

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT,

vs.

EAST LOS ANGELES REGIONAL CENTER,

Service Agency.

OAH No. 2020070711

DECISION

Carmen D. Snuggs, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter via videoconference on November 16, 2020.

Jacob Romero, Fair Hearing Representative, represented Eastern Los Angeles Regional Center (ELARC or Service Agency). Claimant was represented by his mother and father (collectively Claimants Parents).¹

Oral and documentary evidence was received. The record was held open to allow Claimant to submit video files depicting Claimant engaged in facilitative communication on a flash drive to OAH by November 23, 2020.² Claimant timely submitted the flash drive, and Exhibits D and E were admitted into evidence.

The record was closed, and the matter was submitted for decision on November 23, 2020.

ISSUE

Shall the Regional Center fund Adaptive Skills Training services provided by Progress Resources for Claimant at a rate of 4 hours per day, 5 days per week?

¹ Names are omitted and family titles are used to protect the privacy of the Service Agency's consumers and their families.

² The video files were viewed during the hearing. The Service Agency did not object to the admission of Exhibits D and E.

EVIDENCE RELIED UPON

In making this Decision, the ALJ relied upon exhibits 1 through 17 submitted by the Service Agency, exhibits A through G submitted by Claimant's Parents, and the testimony of Gina Solano, Service Coordinator, Lilia Ortega, Supervisor of Consumer Services, and Claimant's Parents.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a 24-year old conserved consumer of ELARC based on his qualifying diagnoses of autism and epilepsy. He lives at home with his parents.
2. On May 4, 2020, Claimant's mother requested that ELARC fund the provision of Adaptive Skills Training (AST) for Claimant by vendor Progressive Resources (Progressive) at a rate of four hours per day, five days per week.
3. On June 24, 2020, the Service Agency sent a Notice of Proposed Action to Claimant's Parents indicating that it denied Claimant's mother's request.
4. On July 10, 2020, a Fair Hearing Request on Claimant's behalf was submitted to the Service Agency, which appealed the denial of the funding request.

Background

5. Claimant's Individual Program Plan (IPP), dated March 4, 2020, indicates that he requires assistance with completing most of his self-care tasks and he requires 24-hour supervision in order to maintain his safety. More specifically, Claimant is at

risk for suffering a seizure as well as choking, as Claimant's Parents reported that Claimant suffered daily choking incidents. In addition, Claimant has a history of darting away while in public.

6. In order to communicate, Claimant uses short phrases or he grabs an individual's hand and points. In addition, he uses facilitative communication, a method whereby a non-verbal individual's wrist, hand or elbow is supported while they type words or sentences on a device such as a computer or iPad. Claimant does not use facilitative communication with his parents.

7. Claimant's mother reported that Claimant engaged in tantrums on a weekly basis when he is denied something or asked to do something that he does not want to do. His tantrum behavior includes banging his head on walls, throwing and breaking items, slamming doors, and disrobing. Claimant's mother also reported that Claimant's aggressive behavior was increasing.

8. Under the category of "Work/Career/Education," Claimant's IPP indicates that in June 2018, Claimant graduated from Montebello Unified School District's (MUSD) Beacon Day School's Transition Program. His January 2018 IEP Behavior Report notes that Claimant's challenging behavior included physical aggression, dropping, and inappropriate touching. Dropping is defined as dropping to the floor and remaining there for five seconds or more. Claimant's June 25, 2018 MUSD Summary of Performance notes that Claimant's strengths include using an "AAC"³

³ The ALJ takes official notice pursuant to Government Code section 11515 and Evidence Code section 452, subdivision (h), that AAC is short for augmentive and alternative communication and refers to strategies and tools designed to assist or

device to communicate appropriately and type his personal information using a visual.” (Ex. 7, p. 106.) Claimant’s plans were to attend a day program following his graduation from Beacon Day School. The evidence established that a day program is typically six hours per day, five days per week and is community or site-based. A day program may also provide AST and community integration services with the goal of teaching its consumers skills that enable them to become independent. Claimant’s Parents and his service coordinator discussed appropriate day programs for Claimant during the March 4, 2020 IPP meeting.

