

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

In the Matter of the Fair Hearing Request of:

CLAIMANT,

vs.

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

OAH No. 2023020678

DECISION

Howard W. Cohen, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on May 12 and July 14, 2023.

Dana Lawrence, Fair Hearings and Administrative Proceedings Manager, represented North Los Angeles County Regional Center (NLACRC).

Claimant's mother represented claimant, who was not present. The names of claimant and his family members are omitted to protect their privacy. Two Spanish language interpreters were present to assist claimant's other witnesses.

Oral testimony and documentary evidence was received. The record was closed and the matter was submitted for decision on July 14, 2023.

ISSUE

Whether NLACRC may, consistent with the Lanterman Act, inactivate claimant's case and discontinue his services based on a failure to complete claimant's Individual Program Plan (IPP) meeting.

EVIDENCE RELIED UPON

Documentary: Service Agency's exhibits 1 through 24; claimant's exhibits A through P.

Witnesses: Jennifer Thurm for NLACRC; Josefina Romo, Mary Angela Flores, and claimant's mother for claimant.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant, a seven-year-old male, is an eligible client of NLACRC based on his diagnosis of Autism Spectrum Disorder (ASD). He lives with his mother.
2. NLACRC issued a Notice of Proposed Action (NOPA) and letter dated February 2, 2023. NLACRC proposed to terminate claimant's services and supports, i.e., respite and incontinent supplies, and to inactivate claimant's case due to a lack of contact from claimant's mother, which prevented the completion of claimant's IPP.
3. Claimant's mother filed a Fair Hearing Request, received by NLACRC on February 10, 2023, asking that NLACRC (a) not be permitted to terminate claimant's services and supports and inactivate claimant's case, (b) assign a new service

coordinator for claimant, and (c) conduct the remainder of an already-started IPP in two or three shorter sessions.

4. All jurisdictional requirements have been met.

Claimant's Prior IPP, Annual Reviews, and Addendums

5. NLACRC prepares an IPP for each of its consumers every three years. Claimant's most recent IPP was dated August 5, 2019. At that time, claimant's next IPP was scheduled for July 7, 2022, during claimant's birth month. (Ex. 2.) Jennifer Thurm, an NLACRC consumer services supervisor assigned to supervise claimant's service coordinator, testified that consumers may request a change in services at annual IPP review meetings, rather than wait for the triennial IPP. Annual IPP review meetings are documented in IPP Progress Reports; any changes in goals, services, and supports are documented in an IPP Addendum.

6. Claimant's 2019 IPP provided that NLACRC would fund 30 hours of respite services and that claimant's mother was to select a respite vendor, which would be reflected in an IPP addendum. The IPP team agreed that claimant would benefit from ABA services. The 2019 IPP states claimant's mother would pursue Applied Behavior Analysis (ABA) services through claimant's Medi-Cal insurance plan. Finally, the 2019 IPP provides that claimant was to pursue educational supports with claimant's school district with the assistance of advocacy services from NLACRC.

7. Since some time after his initial 2019 IPP, claimant has been receiving In-Home Supportive Services (IHSS). Claimant's mother is his IHSS worker.

8. An annual IPP review meeting was held a year later, on July 10, 2020, and was documented in an IPP Progress Report dated July 27, 2020. The report noted that

"respite services is not an active service at this point in time due to scheduling conflicts." (Ex. 4, pp. A59-A60.) The report elaborated:

The IPP Team discussed respite services, and mother requested an increase in hours. Alexander was reassessed to receive up to 40 hours per month. Mother was provided vendor list, and her choice in provider is still pending. The IPP Team also discussed in-home daycare services to allow mother the opportunity to go on job interviews, but mother has declined the service at this time as services are to be rendered at her residence. Mother will contact assigned service coordinator should her needs change.

(Ex. 4, p. A59.)

9. An IPP Addendum, completed July 6, 2020, noted the following change in services: NLACRC would provide essential personal gear to claimant in response to the COVID-19 pandemic.

