

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

THREE CLAIMANTS,

and

INLAND REGIONAL CENTER,

Service Agency.

OAH Nos. 2018080656; 2018080659;
and 2018080660

DECISION

Mary Agnes Matyszewski, Administrative Law Judge, Office of Administrative Hearings, State of California (OAH), heard these consolidated matters in San Bernardino, California, on November 28, 2018.

Jennifer Cummings, Program Manager, Fair Hearings and Legal Affairs, Inland Regional Center, represented Inland Regional Center (IRC).

Claimants' mother represented the three claimants who are triplets.

The parties agreed that these three matters could be consolidated for hearing and one decision would be issued. The matter was submitted on November 28, 2018.

ISSUES

May IRC terminate parental reimbursement for homemaker services?

FACTUAL FINDINGS

JURISDICTIONAL MATTERS AND PROCEDURAL HISTORY

1. On March 22, 2018, following a consolidated administrative hearing, three separate decisions were issued ordering IRC to fund homemaker services for each of the

three claimants. The orders further provided that such funding did not preclude claimants from also receiving personal attendant services offered by IRC should claimants choose to accept those services. (OAH Nos. 2018011110, 2018020690, 2017120922, 2018011111, 2018020689, 2018011109, and 2018020688.)

2. In response thereto, IRC agreed to fund homemaker services through the 024 parental reimbursement service code.

3. On July 25, 2018, IRC issued Notices of Proposed Action (NOPA), signed by Program Manager Leigh-Ann Pierce, advising that it was terminating parental reimbursement for homemaker services for the three claimants and attaching a 10-page letter explaining its rationale.

4. On August 8, 2018, claimants submitted fair hearing requests appealing IRC's decision to terminate parental reimbursement for homemaker services.

CLAIMANTS' BACKGROUND AND THE SERVICES THEY HAVE RECEIVED

5. Claimants are 12-year-old triplets, two boys and a girl, all of whom are IRC consumers. Both boys are consumers based on diagnoses of Autism Spectrum Disorder. The girl is a consumer based on a diagnosis Cerebral Palsy; she recently learned that she may also be autistic and during the fall of 2016 was diagnosed with Type 1 diabetes. Claimants also have a nine-year-old sister who is not an IRC consumer. Claimants' father works full time out of the home. Their mother does not work outside the home; she stopped working as a teacher to care for claimants and their sister.

6. The supports provided to claimants through their school district and other providers were detailed in the March 22, 2018, fair hearing decisions. As noted, claimants have extensive needs based upon their developmental disabilities. Moreover, as found in those decisions, although IRC had argued that the triplets might not suffer substantial deficits in their adaptive functioning, the professionals who have interacted

with, and provided services to, the triplets indicated that due to their significant deficits, including deficits in their adaptive functioning, they are in need of multiple services.

7. As those three March 22, 2018, decisions noted, claimants' mother asked IRC to fund homemaker services because she was recently diagnosed with lupus, which causes her to be fatigued, and she has struggled with keeping up with household duties as a result of having three developmentally disabled children in the home. Claimant's mother's physician provided verifying information detailing the latter's medical condition and noted that due to her physical condition, "it is difficult for [claimant's mother] to attend to all the daily tasks of managing a household."

IRC'S ACTIONS POST THE MARCH 22, 2018, DECISIONS AND ARGUMENTS ASSERTED AT THIS HEARING

8. IRC witnesses testified that following receipt of those March 22, 2018, decisions, meetings were held to determine how IRC would comply with those orders. IRC witnesses explained that because they did not have a homemaker vendor, they decided to fund homemaker services through parental reimbursement, service code 024. IRC also decided to find a vendor to provide homemaker services. After IRC located a homemaker vendor, IRC assigned the vendor service code 860 and sent its NOPAs to claimants. Program Manager Leigh-Ann Pierce testified that it "was everyone's understanding" that the parental reimbursement was temporary. However, there is absolutely no support for that assertion. Nowhere in the March 22, 2018, decisions are there any indications that the services would be temporary, or that funding them through parental reimbursement would be temporary. Nothing in that decision indicated how the service should be provided or funded. Claimant's mother certainly did not think her parental vouchers would be temporary. The March 22, 2018, orders required IRC to fund homemaker services, a service allowed by the Lanterman Act. IRC's argument at this hearing that it had never provided such services in the past did not