9. Claimant’s IPP notes that the REACH day program informed Claimant’s Parents on May 2, 2019 that it could admit Claimant to its program in the Fall of 2018; however, Claimant remained on REACH’s wait list as of the date of the March 4, 2020 IPP meeting. Claimant’s Parents and Gina Solano, Claimant’s Service Coordinator agreed to explore appropriate day programs, and his parents requested that the Service Agency provide support in the interim. Claimant’s parents requested a day program with staff experienced in facilitative communication. Ms. Solano agreed to initiate referrals to appropriate programs.

10. Claimant receives 283 hours per month of In-Home Supportive Services, and ELARC currently funds 30 hours per month of respite, and 50 hours per month of day care. In addition, ELARC authorized 44 hours of AST services with Progressive and 130 hours per month of personal assistance services in response to Claimant’s funding request as described more fully below.

replace verbal speech, including gestures, writing and drawing. ACC devices include technology, such as a tablet or computer, that assists with communication.

Funding Request

11. On May 4, 2020, Claimant's Mother sent an e-mail to Ms. Solano requesting ELARC fund adaptive skills training for Claimant at Progressive Services for 4 hours per day, five days a week. The training would focus on four goals: a) mood regulation; b) communication using facilitative communication; c) self-help; and d) social interaction in the community.

ELRAC's Evidence

12. Ms. Solano has been Claimant's Service Coordinator since 2004. She took steps to obtain day program services for Claimant prior to his graduation from Beacon Day Schools in June 2018 and continued to locate services for him after that date. On August 7, 2018, she referred Claimant to Choices, a day program vendor. On August 10, 2018, a Choicess representative informed Ms. Solano that they did not have the capacity to provide services to Claimant at that time.

13. On August 21, 2018, Claimant's mother informed Ms. Solano that she would approve a day program that does not use facilitative communication if it was community or site based.

14. Also, on August 21, 2018, Ms. Solano submitted referral packages for Claimant to the Mercedes Diaz Homes (MDH) for day program services as well as the Arroyo Behavioral Day Program (Arroyo). She asked that MDH expedite the review of the referral packet so that Claimant could begin the program on August 29, 2018. On August 23, 2018, Arroyo informed Ms. Solano that after reviewing Claimant's packet it was unable to accept him to the program.

15. On August 23, 2018, Ms. Solano referred Claimant to High Roads Behavioral Day Program (High Roads). In addition, since no day program was available to Claimant by August 28, 2018, she submitted a referral to Maxim Health for personal assistant services. Although there is no indication in the interdisciplinary (ID) notes submitted by ELARC that High Roads responded to the referral packet, it is assumed that High Roads was unable to accept Claimant at that time.

16. On September 20, 2018, Ms. Solano submitted a referral to People's Care behavioral day program. According to Ms. Solano, People's Care contacted Claimant's family, but Claimant's Parents did not respond.

17. On May 9, 2019, Ms. Solano contacted Alex Rican at Milestones Behavioral Treatment Program (MBTP) and discussed referring Claimant to their program. Mr. Rican informed Ms. Solano that MBTP does not provide one-on-one services; rather, their program is staffed at a 1:3 ratio (one staff member to three consumers). Mr. Rican asked about Claimant's behavior issues and Ms. Solano provided him with Claimant's history. Ultimately, Mr. Rican stated MBTP's program was not a good fit Claimant due to the lack of one-one-one staffing.

18. On September 10, 2019, Ms. Solano submitted re-authorization of personal assistant services for Claimant through Maxim Healthcare. This service was provided in lieu of a day program.

19. On March 25, 2020, Ms. Solano submitted purchase of service documents for continued personal assistant services for Claimant.

20. On June 23, 2020, Ms. Solano contacted her supervisor, Lilia Ortega, Supervisor of Consumer Services to discuss the Service Agency's denial of Claimant's funding request for AST Services. Ms. Ortega asserted that Progressive's AST training is

not meant to be used as a day program nor is it a cost-effective alternative. Ms. Solano notified Ms. Ortega of her efforts to secure day program services for Claimant and the barriers to his acceptance into an appropriate program, namely communication and Claimant's maladaptive behaviors.