10. A second annual IPP review meeting was held on July 28, 2021. An IPP Progress Report of the same date noted that claimant's service coordinator and his mother discussed accessing ABA services through the generic funding resource of Medi-Cal to help claimant with (a) rigid or resistive behaviors occurring at home and in the community, and (b) feeding therapy. They also discussed accessing Occupational Therapy and Speech Therapy through claimant's Medi-Cal plan. The service coordinator "offered the parent respite services again and informed that she can contact service coordinator at any time if she feels a need for this service." (Ex. 5, p. A62.)

11. An IPP Addendum dated April 19, 2022, over eight months later, noted that claimant's mother had identified California Care 4 U as her preferred respite provider. NLACRC approved funding 46 hours of respite per month. (Ex. 6, pp. A65, A67.)

12. At the time of the NOPA, in addition to respite services, NLACRC was funding claimant's incontinence supplies for six months under an order an ALJ issued after a hearing in a separate appeal. NLACRC continued to fund the incontinence supplies for seven months, through mid-April 2023, six weeks after the date of the NOPA.

Claimant's Current, Incomplete IPP

13. NLACRC assigned Lizbeth Gutierrez, a new service coordinator, to claimant on May 11, 2022, in response to claimant's mother's request for a change. NLACRC then scheduled claimant's triennial IPP meeting for August 2022. After rescheduling several times to accommodate both NLACRC and claimant's mother, the parties held an IPP meeting on September 15, 2022.

14. After meeting for two and one-half hours, claimant's mother asked to continue the rest of the meeting because she was stressed and tired. Ms. Gutierrez said she would schedule the rest of the meeting to reconvene with Ms. Thurm present.

15. Claimant's mother requested a new service coordinator soon after the September 15 IPP session adjourned. Ms. Thurm, however, did not assign a new service coordinator for claimant. Ms. Gutierrez continued communicating with claimant's mother.

16. In an email thread started on September 15, Ms. Gutierrez told claimant's mother that, because claimant was using an albuterol inhaler as needed, and because unlicensed providers may not administer medications, NLACRC wanted to conduct a nursing assessment to assure claimant's safety during respite, citing the Nursing Practice Act. Ms. Gutierrez clarified NLACRC did not intend to terminate respite services for claimant, but that a medically skilled respite provider might be required. The issue resolved when claimant's mother sent NLACRC documentation from claimant's physician showing the albuterol had been discontinued. Ms. Gutierrez also discussed social recreational services and adaptive skills training, vendors, and possible dates to reconvene the IPP meeting.

17. In an email chain started on September 22, 2022, Ms. Thurm, following her director's instructions, asked claimant's mother to list her concerns regarding Ms. Gutierrez, who was still claimant's service coordinator despite the request for a change. Ms. Thurm testified she asked for this because it was claimant's mother's fifth request for new service coordinator since July 2019 and she wanted to pair claimant with an appropriate service coordinator. On cross-examination, Ms. Thurm conceded claimant's mother had asked for a new service coordinator four times, not five; she then testified she had not reviewed documentation that all changes had been made at claimant's mother's request. Claimant's mother testified only twice did she request a change. In any case, claimant's mother was unhappy about Ms. Gutierrez potentially requiring a medically skilled provider for claimant's respite services even though claimant is not, as claimant's mother put it, "medically fragile." Claimant's mother believed Ms. Gutierrez was not working in best interests of her son.

18. But Ms. Thurm continued to email claimant's mother, asking for a more detailed explanation for the change request. Ms. Thurm's request for a more detailed

explanation to enable NLACRC to better match claimant with a service coordinator does not seem unreasonable. What was unreasonable was NLACRC using the lack of further detail to indefinitely delay completing claimant's IPP. NLACRC could have appointed a new service coordinator without requiring further input from claimant's mother and proceeded with the IPP. The Lanterman Act does not require a detailed explanation of the reasons a parent wants a service coordinator change.

19. Anjanette Robinson, M.A., a Parent Navigator/Social Services Caseworker with Children's Hospital Los Angeles, wrote to Ms. Thurman and Ms. Gutierrez in an email dated November 29, 2022, that she "assists with connecting patients to regional centers, school districts and other generic resources." (Ex. 17, p. A15.) She continued:

Patient was referred to my department by PMD, Dr. Elizabeth Rinaldi for supports with possible regional center services. Parent expressed LVN Respite has been recommended although Alexander does not have a compromised medical history. Parent would like to keep traditional Respite with the current provider, and would like an update on the request for an increase of Respite hours. Parent provided a letter from the PMD with the current health status and discontinued use of an inhaler. Parent expressed the desire for Alexander to attend Social Skills, and is not clear why 2 years of ABA must be accessed prior to seeking Social Skills. Also, there is a request for information on social/recreational opportunities that may benefit Alexander. Parent discussed some confusion about the current IPP, and why it has not yet been signed. Parent

believes the services requested are not in the IPP document, which is having an impact in hesitancy with signing off. Parent states not feeling comfortable or supported with the current Service Coordinator. When the request for a change was made, parent was informed changing was not an option.

