant's mother's home, constitutes a natural support due to claimant's mother's role as a mother and claimant's conservator. Ms. Wilhelm also emphasized that any services provided at claimant's parents' home should not be considered SLS, as it does not support claimant's independent living because claimant does not have control over that environment.

15. Ms. Wilhelm prepared the NOPA denying claimant's mother's request to be paid for providing back-up SLS services to claimant. At hearing, Ms. Wilhelm reiterated that she does not believe it would be appropriate for either of claimant's parents to provide direct SLS services for claimant for the reasons identified in the NOPA. She added that the arrangement would make it difficult on claimant because she "can't fire her [SLS] worker if [that worker] is mom or [claimant's] conservator."

TESTIMONY OF CLAIMANT'S FATHER

16. Claimant's father testified at hearing. In 1983 he learned that claimant's mental capacity would likely never exceed that of a three year old, due to brain damage. He has a loving relationship with claimant, who he described as "confident" and a person who "wants to do things her way." Claimant's father believes that claimant's mother's care for claimant in no way inhibits or stifles claimant's independence, as claimant is comfortable expressing her desires to her parents. He and his wife recognize and support claimant's independence. Claimant's father testified that claimant is an adult and they generally treat her as if she has no disability.

17. Claimant's parents live in Auburn. They became vendorized with ACRC in 1995. Claimant's father's primary responsibilities include administrative duties related to claimant's care. This includes managing budgets, payroll, paying taxes, scheduling and conducting interviews, performing background checks, completing performance evaluations, and maintaining personnel files. Claimant's mother helps supervise the primary caregiver, prepares monthly reports and monitors claimant's home to ensure it is clean and safe. Claimant's mother also makes sure all of claimant's medical needs are met.

18. In 2016, ACRC performed a Quality Assurance Assessment and an audit of Claimant's parents' compliance with the terms of their vendor service agreement. There were several "suggestions for follow-up" related to their failure to properly maintain, submit, and update materials they were required to maintain pursuant to their

vendorization agreement. Claimant's parents had also failed to perform certain trainings in a timely fashion and failed to complete and disseminate certain policies to employees. Claimant's father testified that he has worked with the regional center to improve in each area and complied with all recommended findings. By way of a letter dated June 14, 2017, ACRC informed claimant's parents that they had satisfactorily completed all Quality Assurance recommendations requested by the agency.

19. Claimant's father estimated that claimant's primary caregiver used approximately 250 hours of vacation and sick leave over the last year, which equates to less than 21 hours each month. He testified that they have not hired a back-up SLS provider for several reasons. He believes it would be very difficult to find qualified employees willing to work on an "on-call" basis, and believes he may have to secure multiple back-up providers due to the intermittent nature of the assignment. Securing back-up providers could take weeks, given that a full recruitment must occur for each employee, including interviews, background checks and on-boarding. He is also concerned that having multiple intermittent employees caring for claimant is not in her best interest. According to claimant's father, claimant had exhibited significant behavioral outbursts when dealing with intermittent care providers she did not like. This included lying on the ground "throwing a fit," pulling the sheets off of her bed, and smearing feces in the bathroom.

20. Approximately 18 months ago, claimant's mother became qualified to provide IHSS through the County. Claimant's mother has utilized IHSS hours to provide care for claimant when the primary caregiver is not available. Claimant's father testified that claimant's mother's IHSS "could cover [the back-up services requested]," but doing so would somehow result in a reduction of the primary caregiver's employment benefits. He believes his wife is entitled to payment for the back-up services she is providing, as any

other person providing those same services would be entitled to compensation for their work.

TESTIMONY OF CLAIMANT'S MOTHER

21. Claimant's mother testified at hearing. She worked in the insurance industry for 20 years and retired in 1999. She has a loving relationship with claimant, whom she treats as an adult. She described claimant as "her own person" who "can be stubborn, and has a mind and will of her own."

22. As a vendor and conservator for claimant, claimant's mother ensures that claimant's medical needs are met and that claimant's home has proper food supplies, is clean, and is safe. Claimant's mother testified that if approved to provide back-up SLS, she could "do everything that the primary caregiver does, including going to the gym, concerts, movies," and other activities. She has completed all the steps necessary to become an SLS provider, and will obtain her CPR and first aid certifications if approved to provide services.

23. Claimant's mother testified that the back-up care she has provided for claimant during the past 18 months has been provided in her home, rather than claimant's home, because claimant and the primary caregiver live together. While in the same household, claimant would tend to go to the primary caregiver for assistance, even though the primary caregiver was off-duty, because the primary caregiver has been claimant's primary SLS provider for 19 years. Claimant's mother believes this would be confusing for claimant because she would not appreciate that the primary caregiver was off-duty and would also fail to understand "why mom won't go home." The primary caregiver is also inclined to help out when claimant is in the home, even though she is off-duty, because she had supported claimant for so many years.