21. On September 4, 2020, Ms. Ortega directed Ms. Solano to contact ELARC staff who have experience with consumers with challenging behaviors and inquire about day program resources that may have been unknown to Ms. Solano.

22. A. On September 8, 2020, Ms. Solano sent an email to Lonetta Johns-Yarleque, an Individualized & Inclusive Supports Unit Supervisor, Jaqueline Tabares, a Forensic Specialist, and Rhoda Tong Jones, a Community Residential Services Supervisor. She provided them with Claimant's background including a description of his behavior as follows:

[Claimant] uses short phrases to communicate and is able to facilitate with support. [He] displays behavioral challenges daily. [Claimant] becomes frustrated daily and will bang on walls and break objects. He tantrums on a weekly basis. Tantrums include throwing objects, breaking objects, banging head on walls and disrobing. [Claimant] has difficulty with impulsive behaviors and self-regulation. [He] is attracted to young girls between the ages of 5-8 years old and will approach them. [Claimant] will also approach strangers and take objects he likes from them such as hats, sunglasses and/or food. 1:1 services are required to ensure [Claimant's] health and safety.

(Ex. 8, p. 126.)

B. Ms. Johns-Yarleque suggested Total Programs, a vendor that provides support and assistance for consumers who are autistic and engage in head banging and fecal smearing and suffer from pica disorder.⁴ Ms. Tabares recommended Xclusiv and Buena Vida Learning Services, vendors that works with those forensically at-risk. Ms. Jones agreed with the previous recommendations of Xclusiv and Total Programs.

22. On September 10, 2020, Ms. Solano referred Claimant to Xclusiv and Total Programs for community integration training (CIT). Xclusiv informed Ms. Solano that they were unable to meet Claimant's needs. Total Programs informed Ms. Solano that due to his maladaptive behaviors Claimant would be required to receive Applied Behavioral Analysis (ABA)⁵ therapy before receiving CIT services from Total Programs. Claimant's Mother objected to the provision of ABA therapy on the grounds that Claimant received ABA services when he was a child. She believes a different type of service would be more appropriate in light of Claimant's age.

23. A. On September 24, 2020, Ms. Ortega advised Ms. Solano to refer Claimant to Community Integrated Work Program, Inc.'s (CIWP) Therapeutic Crisis Support (TCS) through its Crises Response Project (CRP). CIWP's services consist of therapy, counseling, crises response, and behavior management services. Its programs

⁴ Pica as the persistent eating of non-nutritive, nonfood substances for a period of at least one month, that is inappropriate to the developmental level of the individual and not part of a culturally supported or socially normative practice, and if occurring with another mental disorder, or during a medical condition, it is severe enough to warrant independent clinical attention.

⁵ ABA therapy is an evidenced-based treatment intervention used to treat individuals with autism spectrum disorder in order to decrease maladaptive behaviors.

are specifically designed to support individuals with developmental disabilities and mental health disorders decrease involvement with law enforcement and avoid psychiatric hospitalizations. The CRP works with clients with severe behavior challenges including assaultive and sexually inappropriate behaviors, substance abuse issues, and forensic involvement. Ms. Solano made the referral on September 24, 2020. On October 20, 2020, CIWP informed ELARC that it could begin providing Claimant with TCS services in November 2020, and requested authorization to provide services from November 1, 2020, through April 30, 2021.

B. CIWP met with Claimant's Parents regarding the provision of TCS services. Claimant's Parents believe that Claimant is not in need of crisis response services by because they have only required telephonic police intervention twice. In addition, they are not interested in the services because they do not believe CIWP can communicate effectively with Claimant. Further, Claimant has not engaged in sexually inappropriate behavior with young girls. He acts "goofy" with them and tries to make them laugh.

23. On October 20, 2020, Ms. Ortega and ELARC's Chief of Consumer Services authorized 44 hours per month of AST for Claimant to be provided by Progressive.

24. On a date not made clear by the record, Ms. Solano referred Claimant to Good Living Community Services, Inc.'s (Good Living) CIT program. Good Living provides training in the community in the areas of social and adaptive skills and independent living. On October 9, 2020, Good Living assessed Claimant in the areas of daily living activities, cognition, behavior, community and social environment, and safety. They recommended that Claimant participate in CIT at a rate of 48 hours per month beginning October 21, 2020, in the following domains: community

inclusion/safety awareness (12 hours); self-care (five hours); physical fitness/nutrition (eight hours); positive reinforcement support (eight hours); social skills (five hours); money management (five hours); and self-advocacy (five hours).

