

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

**In the Matter of:**

**CLAIMANT**

**and**

**SAN ANDREAS REGIONAL CENTER, Service Agency**

**DDS No. CS0022445**

**OAH No. 2024110766**

**DECISION**

Administrative Law Judge Mario M. Choi, State of California, Office of Administrative Hearings, heard this matter on March 7, 2025, by videoconference.

Claimant's authorized representative Belia Martinez represented claimant, who was present.

Executive Director's designee James Elliott represented service agency San Andreas Regional Center (SARC).

The record closed and the matter was submitted for decision on March 7, 2025.

## **ISSUE**

Is claimant eligible to receive an assessment of eligibility for services from SARC under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code,<sup>1</sup> § 4500 et seq.)?

## **FACTUAL FINDINGS**

### **Introduction and Background**

1. Claimant is 24 years old. He was charged in the Superior Court of California, County of Santa Clara, with violating various sections of the Penal Code. In a minute order dated May 2, 2024, from the Mental Health Treatment Court, claimant was referred to SARC “to determine elig[ibility] for services.”

2. On behalf of claimant, a social worker at the Santa Clara County Public Defender’s Office requested an intake assessment with SARC. The social worker provided SARC with the following documents: an email from Julius Fu, M.D.; 2024 Santa Clara Valley medical records; and 2019 records from Washington State High School.

3. On October 3, 2024, SARC issued a notice of action denying claimant an assessment for the purpose of making an eligibility decision. SARC determined that

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code, unless otherwise stated.

the presented information did not show that claimant has a qualifying developmental disability as defined by criteria under the Lanterman Act.

4. With the assistance of his authorized representative Belia Martinez, claimant filed an appeal on November 21, 2024. Martinez is claimant's case manager at Crossroads Village, a mental health rehabilitation service operated by Momentum for Health. Claimant has been a client of Crossroads Village since June 13, 2024.

5. Martinez testified that she focused on obtaining the documents necessary for SARC's review and supporting claimant and his needs. Between November 21, 2024, and the hearing, Martinez received and provided SARC with more documents, including claimant's special education records from the Yakima Public School District in the State of Washington and the Alum Rock Union School District, and a patient chart report indicating a diagnosis of autistic spectrum disorder (autism or ASD).

SARC did not change its determination after reviewing these documents.

6. Because Crossroads Village is only a temporary service, Martinez testified that claimant seeks an assessment of eligibility from SARC in order to benefit from its services, including independent living skills training and supported living services.

7. Claimant did not testify at hearing.

### **Claimant's Documentary Evidence**

8. Dr. Fu's email dated May 30, 2024, stated that he first saw claimant on January 16, 2024. Dr. Fu reviewed claimant's mental competence evaluation report, which indicated a diagnosis of psychotic disorder, and claimant's behavior, which he

found "odd." Dr. Fu wrote that he attempted to obtain records from a hospital in Washington state but was informed that there were no records.

Dr. Fu also met with claimant on April 11, 2024. He stated that "all of [claimant's] behaviors could be due to mental illness or part of a development disorder." Dr. Fu wrote that there were no "medical or psychiatric records from when [claimant] was in Washington State. Thus no neuropsychological testing either."

9. Santa Clara Valley Healthcare medical records documented claimant's admittance to the Santa Clara Valley Medical Center on April 25, 2024. Claimant was discharged, but readmitted, on May 5, 2024, because there was a need for "further coordination of care for [claimant's] short term placement." Claimant was discharged to Momentum for Health on May 14, 2024.

Records specified that claimant has a "past medical history significant for mild developmental delay, epilepsy and schizophrenia who presented with unwitnessed seizure." Notations stated that "[p]er family, [claimant is] unable to self-care although patient is quite stable on antipsychotics, between his schizophrenia and developmental delay, he has demonstrated that he cannot in fact manage his own medications and cannot perform basic hygiene."