Can you provide me with updates regarding this patient and the requested services/supports as well as the procedure for a change of Service Coordinator? This will allow me to best support the family and update the primary physician. As with all emails, my Director and team are cc'd on this email. I have attached a release.

(Id. at pp. A15-A16.)

20. Ms. Thurm did not receive Ms. Robinson's email on November 29 because her name and email address were incorrect. Nor did Ms. Robinson send a copy of the email to claimant's mother. Ms. Gutierrez received the email, however, and responded to Ms. Robinson in an email the next day, November 30, 2022. Ms. Gutierrez explained that she and claimant's mother had an IPP meeting on September 15, 2022. At the meeting, Ms. Gutierrez wrote, claimant's mother said claimant continues to use an inhaler daily. She continued:

I informed mom that respite will continue to be in place while Regional Center conducts a nurse evaluation to assess the appropriate level of care. Mom denied a nursing assessment to be conducted and stated that it is not

necessary. Regional Center must conduct a nurse evaluation when a child is receiving a prescribed medication on a as needed basis to ensure the appropriate [sic] [level of] care while services are in place at home. I was not made aware of the letter from the PMD with the current health status and discontinued use of an inhaler since mom has not been in contact with me but with my supervisor, Jennifer Thurm. Which contact has been via e-mail. Can you please provide me with the date of when it was sent and who the letter was sent to?

My supervisor has been keeping me updated with the process of changing service coordinators and I believe Jennifer asked mom for her reasoning for the transfer before proceeding with the process of a new service coordinator. I do not believe that parent was informed that changing was not an option in regards to a new service coordinator, but that can be confirmed with Jennifer. The current IPP was not able to be completed due to mom ending the IPP meeting. I reached out within the week to try and complete the IPP and assess the services, but mom did not respond.

(Ex. 17, p. A15.)

21. In a December 8, 2022 email to claimant's mother and others, Ms. Gutierrez wrote that claimant's doctor's letter was sufficient to continue respite at the nonskilled level. She asked claimant's mother to notify her of available dates for the

continued IPP, at which Ms. Thurm would participate. Ms. Gutierrez also offered to invite Ms. Robinson to participate if that was acceptable to claimant's mother. On December 16, claimant's mother asked NLACRC for a formal reason why NLACRC had not yet changed claimant's service coordinator.

22. On December 16, 2022, Ms. Thurm informed Ms. Robinson that NLACRC could not implement the IPP to address claimant's needs for services and supports because the IPP was still not completed. Ms. Thurm also wrote to claimant's mother to suggest, since claimant's mother had not identified specific reasons for another service coordinator change, reconvening the IPP meeting with Ms. Gutierrez again, along with Ms. Thurm and Ms. Robinson. Ms. Thurm felt it was urgent to get services in place and that changing service coordinators would delay IPP implementation.

23. But in view of what has occurred, any delay occasioned by the assignment of a new service coordinator would have been relatively minimal compared to the delay resulting from NLACRC's unwillingness to grant claimant's mother's request and then proceed to complete the IPP.

24. Ms. Gutierrez sent an email dated January 11, 2023, to Ms. Robinson, writing that claimant's mother did not want to have the IPP meeting with Ms. Gutierrez as claimant's service coordinator and asking Ms. Robinson for information to help NLACRC assign an appropriate service coordinator. She also told Ms. Robinson that NLACRC was moving to inactivate claimant's case. Ms. Robinson confirmed by email the same day that claimant's mother did not want to meet unless there was a new service coordinator. And still, on January 12, Ms. Gutierrez again wrote to ask claimant's mother to provide more information about her desire to change service coordinators, and to convey NLACRC's desire to finish the IPP before changing service coordinators so services would not be delayed.