24. To address this concern, claimant's parents have duplicated a portion of claimant's home environment within their own home. Claimant has her own room, a full

set of clothes, a desk, arts and crafts, and a television. As an alternative to providing back-up care in her own home, claimant's mother is willing to provide services in claimant's home, but expressed concern about whether that would be practical.

DOCUMENTS PROVIDED BY CLAIMANT

25. To support her appeal, claimant submitted a legal opinion, dated May 2, 1996, prepared by Bruce Ogden, Senior Staff Counsel, Department of Developmental Services. The opinion was prepared to clarify "whether a regional center can legally refuse to pay administrative costs for vendored services provided by a relative of a consumer." The opinion includes the following conclusion:

[I]f a regional center agrees to vendor a relative to perform a service which could reasonably be performed by an unrelated vendored person, and the service, if performed by that unrelated vendored person, requires some administrative costs to accomplish delivery, there is no legal justification for not paying for those same services and administrative cost if incurred by a vendored relative.

26. Claimant also submitted an eight-page document titled "Natural Supports . . . They're All Around You!" (DDS guidance material) prepared by the Department of Developmental Services. This document describes natural supports as follows:

Relationships with [friends, family, and co-workers] . . . who have been instrumental in pivotal points in [one's] life and whom [one] can count on for help.

[P]ersons constituting a consumer's natural support do not teach skills or facilitate a learning environment; they just nurture and support.

Natural supports represent 'not to do for, but, with people.'

(Underlining in original.)

LEGAL CONCLUSIONS

1. The Lanterman Act sets forth the regional center's responsibility for providing services to persons with development disabilities. An "array of services and supports should be established. . . to meet the needs and choices of each person with developmental disabilities . . .to support their integration into the mainstream life of the community . . . and to prevent dislocation of persons with developmental disabilities from their home communities." (§ 4501.) The Lanterman Act requires regional centers to develop and implement an IPP for each individual eligible for regional center services. (§ 4646.) The IPP includes the consumer's goals and objectives as well as required services and supports. (§§ 4646.5 & 4648.)

2. Section 4646 provides in part:

(a) It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further

intent of the legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.”

(b) The individual program plan is developed through a process of individual needs determination. The individual with developmental disabilities . . . shall have the opportunity to actively participate in the development of the plan.

[¶] . . . [¶]

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer’s goals, objectives, and services and supports that will be included in the consumer’s individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

3. Section 4646.4, subdivisions (a)(1), (2) and (3), provide:

Effective September 1, 2008, regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer’s individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service

plan pursuant to Section 95020 of the Government Code, the establishment of an internal process. This internal process shall ensure adherence with federal and state law and regulation, and when purchasing services and supports, shall ensure all of the following:

(1) Conformance with the regional center's purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.

(2) Utilization of generic services and supports when appropriate.

(3) Utilization of other services and sources of funding as contained in section 4659.

4. Section 4646.5, subdivision (a)(4), states:

(a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(4) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider and providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. The plan shall specify the

approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services.

5. Section 4512, in pertinent part, provides:

[¶] . . . [¶]

(b) "Services and supports for persons with developmental disabilities" means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, and normal lives. [These may include], but are not limited to, diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, physical, occupational, and speech therapy, training, education, supported and sheltered employment, mental health services, recreation, counseling of the individual with a developmental disability and of his or her family, protective and other social and sociolegal services, information and referral services, follow-along services, adaptive equipment and supplies, advocacy assistance, including self-advocacy training, facilitation and peer advocates, assessment, assistance in locating a home, child care, behavior training and behavior modification programs, camping, community integration

services, community support, daily living skills training, emergency and crisis intervention, facilitating circles of support, habilitation, homemaker services, infant stimulation programs, paid roommates, paid neighbors, respite, short-term out-of-home care, social skills training, specialized medical and dental care, telehealth services and supports, . . . supported living arrangements, technical and financial assistance, travel training, training for parents of children with developmental disabilities, training for parents with developmental disabilities, vouchers, and transportation services necessary to ensure delivery of services to persons with developmental disabilities. . . .

[¶] . . . [¶]

(e) "Natural supports" means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships, friendships reflecting the diversity of the neighborhood and the community, associations with fellow students or employees in regular classrooms and workplaces, and associations developed through participation in clubs, organizations, and other civic activities.

6. Section 4648, in pertinent part, specifies:

In order to achieve the stated objectives of the consumer's

individual program plan, the regional center shall conduct activities including, but not limited to, all of the following:

(a) Securing needed services and supports.

(2) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, where appropriate, his or her family.

(3) A regional center may, pursuant to vendorization or a contract, purchase services or supports for a consumer from any individual or agency that the regional center and consumer or, when appropriate, his or her parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or any part of that consumer's program plan.

7. California Code of Regulations, title 17, section 58640, in pertinent part, provides:

[11] . . . [11]

(b) The SLS vendor may:

(1) Separate or combine, and provide for the discharge of, these duties as appropriate to the vendor's circumstances and internal organization; and,

(2) Designate staff positions by titles different from those noted in (a).