excuse it from doing so now or preclude it from providing that service via parent voucher. The orders were unambiguous: IRC was to fund homemaker services for the three claimants. If IRC is now attempting to change how it provides those services, as noted below, this will result in different services being provided, which would violate the March 22, 2018, orders, and will cause additional stressors for this family as it will upset the routine that claimants have now established and place additional, new people in their home. If IRC objected to the March 22, 2018 decisions, the proper recourse was to appeal them, not to provide a notice of proposed action alternating how the services ordered are provided.

9. IRC also set the homemaker services up at a 1:1 ratio, despite the fact there were three orders and three claimants, triplets. A 1:1 ratio is for services provided when there is one IRC consumer in the home; here there are three. More importantly, there were three decisions ordering homemaker services for each triplet. Accordingly, although IRC set the homemaker services up at a 1:1 ratio; the services should have been set at a 1:3 ratio. Program Manager Leigh-Ann Pierce testified that the services were set 1:1 because at the prior hearing claimants' mother testified that she needed someone to replace her in the home, and replacing her, one person, resulted in IRC using a 1:1 ratio. That position was contrary to the facts presented in the prior hearing and the holding of the three decisions. The clear, unambiguous language of those three decisions ordered homemaker services for each of the three claimants. Accordingly, IRC shall be ordered in this decision to set the ratio at 1:3 as it should have done following its receipt of the March 22, 2018, decisions.

10. Repeatedly during this hearing, IRC explained that it had never funded homemaker services to children and had only occasionally done so for adults. IRC suggested that it would be impossible on an administrative level to provide these services for these triplets. That position is also rejected. California Code of Regulations, title 17, section 54342, subdivisions (a)(33) and (34), describe "homemaker" services and

do not place any limitations on the age of the recipients of such services. It was unclear why the age of the children was relevant to providing this service. Moreover, it allegedly being an “impossible” service to provide was all the more reason to use the parent voucher reimbursement method.

11. IRC also asserted that homemaker services are only intended to be used “in the home,” and referenced California Code of Regulations, title 17, section 54342, subdivisions (a)(33) and (34), in support of its position. That position, too, is rejected. The fundamental principle of statutory interpretation is to ascertain the legislative intent so that the purpose of the law may be effectuated. (*Pollack v. Department of Motor Vehicles* (1985) 38 Cal.3d 367, 372.) To determine the intent of legislation, one first consults the words themselves, giving them their usual and ordinary meaning. (*DaFonte v. Up-Right, Inc.* (1992) 2 Cal.4th 593, 601.) One begins with the language of the statute, affording the words their ordinary and usual meaning and viewing them in their statutory context. (*People v. Watson* (2007) 42 Cal.4th 822, 828.) If the legislature intended additional requirements, it could have expressly so provided. (*Alcala v. Superior Court* (2008) 43 Cal.4th 1205, 1219.)

Legislative intent controls, and a statute’s “plain meaning” is adopted because courts assume the Legislature uses words in their usual sense and does not attach private meanings to commonly used words. Statutory interpretation begins with the text and will end there if a plain reading renders a plain meaning: a meaning without ambiguity, uncertainty, contradiction, or absurdity. If a plain reading of the statute fails, one must look further for legislative intent, knowing that words are inexact symbols without intrinsic significance and that the Legislature may intend an unusual meaning, whether by design or inadvertence. The intent prevails over the letter, and the letter will, if possible, be so read as to conform to the spirit of the act. (*Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 735.)