25. On February 2, 2023, NLACRC issued the NOPA to terminate claimant's services and supports and to inactivate claimant's case. (See Factual Finding 2, *ante*.)

26. NLACRC's intractable refusal to assign claimant another service coordinator led to it taking the entirely avoidable and unnecessarily dramatic action of threatening discontinuing services to a consumer in need.

27. Finally, in a letter dated February 28, 2023, two and one-half weeks after NLACRC received claimant's fair hearing request, Victoria Velasco wrote to claimant's mother to introduce herself as claimant's new service coordinator. (Ex. 10.) In a letter dated March 1, 2023, Aimar Colmenares, Administrative Assistant at NLACRC, discussed the administrative hearing that would result from the fair hearing request, initially scheduled for April 12. Ms. Colmenares wrote that NLACRC had assigned Ms. Velasco as claimant's new service coordinator and provided dates in March and April when Ms. Velasco would be available for the continued IPP meeting.

28. Claimant's mother responded, asking that the rest of the IPP be split into two or three one-hour sessions and providing some detail about her reasons for requesting the service coordinator change. The fair hearing was continued to accommodate a further IPP meeting and negotiations.

29. The parties agreed to a date for the continued IPP meeting, and the meeting began on April 18, 2023, with Ms. Thurm and a friend of claimant's mother present. The parties discussed claimant's current status, behaviors, and schooling, and reviewed a client development evaluation report. Ms. Thurm asked claimant's mother to let them know whenever she needs a break. Ms. Thurm then asked detailed questions about the family's use of generic resources, focusing specifically on IHSS. Claimant's mother would not tell Ms. Thurm the number of IHSS hours claimant

received each month. Claimant's mother's friend asked for a break; instead, the meeting adjourned after the parties agreed to reconvene that Friday, April 21.

30. On April 21, the parties discussed outcomes and a respite assessment. Ms. Thurm then asked about how many IHSS hours claimant received, including protective supervision hours, and how those hours were allocated throughout the day. Claimant's mother disclosed the number of IHSS hours claimant received monthly. Ms. Thurm asked for copy of the IHSS notice of action so NLACRC could complete an hour-by-hour schedule to know where there were gaps in support and see where additional family supports were needed. One possible concern, Ms. Thurm explained, was that respite is a regularly scheduled in-home break for caregiver in providing care to consumer, and NLACRC had to ensure claimant's mother is not acting as claimant's respite provider at the same time she is acting as claimant's IHSS worker. Claimant's mother reported she used the hours overnight, for cooking, diaper changes, and personal care activities, which Ms. Thurm believed were not typical overnight activities. Claimant's mother's friend asked for a short break. But the meeting ended because claimant's school called claimant's mother to inform her that claimant was sick and had to be picked up.

31. Ms. Thurm estimates the IPP meeting, after the September 15, 2022 and the April 15 and 21, 2023 sessions, was only about half completed, and testified NLACRC still did not have enough information to assess what services and supports are appropriate for claimant. On April 21, and again on April 26, Ms. Velasco emailed claimant's mother to offer dates to resume the IPP meeting and to request the IHSS notice of action. On May 1, claimant's mother responded, saying she was available the week of May 15, asking for a time estimate for the meeting, and revoking "any authorizations for release of information from other agencies that I have ever signed

for the North Los Angeles Regional Center or given to the Regional Center.” (Ex. 22, p. A82.) Ms. Velasco replied 10 days later, by email dated May 11, with available dates from May 16 to May 22, and stating the length of the meeting cannot be determined in advance. (Ex 23.)

Additional Evidence

32. Claimant’s mother submitted in evidence a written statement, which she adopted as her testimony (ex. P), and testified that she was never notified that if an IPP were not completed by a certain date the case would be closed. She was confused by NLACRC’s terminology and believed annual IPP progress meetings were IPP meetings. She felt she was kept in limbo when she asked for a new service coordinator; she was waiting for the new service coordinator to be assigned before continuing with the IPP meeting. She participated in the first session, with Ms. Gutierrez, in good faith, for two and one-half hours, which she found to be “a long time to talk about my son’s deficits.”