(c) One individual may assume all the duties of the director, direct service supervisor(s), and direct service employees of the vendor, or any combination of such duties, provided:

(1) The individual meets the qualifications for any positions assumed; and,

(2) No more than one full-time equivalent position is required for discharging such duties.

(d) Pursuant to Sections 58630(d), 58654, and 58671(c), a SLS vendor providing services to consumers at no more than one home may be required to meet service design, training, and/or service evaluation requirements that are less demanding than those required by the regional center of other SLS vendors.

8. California Code of Regulations, title 17, section 58616, subdivision (b), provides:

No relative or conservator of a consumer shall serve as the SLS vendor for that consumer except when a determination has been made through the IPP process that:

(1) Unpaid family-based, or other natural supports for the consumer will not be supplanted;

(2) Such service is consistent with the consumer's IPP goals and objectives;

(3) The relative or conservator proposing to serve as the SLS vendor has no legal obligation to support the consumer;

(4) The consumer's preference is for that relative or conservator to serve as the SLS vendor; and

(5) The service will be at least as cost effective as any available alternative.

9. As set forth in Findings 11 and 14, and Legal Conclusions 7 and 8, the law permits a single individual to perform the duties of both a vendor and direct service provider. There is no evidence that this arrangement, in and of itself, is a conflict of interest.

10. It is also appropriate for a vendored family member to receive payment for those services. The Department of Developmental Services legal counsel also reached the same conclusion in its May 2, 1996 legal opinion written to clarify this issue. At hearing, ACRC argued that the legal opinion is not controlling because it was written in response to a question about payment for administrative cost rather than direct services. Despite the specific nature of the question that prompted the legal opinion, the opinion concludes that a vendored relative should receive payment for the same services and administrative cost and unrelated vendors. Moreover, the back-up SLS services provided by claimant's mother would be provided on an intermittent and fairly limited basis. Over the prior year, the total back-up SLS services would have totaled less than 21 hours each month, at the most, prior to reducing those hours by any available generic resources.

11. It is undisputed that claimant's parents hired back-up SLS providers in the past, but have now chosen to provide those services themselves for compensation.

Claimant's parents' rationale for deciding to perform these services directly was reasonable and their prior decision to hire back-up SLS service providers does not prohibit them from subsequently determining that it is in the claimant's best interest to provide those back-up SLS services themselves.

12. The Lanterman Act emphasizes providing services and supports to persons with developmental disabilities that consider the needs and preferences of the individual and family and promotes community integration, independent, productive lives, and stable and healthy environments, in a cost-effective manner. This must be accomplished by decision of the IPP team in the context of what is appropriate for the individual. One consideration for the IPP team is the availability of "natural support" to meet a consumer's need.

13. Family relationships are considered a natural support. However, what that support may or may not encompass depends on the individual circumstances. While the parent of a minor child has a duty to provide care for that child, that obligation does not legally exist for the parents of adult children. Separate from any legal parental obligations, a parent's relationship with their adult child may be a natural support depending on the surrounding circumstances.

14. As a back-up direct SLS services provider, claimant's mother's responsibilities would include providing protective supervision, assistance with eating, bathing, toileting, home chores, menu preparation, shopping. These are not the types of activities that would typically be considered parental "natural supports" for an adult child, as defined in Section 4512, subdivision (e), and as described in the DDS guidance materials. Consequently, it would not be a violation of the Lanterman Act to allow claimant's mother to serve as a back-up direct SLS provider for claimant, as long as all preliminary requirements, including those specified in California Code of Regulations, title 17, section 58616, subdivision (b),

are met. Any generic resources, including available IHSS hours, should be exhausted prior to ACRC paying claimant's mother for providing back-up SLS services for claimant.

15. As specified in Legal Conclusion 6, services and supports developed to meet a consumer's needs "shall be flexible and individually tailored to the consumer and, where appropriate, his or her family." Claimant's parents have historically provided back-up care for claimant in their own home when claimant's primary SLS provider, the primary caregiver, is "off-duty" because claimant cannot appreciate that the primary caregiver is home, but not working. This confuses claimant and diminishes from the primary caregiver's time off, as she is inclined to care for claimant while off duty, as she has for the past 19 years. It is preferred that any SLS care provided to claimant be provide in her own home, where she has control of the environment. However, under these unique circumstances, allowing claimant's parents the flexibility to provide direct SLS care in their own home for claimant is reasonable and does not support ACRC's denial of claimant's parents' request. Each of the remaining bases for ACRC's denial of claimant's parents' request has been considered and rejected.

ORDER

The appeal of claimant is granted in part. ACRC is required to pay claimant's mother to perform direct back-up SLS services for claimant, when available generic resources, including available IHSS hours, have been exhausted.

DATED: June 13, 2018

ED WASHINGTON
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Each party is bound by this decision. An appeal from the decision must be made to a court of competent jurisdiction within 90 days of receipt of the decision. (Welf. & Inst. Code, § 4712.5, subd. (a).)