The clear legislative intent of the Lanterman Act is to prevent the dislocation of persons with developmental disabilities from their home communities. (Welfare and Institutions Code section 4501.) Nothing in the Act requires services to be provided only in the consumer's home, and, in fact many services are not provided in the home. California Code of Regulations, title 17, section 54342, subdivisions (a)(33) and (34), provide that the homemaker service "maintains the care of individuals in their home," "strengthens the care of individuals in their home," or "safeguards the care of individuals in their home." As worded, it is entirely possible for the homemaker service to be performed outside of the home and yet be a service which helps maintain, strengthen, or safeguard individuals in their home. For example, a homemaker who shops for groceries or runs other errands - tasks performed outside of the home - would clearly be providing services intended to maintain, strengthen, or safeguard the consumer. Moreover, nowhere do the subdivisions state that the homemaker services may only be provided in the home nor do any of the Welfare and Institutions Code sections cited by IRC; those sections reference caring for children who are "at home." The intent of the services is to help the families caring for children at home and to help consumers remain in the home; the intent is not that the service can only be performed in the home. Reading the regulation as narrowly as IRC proposes is contrary to both the legislative intent of the law and the plain meaning of the words used.

12. As another basis for its proposed action, IRC contended at hearing that it "has had a long-standing concern about the potential lack of compliance with payroll/employer responsibilities and reporting requirements, not to mention the time and energy families need to expand in order to meet these requirements." IRC produced no evidence that claimants did not comply with payroll/employer responsibilities and reporting requirements or lack the time or energy to meet those requirements. In fact, as claimants' mother testified, her husband, claimants' father, has a Master's degree in Accounting and is both willing and capable of performing these duties.

13. As another reason for its action, IRC asserted that it was also funding personal assistant services and thus to fund homemaker services would be essentially duplicative and unnecessary. However, as the March 22, 2018, decisions clearly stated: "IRC shall fund homemaker services. This order does not preclude claimant from also receiving the personal attendant services offered by IRC, should claimant choose to accept those services." Thus, the personal assistant/attendant services are completely separate and distinct from the homemaker services ordered. That IRC provides personal assistant/attendant services does not relieve it of its obligation to provide homemaker services as ordered.

14. Another basis for its action was that IRC had now vendored homemaker providers. However, as the evidence at this hearing clearly established, those vendors have not agreed to serve claimants and do not offer the same services that are currently being obtained via parent reimbursement. IRC's proposal to alter the services is based on speculation that these new vendors can serve claimants. The homemaker vendor documents raised great concerns about the vendors' abilities to provide homemaker services to this family given the unique situation involving triplets who have substantial needs as documented in the March 22, 2018, decisions. Eliminating parental reimbursement for homemaker services would be extremely detrimental to these claimants and this family because it would disrupt the family's routines they have established after homemaker services were ordered and insert yet another person or persons into their home.

15. IRC also asserted as a basis for its action that claimants participate in the HCBS Medicaid Waiver Program and regional centers receive funding for services that qualify for federal reimbursement. Homemaker services provided under service code 858 qualify; homemaker services provided under service code 024 do not. While IRC's desire to receive federal reimbursement for services it provides to its consumers is understandable, the Lanterman Act authorizes regional centers to provide services, so

consumers may remain in their homes. "Cost-effective actions" should not be taken at the expense of the consumers receiving services, when doing so will harm consumers and their families, or when doing so is contrary to a prior administrative order.

WITNESS TESTIMONY

16. Eric Hamler, Resource Development and Transportation Program Manager, testified about the vendor process and the service codes. He explained that the Department of Developmental Services (DDS) sets statewide median rates and identifies the types of services that can be provided under each category. Mr. Hamler explained that some rates are set by DDS, some are set by Medi-Cal and some are negotiated with regional centers. Regional centers may not negotiate a rate above the median rate.

On the 2016 DDS Statewide Median Rates sheet, the service code for homemaker is 858 and the service code for homemaker services is 860. No median rate was set for service code 858 and Mr. Hamler never contacted DDS to ask about the rate for that service code nor did he obtain the service code description for the differences between the 858 and 860 service codes. Given that the sole issue in these three matters was homemaker and homemaker services, it was unclear why he had not performed that task or obtained that information.