33. Claimant’s mother believes Ms. Gutierrez, at that first 2022 IPP meeting, said the respite provider would be terminated and be replaced by an LVN. She was panicking because, as a result of the COVID-19 pandemic, it was very difficult to find LVN’s to hire. She told Ms. Gutierrez she was tired because, instead of offering services, NLACRC was planning to remove the only service it was funding for claimant. She then requested a change in service coordinators and told NLACRC she needed someone who would work in the best interests of her son. Ms. Robinson, the parent navigator, suggested trying to continue to conduct the IPP meeting before a new service coordinator was appointed, but claimant’s mother did not see the point of having another two and one-half hour IPP without a service coordinator.

34. In addition to claimant's mother's confusion and frustration about information NLACRC was providing her, NLACRC was communicating with Ms. Robinson without including claimant's mother. She never received the January 11, 2023 email from Ms. Gutierrez to Ms. Robinson asking for more information about why claimant's mother wants a new service coordinator and stating, "If mom does not communicate with us Regional Center will have to send a notice of action to inactivate [claimant's] case." (Ex. 14, p. A7.) Ms. Robinson never showed this crucial email ultimatum to claimant's mother.

35. Claimant's mother complained that Ms. Thurm wants a minute-by-minute breakdown of claimant's activities every 24 hours, which is too difficult to provide. She has to focus on her son because he constantly puts himself in danger, hence the need for IHSS protective supervision. Ms. Thurm wants to know how many times claimant is awake at night and for how long, and what claimant's mother does each time. But claimant's mother is focused on helping claimant go back to sleep and keeping him calm, rather than keeping track of the information Ms. Thurm requested.

36. Claimant's mother asked NLACRC for social skills services in 2021, after claimant was beaten up at school. She testified Seloni Lamba, then claimant's service coordinator, told her claimant had to receive ABA services before considering social skills services funding. But claimant could not even get on any ABA provider wait lists because of COVID-19. And claimant's mother testified she has been asking for social recreational funding for years, to no avail. NLACRC responded that claimant must identify a provider for NLACRC to assess before NLACRC can approve the service. After four years as an NLACRC consumer, the only service claimant receives is respite. Claimant's mother wants him to be able to receive services and supports that will

enable him to function in society. "We've been experiencing unfairness," she testified, "it's like a bad dream. I wish I could help my son more."

37. Mary Angela Flores, a friend of claimant's mother, testified that she attended the IPP meeting and heard claimant's mother tell Ms. Thurm how many IHSS hours claimant was receiving. Ms. Flores and claimant's mother found the IPP meeting to be very exhausting and invasive, with Ms. Thurm insisting on claimant's mother providing information about, for example, how much time claimant's mother spent cooking or sleeping.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) (Further statutory references are to the Welfare and Institutions Code.) An administrative "fair hearing" to determine the respective rights and obligations of the individual and the regional center is available under the Lanterman Act. (§§ 4700-4716.) Claimant requested a fair hearing to appeal the regional center's NOPA to discontinue services and inactivate claimant's case. Jurisdiction in this case was thus established. (Factual Findings 1 & 2.)

2. Because the regional center proposes to change claimant's status as an NLACRC consumer of services, it bears the burden of proving it has acted properly under the Lanterman Act. (See, e.g., *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9; *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) The regional center must prove its case by a preponderance of the evidence, which requires it to present evidence that has more convincing force than that

opposed to it. (Evid. Code, § 115; *People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

The Lanterman Act

3. The Lanterman Act acknowledges the state's responsibility to provide services and supports for developmentally disabled individuals and their families. (§ 4501.) The state agency charged with implementing the Lanterman Act, the Department of Developmental Services (DDS), is authorized to contract with regional centers to provide developmentally disabled individuals with access to the services and supports best suited to them throughout their lifetime. (§ 4620.)

4. The Legislature's intent in enacting the Lanterman Act was to ensure certain rights of persons with developmental disabilities, including "[a] right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation service and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible." (§ 4502, subd. (b).) Regional centers should secure services and supports that "maximize opportunities and choices for living, working, learning, and recreating in the community." (§ 4640.7, subd. (a).)