Claimant's records further documented the following:

#Schizophrenia

#Developmental delay

Non-verbal until age 4, had IEP as a child. Diagnosed with schizophrenia while living in Washington state; lived in psychiatric institution for several years until move to

California. Non-adherent to olanzapine/samidorphan at home. Aggressive behavior reported by mother coincides temporally with initiation of Keppra, and appears to be improving as this medication is weaned, suggesting medication side effect at play (though this is also confounded by re-initiation of antipsychotic regimen.) No episodes of aggression throughout hospital stay while off Keppra and on antipsychotics.

Records stated that “[a]dditional issues to be followed up” included “long-term residential place: continue to work with family towards possible long-term placement through San Andreas Regional Center, as developmental delay is now primary impairment rather than thought/mood disorder.” Claimant “need[s] a structured environment to enforce actual adherence to [] stabilizing meds.”

10. A patient chart report for claimant from Thomas J. Andrews, M.D., Inc., dated January 9, 2025, reveals that claimant received an autism diagnosis on August 5, 2020, when he was 19 years old. No further information about the diagnosis was provided.

11. Claimant’s school records show that claimant received special education services in the areas of reading and writing.

Claimant’s records from the Alum Rock Union School District explained that claimant, who attended elementary and middle schools in the district, qualified for special education because “there was a significant discrepancy between his ability and achievement scores in the areas of basic reading skills, reading comprehension, reading fluency, and written expression; concurrent with a psychological processing

disorder in the area of auditory processing.” Claimant demonstrated age-appropriate motor skills, daily living skills, and communication skills.

The Yakima Public School District’s records reported that claimant, who attended high school in that district as well as other school districts in Washington and in Nevada, demonstrated “a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which prevents the student from achieving commensurate with his [] age and ability levels [in reading] when provided with learning experiences appropriate to the student’s age and ability levels.” However, there was “[n]o known, educationally relevant health or developmental concerns” or “past or current motor concerns.” Claimant also demonstrated “adequate independent living skills.”

## **LEGAL CONCLUSIONS**

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. (§ 4500 et seq.) The purpose of the Lanterman Act is to rectify the problem of inadequate treatment and services for the developmentally disabled, and to enable developmentally disabled individuals to lead independent and productive lives in the least restrictive setting possible. (§§ 4501, 4502; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384.) Because the Lanterman Act is a remedial statute, it must be interpreted broadly. (*California State Restaurant Assn. v. Whitlow* (1976) 58 Cal.App.3d 340, 347.)

2. “Any person believed to have a development disability . . . shall be eligible for initial intake and assessment services in the regional centers.” (§ 4642, subd. (a)(1).) Initial intake shall be performed within 15 working days following the

request, and shall include a decision whether to provide assessment (§ 4642, subd. (a)(2).) Claimant has the burden of proving by a preponderance of the evidence that he suffers from a developmental disability. (§§ 4501, 4512, subd. (a); Evid. Code, §§ 115, 500.)

3. A developmental disability is a disability that originates before an individual attains age 18, is likely to continue indefinitely, and constitutes a substantial disability for that individual. (§ 4512, subd. (a)(1); Cal. Code Regs., tit. 17, § 54000, subd. (b).) The term "developmental disability" includes intellectual disability, autism, epilepsy, cerebral palsy, and other "disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability." (§ 4512, subd. (a).)

4. Claimant was diagnosed with schizophrenia and "a psychological processing disorder in the area of auditory processing," neither of which is a developmental disability within the meaning of the Lanterman Act. Although claimant was diagnosed with autism, a developmental disability within the meaning of the Lanterman Act, the diagnosis was made after claimant turned 18 years old and it is unclear how that determination was made.

Based on the evidence presented at this time, claimant has not established by a preponderance that he has a developmental disability such that he is eligible for an assessment to determine eligibility for Lanterman Act services. Should claimant obtain further evidence that may demonstrate a developmental disability as defined in the Lanterman Act, SARC may at that time reexamine claimant's eligibility for assessment services.

## **ORDER**

Claimant's appeal from the service agency's determination that claimant is ineligible to receive an assessment of eligibility for services under the Lanterman Act is denied.

DATE:

MARIO M. CHOI

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 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.