Mr. Hamler has no involvement with the 024, parent voucher, service code. He was not sure why IRC had assigned service code 024 to claimants' parents instead of using service code 858 or 860. He was not aware of any reason why claimants' parents could not create a design program and be vendored under service code 858 or 860.

Two vendors have recently gone through the process to become IRC homemaker services vendors. Claimants' parents were not involved in that process and Mr. Hamler was not aware that claimants' parents had requested to be involved nor was he aware that the Welfare and Institutions Code provided for parent involvement in the process. IRC assigned service code 860 to the new homemaker vendors because one vendor

informed IRC that it had contracted with another regional center under that service code and it would be easier to tailor its design program from that regional center for IRC using that service code.

Mr. Hamler was shown a series of e-mails between claimants' mother and a DDS employee in the Rates and Fiscal Support Section. He admitted that this was the DDS section responsible for service codes and rates. In those e-mails, the DDS employee responded to claimants' mother's inquiry, who asked if regional centers are prevented from assigning a parent service code 860 or must use code 024. The DDS employee advised that regional centers assign the codes. Thus, nothing prevents a parent from being a code 860 vendor. Mr. Hamler did not disagree with the DDS employee's response to claimants' mother.

Mr. Hamler admitted that a 1:1 ratio for services is assigned when there is one regional center consumer receiving the service; a 1:2 ratio means there are two consumers; and a 1:3 ratio means there are three consumers. During his explanation of the ratios assigned in this case, it appeared that he failed to appreciate that there were three separate decisions in this matter ordering homemaker services; one service per consumer. As such, the ratio assigned should have been 1:3.

17. Aderonke Adejuyighe, IRC's Program Manager in the Medicaid Waiver Unit, testified about the quality assurance and case file reviews her unit performs. She explained the Medicaid waiver reimbursement program, testifying that having consumers participate in "billable services" allows IRC to develop more programs and implement existing programs for its consumers. Both 858 and 860 service codes are reimbursable. Ms. Adejuyighe plays no role in deciding what code IRC assigns to vendors. However, she admitted that services provided need to respect the decision-making of the family and there needs to be family input. She also acknowledged that it is important for individuals with Medicaid waivers not to go without services.

18. Leigh-Ann Pierce, IRC's Program Manager for claimants' unit, was formerly in the Fair Hearings and Legal Affairs Unit for seven years. She discussed the IRC meetings after the March 22, 2018, decisions were issued. Because IRC did not have a homemaker vendor when the decisions were issued, IRC established the services using code 024 parent reimbursement. Once there was a homemaker vendor, IRC decided to terminate parent reimbursement and fund the service through its vendor. Ms. Pierce explained that code 024 is used when there are no vendored services; here, once there was a vendor, the service would be provided by the vendor using the vendor code. Further, the state will receive federal reimbursement for service codes 858 and 860, but not for service code 024. Given IRC's decision, Ms. Pierce authored the 10-page letter that accompanied IRC's NOPA that Ms. Pierce also prepared.

Ms. Pierce explained that the homemaker service was set up at a 1:1 ratio because it was ordered to help claimants' parents. However, using that logic, because there are two parents, the services should have been set, at a minimum, at a 1:2 ratio, one for each parent. Ms. Pierce also testified that it was set at 1:1 because it was put in place to "replace mother" given mother's testimony at the prior hearing. However, that position was contrary to the clear language of the three March 22, 2018, decisions, which ordered homemaker services for each of the three consumers (1:3), as well as the facts stated therein.

Ms. Pierce also admitted it has not been established that the vendors can actually provide the homemaker services to claimants, or that they can provide all the homemaker services claimants are currently receiving. The homemaker vendor must still evaluate and decide whether it can service this family. Although Ms. Pierce repeatedly asserted that the vendor can provide the service, her testimony was contrary to the vendors' own documents which demonstrated the speculative and tenuous nature of IRC's position. Those vendor documents made it clear that they "may" be able to service

this family, dependent on several factors, none of which can be assumed with any certainty given the facts.