5. Regional centers are responsible for conducting a planning process that results in an IPP. Among other things, the IPP must set forth goals and objectives for the client, contain provisions for acquiring services based on the client's developmental needs and the effectiveness of the services selected to assist the client in achieving the agreed-upon goals, address the cost-effectiveness of the services and supports, contain a statement of time-limited objectives for improving the client's

situation, and reflect the client's particular desires and preferences. (§§ 4646, 4646.4, 4646.5, subd. (a), 4512, subd. (b), 4648, subd. (a)(6)(D) & (E).)

6. The IPP planning team must prepare the IPP:

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, when appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

(§ 4646, subd. (d).)

7. Regional centers must comply with their IPP process "at the time of development, scheduled review, or modification of a consumer's 4646.4. individual program plan." (§ 4646.4, subd. (a).) Regional centers must schedule regular IPP reviews and reevaluation "to ascertain that planned services have been provided, that objectives have been fulfilled within the times specified, and that consumers and families are satisfied with the individual program plan and its implementation." (§ 4646.5, subd. (a)(8).) IPP's must be reviewed at least once every three years. (§ 4646.5, subd. (b).) The regional center and the consumer or an authorized representative shall sign an IPP "and the list of agreed-upon services and supports prior to its implementation." (§ 4646, subd. (h).)

8. The regional center shall ensure that claimant's "designated representative receive[s] written notice of all meetings to develop or revise the individual program plan." (§ 4646, subd. (e).)

9. Each regional center must, for each consumer, have "a designated service coordinator who is responsible for providing or ensuring that needed services and supports are available to the consumer." (§ 4640.7, subd. (b).) The service coordinator coordinates, implements, oversees, and monitors the various services the IPP identifies to meet the client's needs; the services are generally provided by different vendors that contract with the regional center. (§§ 4640.6 & 4647, subd. (b).) The service coordinator ensures that the services and supports are centered on the individual and the family, taking into account the needs and preferences of the individual and the family, and that they promote community integration, independent, productive, and normal lives, and stable and healthy environments.

10. "No person shall continue to serve as a service coordinator for any individual program plan unless there is agreement by all parties that the person should continue to serve as service coordinator." (§ 4647, subd. (b).)

Disposition

11. NLACRC's failure to assign a new service coordinator after the first 2022 IPP meeting violated claimant's rights. (§ 4647, subd. (b).) This failure resulted in subsequent delays in completing claimant's new triennial IPP, as it was the primary cause for claimant's mother's reticence to meet. Further, NLACRC's process resulted in notice violations; though NLACRC communicated with Ms. Robinson, it did not inform claimant's mother that her failure to meet would trigger eligibility deactivation. Finally, NLACRC's process violated claimant's IPP process rights in that NLACRC has not

included, and to date is not including, claimant's needs or preferences as identified by claimant in written and verbal requests for, e.g., social skills, social recreational, and behavioral services funding. (See Factual Findings 13-37.)

12. Because of NLACRC's delays in appointing a new service coordinator for claimant and then promptly scheduling the remainder of claimant's IPP meeting, claimant's appeal from the NOPA is granted.

ORDER

Claimant's appeal from NLACRC's inactivation of his case and discontinuation of his services is granted. It is ordered that:

1. NLACRC shall conclude the IPP process and finalize an IPP for claimant within 60 days of this Decision. NLACRC shall simplify the IPP process to the maximum extent possible. IPP team meeting sessions with claimant's mother shall last no longer than 90 minutes. NLACRC shall not conduct more IPP meeting sessions than are strictly necessary to complete the IPP consistent with Lanterman Act requirements.

2. Claimant's mother shall cooperate with NLACRC both in scheduling the remaining session or sessions so they are completed within 60 days of the date of this Decision, and in providing information to NLACRC necessary to complete the IPP. Claimant's mother shall provide NLACRC with all information reasonably necessary to ascertain claimant's service and support needs, including information about claimant's generic services and sources of funding. That information shall include documentation from claimant's IHSS provider and information showing how claimant's IHSS hours are allocated and utilized, in blocks of one or two hours.

3. At the IPP meeting sessions, NLACRC shall consider all of claimant's mother's requests for services and supports, including social recreational, social skills, and behavioral services, and shall document its consideration of those requests in the IPP.

4. All parties shall act in good faith to timely complete and execute the IPP.

DATE:

HOWARD W. COHEN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request a reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.