25. On October 20, 2020, ELARC authorized CIT services for Claimant as recommended by Good Living.

26. Ms. Ortega testified on behalf of ELARC. She explained that the Service Agency doubled its efforts to find an appropriate day program for Claimant. Ms. Ortega further explained that the provision of services and supports has changed due to the COVID-19 pandemic in that vendors and service providers have closed and very few are providing direct support or services in community. Rather services have been limited to videoconferences or telephone calls, wellness checks, and the drop-off of personal protection equipment. However, there are additional and new vendors who were not available in the past.

27. A. Ms. Ortega's testimony established that ELARC denied Claimant's funding request because Progressive is not set-up to be day program, nor is AST intended to be a day program. Instead, AST services is a time-limited support that is provided over a short-amount of time. Progressive typically provides services to 90 percent of its clients a rate of 5 to 10 hours per month. In fact, Claimant previously received five hours per month of AST services from Progressive in 2015.

B. Ms. Ortega testified that AST services are not cost-effective. She explained that a day program is \$79.70 per day while one-on-one AST services are \$150.80 per hour. However, Ms. Ortega acknowledged that she was unaware of whether REACH's program includes a one-on-one staff member. If not, its program costs may be more than \$79.10 per day.

28. Ms. Ortega expressed concern that Progressive recommended AST services at a rate of 4 hours per day, five days per week without assessing Claimant. She is also concerned that Progressive does not typically provide cooking and community integration training but proposed training in these areas in its proposed support plan.

29. With respect to the Service Agency's referral to CIWP, Ms. Ortega explained that the Department of Developmental Services has concluded that CIWP is a look-alike program because it is more than a few hours per day. She further explained that Good Living is a new program that offers skills training and supports related to navigating the community and can be initiated in the home. The Service Agency believes that it is an appropriate program for Claimant especially during this time when it is difficult for ELARC to locate a vendor that is currently providing direct support services. Ms. Ortega contends that Good Living's CIT services can be developed into a look-alike day program, and that if Good Living's staff can develop a rapport with Claimant and Claimant's family, ELARC is willing to authorize an increase in support hours from the 48 hours currently approved.

30. ELARC continues to identify barriers to Claimant's acceptance to a day program and resources in order to locate an appropriate day program that can meet Claimant's needs.

Claimant's Evidence

31. Claimant is his parents' second child. While he met milestones during his first year, Claimant subsequently became detached from others and experienced delayed speech. Claimant was diagnosed with autism at 18 months old. Claimant's

parents have been very involved in Claimant's care, ensuring that he received social therapy and ABA services, and participated in music, swimming, and horseback riding.

32. Claimant's mother described him as very funny, he likes to make people laugh, and he has a high level of cognition.

33. Claimant's Parents anticipated that Claimant would be put on a long waiting list after he graduated from Beacon Day's Transition Program, so they began looking for a day program in advance, but Claimant has been denied admission to eight programs for reason or another. She believes ELARC has recommended the Good Living and CIWP to prevent Claimant from receiving services from Progressive. During CIWP's intake process, CIWP staff demonstrated that they were unfamiliar with facilitative communication. Claimant's family decided that their program was not going to work since Claimant is non-verbal.

34. A. ELARC agreed authorize 44 hours per month of AST services because Claimant's mother spoke with Ms. Ortega on October 1, 2020 and explained that Progressive had reserved staff to work with Claimant but would reassign them if the Service Agency did not imminently authorize the funding of the services.