Ms. Pierce also testified about her “interpretation” of the three March 22, 2018, decisions; that opinion testimony was not relevant or persuasive. Regardless of Ms. Pierce’s interpretation, IRC is required to follow the clear, unambiguous language of those decisions and provide the services ordered.

19. Claimants’ mother testified about her family’s tremendous struggles to meet the needs of the triplets, as well as the needs of her fourth child. Consistent with her prior testimony in the earlier hearing, she described the numerous employees in her home, the services provided, and her cancellation of services she felt no longer met her children’s needs, all of which demonstrated her cost-effectiveness and understanding of the need to be a good steward of public funds.

Claimant’s mother testified about her loss of faith in the system given her recent interactions with IRC. She had no issues with IRC until her daughter’s health deteriorated, and she requested services to address those new medical issues. Thereafter, claimant’s mother has had an extremely difficult relationship with IRC and with Ms. Pierce, in particular, and does not understand why this has happened.

Claimant’s mother’s testimony was heartfelt and sincere. She very much appeared to be close to her breaking point. It was utterly impossible to understand IRC’s actions in the face of a family with triplets who are regional center consumers. Nothing in the Lanterman Act requires a family to completely disintegrate before services are provided. The purpose of the Lanterman Act is to prevent this from happening. As claimants’ mother testified, 0.54 percent of families have triplets with regional center qualifying conditions. Thus, this family is in an extremely unique category and IRC treating it as a “typical family” with one regional center consumer was unfathomable.

LEGAL CONCLUSIONS

BURDEN AND STANDARD OF PROOF

1. In an action to terminate services, a regional center has the burden of proof. The standard of proof is preponderance of the evidence. (Evid. Code, § 115.)

THE LANTERMAN ACT AND REGIONAL CENTERS

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Developmental Disabilities Services Act (the Lanterman Act) which is found at Welfare and Institutions Code section 4500 *et seq.* and governs the state's responsibilities to persons with developmental disabilities.

3. The Lanterman Act provides a system of facilities and services sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. The purpose of the statutory scheme is twofold: to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (Welf. & Inst. Code, § 4501; *Association of Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

4. Welfare and Institutions Code section 4501 states:

The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, developmental disabilities present social,

medical, economic, and legal problems of extreme importance.

The complexities of providing services and supports to persons with developmental disabilities requires the coordination of services of many state departments and community agencies to ensure that no gaps occur in communication or provision of services and supports. A consumer of services and supports, and where appropriate, his or her parents, legal guardian, or conservator, shall have a leadership role in service design.

An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities. ...

5. Welfare and Institutions Code section 4502.1 states:

The right of individuals with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including, but not limited to, regional centers, shall respect the choices

made by consumers or, where appropriate, their parents, legal guardian, or conservator. Those public or private agencies shall provide consumers with opportunities to exercise decision making skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer in making his or her choice.

6. "Services and supports for persons with developmental disabilities" are defined by Welfare and Institutions Code section 4512, subdivision (b), and include: "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. ... Services and supports listed in the individual program plan may include, but are not limited to, ... homemaker services, ..."

7. Welfare and Institutions Code section 4648 provides:

In order to achieve the stated objectives of a 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.

(1) 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, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families, 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) 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.

8. Welfare and Institutions Code section 4685 addresses in-home services for children with developmental disabilities as follows:

(a) Consistent with state and federal law, the Legislature finds and declares that children with developmental disabilities most often have greater opportunities for educational and social growth when they live with their families. The Legislature further finds and declares that the cost of providing necessary services and supports which enable a child with developmental disabilities to live at home is typically equal to or lower than the cost of providing out-of-

home placement. The Legislature places a high priority on providing opportunities for children with developmental disabilities to live with their families, when living at home is the preferred objective in the child's individual program plan.

(b) It is the intent of the Legislature that regional centers provide or secure family support services that do all of the following:

(1) Respect and support the decision making authority of the family.

(2) Be flexible and creative in meeting the unique and individual needs of families as they evolve over time.

(3) Recognize and build on family strengths, natural supports, and existing community resources.

(4) Be designed to meet the cultural preferences, values, and lifestyles of families.

(5) Focus on the entire family and promote the inclusion of children with disabilities in all aspects of school and community.

(c) In order to provide opportunities for children to live with their families, the following procedures shall be adopted:

(1) The department and regional centers shall give a very high priority to the development and expansion of services and supports designed to assist families that are caring for

their children at home, when that is the preferred objective in the individual program plan. This assistance may include, but is not limited to, ... respite for parents, homemaker services, camping, day care, short-term out-of-home care, child care, counseling, mental health services, behavior modification programs, ... and other benefits to which they are entitled.

(2) When children with developmental disabilities live with their families, the individual program plan shall include a family plan component which describes those services and supports necessary to successfully maintain the child at home. Regional centers shall consider every possible way to assist families in maintaining their children at home, when living at home will be in the best interest of the child, before considering out-of-home placement alternatives. When the regional center first becomes aware that a family may consider an out-of-home placement, or is in need of additional specialized services to assist in caring for the child in the home, the regional center shall meet with the family to discuss the situation and the family's current needs, solicit from the family what supports would be necessary to maintain the child in the home, and utilize creative and innovative ways of meeting the family's needs and providing adequate supports to keep the family together, if possible... .

APPLICABLE REGULATIONS

9. California Code of Regulations, title 17, section 54342, lists the service codes for various regional center services. Subdivision (a)(33) and (34) describe "homemaker" services, but they do not place any limitations on the age of the recipients of such services.

(33) Homemaker - Service Code 858. A regional center shall classify a vendor as a homemaker if the vendor maintains, strengthens, or safeguards the care of individuals in their homes.

(34) Homemaker Service - Service Code 860. A regional center shall classify a vendor as a homemaker service if the vendor employs, trains, and assigns personnel who maintain, strengthen, or safeguard the care of individuals in their homes.

APPLICABLE CASE LAW

10. In *Williams v. Macomber* (1990) 226 Cal.App.3d 225 (as modified on January 4, 1991), the Second District Court of Appeal considered a regional center's denial of home care services based on that regional center's strict compliance with its purchase of services policies and held that services were improperly denied without taking into consideration all the relevant circumstances. The appellate court explained that "application of an inflexible policy denying such services is contrary to the Act. Whether appellant is entitled to day-care services depends upon a consideration of all relevant circumstances." (*Id.* at pp. 233-234.)

Claimants' mother asserted that IRC's actions in this matter were akin to the actions struck down by the appellate court. IRC argued that it was not following an

internal policy but was acting in accordance with state and federal law. IRC's argument was not persuasive. IRC acknowledged that it established the 024 service code because it did not have a homemaker vendor when the March 22, 2018, decisions were issued. IRC selected the service code given to claimants' family. Per the DDS email, IRC assigns those codes. IRC asserted it had never provided homemaker services to children and was therefore creating this new program. Finally, Ms. Pierce testified about her interpretation of the March 22, 2018, decisions and how that interpretation led to IRC's actions. Thus, IRC was not solely following federal and state law, but was also acting pursuant to internal interpretations and making decisions based on IRC's internal administrative preferences. As such, this appellate court holding is applicable here.

CAUSE DOES NOT EXIST TO TERMINATE PARENTAL REIMBURSEMENT FOR HOMEMAKER SERVICES

11. For the numerous reasons stated above, IRC failed to meet its burden of proof that it may terminate parental reimbursement for the homemaker services ordered in the three March 22, 2018, decisions. Good cause to terminate parental reimbursement was not established. The homemaker services shall also be set at a 1:3 ratio consistent with the March 22, 2018, orders and the facts.

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ORDERS

Claimants' appeal from the Inland Regional Center's determination that it will terminate parental reimbursement for homemaker services is granted. Inland Regional

Center shall continue to fund homemaker services for all three claimants through parental reimbursement.

IRC shall revise the homemaker services ratio it established from 1:1 to 1:3.

DATED: December 11, 2018

MARY AGNES MATYSZEWSKI

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 ninety days.