B. Progressive began working with Claimant on October 23, 2020 on the following goals: 1) increase Claimant's ability to co-regulate with a variety of individuals, within a variety of environments; 2) increase Claimant's communication; and 3) integration into the community on a daily basis. In a November 6, 2020 progress report, Progressive reported that Claimant responds to "positive affect when motivated and displays reduced input when fatigued or resistant but once regulated with support he is re-directed to activities." (Ex. G.) Claimant also goes on daily walks in his neighborhood. Progressive's most experienced supervisor works with Claimant

to build a baseline of skills and other staff are being trained to work with him. Claimant had not used facilitated communication in over a year but he was able to type his basic needs when supported and provided visuals and choices. If Claimant's funding request is approved, Progressive will provide training in the additional areas: a) increasing Claimant's independence and ability to complete tasks; b) developing self-help skills; c) increasing Claimant's flexibility; d) increasing Claimant's ability to engage in problem-solving processes; and e) increasing Claimant's two-way engagement with family, and community members.

35. Good Living's support plan provides for services two days per week (Tuesday and Thursday) for six hours per day. Claimant's Parents and Good Living agreed to a gradual implementation of services so that Claimant would not be overwhelmed and so as not to interrupt his daily routine. Two male members of Good Living's staff were introduced to Claimant and his parents and services began on October 27, 2020. However, on November 9, 2020, after his second session with Claimant, the staff member who provided services on Tuesday informed Good Living that he would no longer be able to provide services to Claimant due to health reasons. On November 11, 2020, Good Living indicated that it would continue to provide services one day per week until another staff member could be assigned to work with Claimant. Good Living will provide a progress report in February 2021.

36. Claimant's mother expressed dissatisfaction with Good Living's services as of the date of the hearing. She had provided Good Living staff with 16 activities to help them relate to Claimant, but she had not seen many of those activities being performed during the three meetings staff had with Claimant. In addition, due to restrictions in place because of the COVID-19 pandemic, Claimant's CIT services are limited to in-home activities and walking around the community. However, Claimant

had yet to go out in the community as of the date of the hearing. Claimant's mother further asserted that Good Living staff do not sufficiently interact with Claimant. To the contrary, the Progressive staff interact with Claimant using facilitative communication and elicit responses from Claimant through typing. According to Claimant's mother the Progressive staff better understand how to work with Claimant. They took Claimant out in the community on the second day of services for a walk around the block and to the park.

37. Claimant's Parents submitted video showing Progressive staff using facilitative communication to communication with Claimant. The staff member asked Claimant how he was doing in light of Claimant's grandfather's death. Claimant typed on a keyboard and the staff member stated that Claimant replied, among other things, that he was worried about his mother because she was very sad and that Claimant's grandfather was sick but is now peaceful. Claimant's mother acknowledged that Claimant was not looking at the keyboard while typing and asserted that he merely needs facilitation at arm and wrist and does not need to see the board.

38. In a second video, a different Progressive staff member is using facilitative communication with Claimant. Because the staff member had built a rapport with Claimant, Claimant was able to type letters and play word games.

39. Claimant's father described Claimant as a kindhearted, gentle teddy bear who would never intentionally hurt anyone. He is happy and jovial. Claimant does not understand sexual urges. Because he is enamored with Disney movies, he gravitates to little girls and wants to make them laugh and like him.

40. Claimant has never been arrested and has no criminal history.

41. Claimant's father contends that facilitated communication is Claimant's only effective communication tool because he is non-verbal. Claimant's father was previously skeptical about the efficacy of facilitated communication but accepted its usefulness after that mode of communication was used on several occasions to prepare Claimant to attend medical appointments where Claimant was resistant to go to the doctor. Claimant's father asserts that ELARC should leverage Progressive's ability to provide facilitative communication services. According to Claimant's father, Claimant's inability to socialize stems from his maladaptive behavior resulting from his inability to communicate without facilitative communication.

42. Claimant's father believes that the Claimant's other supports and services are merely babysitting services because they not include education or therapy components. He further believes that the AST services provided by Progressive is best for Claimant because he is thriving and that ELARC is wasting resources on funding Good Living's CIT services. Claimant's Parents do not want to waste any time in getting Claimant appropriate services since he has already gone without day program services for more than two years.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. This case is governed by the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code section 4500 et. seq., referred to as the Lanterman Act Lanterman Act). Under the Lanterman Act, an administrative "fair hearing" is available to determine the rights and obligations of the parties. (Welf. & Inst. Code, § 4710.5.) Claimant requested a fair hearing to appeal the Service Agency's

denial of funding for AST services for Claimant. Jurisdiction in this case was thus established.

2. The standard of proof in this case is the preponderance of the evidence, because no law or statute (including the Lanterman Act) requires otherwise. (Evid. Code, §115.) Claimant is requesting that the Service Agency fund the provision of AST services for Claimant by Progressive Resources. Under these circumstances, Claimant bears the burden of proof.

3. Under the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities. The Lanterman 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." (Welf. & Inst. Code, § 4501.) These services and supports are provided by the state's regional centers. (Welf. & Inst. Code, § 4620, subd. (a).)

4. The California Legislature enacted the Lanterman Act "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." (*Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

5. Regional centers must develop and implement IPPs, which shall identify services and supports "on the basis of the needs and preferences of the consumer, or where appropriate, the consumer's family, and shall include consideration of . . . the cost-effectiveness of each option" (Welf. & Inst. Code, § 4512, subd. (b); see also

(Welf. & Inst. Code, §§ 4646, 4646.5, 4647, and 4648.) The Lanterman Act assigns a priority to services that will maximize the consumer's participation in the community. (Welf. & Inst. Code, §§ 4646.5, subd. (a)(2); 4648, subd. (a)(1), (2).)

6. Welfare and Institutions Code section 4648, subdivision (a)(6) provides:

The regional center and the consumer, or when appropriate, his or her parents, legal guardian, conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the individual program plan, consider all of the following when selecting a provider of consumer services and supports:

(A) A provider's ability to deliver quality services or supports that can accomplish all or part of the consumer's individual program plan.

(B) A provider's success in achieving the objectives set forth in the individual program plan.

(C) Where appropriate, the existence of licensing, accreditation, or professional certification.

(D) The cost of providing services or supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation,

who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

(E) The consumer's choice of providers, or, when appropriate, the consumer's parent's, legal guardian's, authorized representative's, or conservator's choice of providers.

7. California Code of Regulations, title 17, section 54302, subdivision (a)(6) and (a)(7) provide:

(6) "Adult Day Services" means the broad category of nonresidential services under which adult day programs are categorized;

(7) "Adult Development Center" means a community-based day program that serves adults who are in the process of acquiring self-help skills. Individuals who attend adult development centers generally need sustained support and direction in developing the ability to interact with others, to

make their needs known, and to respond to instructions.

Adult development center programs focus on the development and maintenance of the functional skills required for self-advocacy, community integration, employment, and self-care[.]

8. California Code of Regulations, title 17, section 54342, subdivision (a)(3) provides, in relevant part:

. . . A regional center shall classify a vendor as an adaptive skills trainer if the vendor possesses the skills, training and education necessary to enhance existing consumer skills. An adaptive skills trainer may also remedy consumer skill deficits in communication, social function or other related skill

9. Claimant has not met his burden of proving that ELARC should fund AST services for Claimant to be provided by Progressive a rate of 80 hours per month (4 hours per day, 5 days per week). The evidence established that an adult day program is an appropriate service for Claimant. Since 2018, the Service Agency has referred Claimant to numerous day program providers who have all, with the exception of REACH, refused to accept Claimant into their program. The evidence further established that AST is a time-limited service and Progressive's services have not been approved by the Developmental Services to be a look-alike day program. However, ELARC has taken the extraordinary step of authorizing 44 hours per month of AST services with Progressive. Moreover, ELARC has complied with its duty pursuant to Welfare and Institutions Code section 4648, subdivision (a)(6) to implement Claimant's IPP and select appropriate providers by authorizing CIT training with Good Living.

Good Living's CIT services are aligned with the standards established for an adult day program as set forth in California Code of Regulations, title 17, section 54302, subdivision (a)(7), and the Service Agency has indicated a willingness to consider increasing the number of service hours if Good Living's services prove to be effective. There has been insufficient time to determine the efficacy of Good Living's services as Claimant had only three sessions at the time of the hearing and Good Living's first progress report is not due until February 2021. If Claimant's Parents choose to continue Claimant's CIT training with Good Living, ELARC should evaluate his progress and determine the appropriate services and supports for Claimant.

10. For the foregoing reasons, Claimant's appeal is denied.

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ORDER

1. Claimant's appeal is denied.

DATE:

CARMEN D. SNUGGS

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.