

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

In the Matter of:

CLAIMANT

vs.

HARBOR REGIONAL CENTER,

Service Agency.

DDS No. CS0023556

OAH No. 2025010662

DECISION

Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter at the Harbor Regional Center, located at 21231 Hawthorne Blvd., Torrance, California, on February 27, 2025.

Latrina Fannin, Manager of Rights and Quality Assurance, represented Harbor Regional Center (RC or service agency).

Claimant's grandparents represented Claimant. Titles are used to protect the privacy of Claimant's family.

Testimony and documents were received as evidence. The record closed and the matter was submitted for decision on February 27, 2025.

ISSUE

Is Claimant eligible to receive services and supports from RC pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act)?

EVIDENCE RELIED ON

Exhibits 1-11; Exhibits A-K; Testimony of Ashley Brown and Myisha Driver

FACTUAL FINDINGS

Jurisdictional Matters

1. Claimant is an 18-year-old male who has requested services from RC.
2. On October 31, 2024, RC sent a "Notice of Action" letter to Claimant notifying him he was found ineligible for reassessment of eligibility by RC. RC concluded Claimant was previously assessed on two occasions, and the new information submitted by Claimant does not require any additional assessments.
3. Claimant recently submitted two Individual Education Program (IEP) plans, dated February 22, 2022, and May 8, 2024. These IEP's state Claimant is eligible for special educational services because he has a Specific Learning Disability (SLD) and Other Health Impairment (OHI), which are caused by Claimant's Attention-Deficit Hyperactivity Disorder (ADHD). The RC determined the additional information

provided in these IEP's did not warrant RC performing any additional assessment of Claimant, and RC denied eligibility.

4. On November 18, 2024, Claimant appealed RC's decision to deny eligibility and requested a fair hearing.

5. All jurisdictional requirements have been met.

RC's Assessment of Claimant in 2016

6. In May and June 2016, when Claimant was nine years-old, Claimant was evaluated by Armando de Armas (Armas), Ph.D., at the request of RC. Armas performed a psychological evaluation of Claimant and diagnosed him as having a Language Disorder. (Exhibit 10.)

7. On July 13, 2016, RC notified Claimant that the intake and assessment process had been completed and Claimant was found not eligible for services because Claimant did not have an eligible condition. (Exhibit 4.)

8. Under the law, only persons with a medical diagnosis in one of the following categories are eligible to receive services and support from RC: Intellectual Disability, Cerebral Palsy, Epilepsy, Autism, or a condition similar to Intellectual Disability, or which requires services like that of a person with Intellectual Disability.

RC's Assessment of Claimant in 2020

9. In July 2020, when Claimant was 13 years-old, Claimant was reassessed by Yoselin De Los Santos (De Los Santos), Psy.D., who performed a psychological evaluation of Claimant and issued a report. (Exhibit 9.) De Los Santos diagnosed Claimant as having Language Disorder, ADHD, and Major Depressive Disorder.

10. On August 26, 2020, RC notified Claimant that he had been determined to be not eligible for services because Claimant did not have an eligible condition. (Exhibit 6.) Exhibit 6 is in Spanish, but the parties agreed that RC found Claimant not eligible in 2020.

Evidence Offered by Claimant

11. Claimant's grandparents did not testify at the hearing. However, Claimant's grandmother offered a letter (Exhibit C), dated November 8, 2024, which described Claimant's condition and symptoms. Claimant's struggles to care for his basic hygiene needs. Claimant also hears voices which tell him to hurt himself or his family.

12. Claimant offered a one-page letter, dated November 12, 2024, from Christopher Chamanadjian, M.D., at Harbor-UCLA Medical Center. (Exhibit A.) The letter describes Claimant as a 17-year-old boy with "Autism Spectrum Disorder (ASD) and ADHD" who was evaluated at Harbor-UCLA Pediatric Emergency Room on November 12, 2024. The letter then recommends that Claimant be reassessed by RC for eligibility consideration. The letter does not state any basis, or reason, for describing Claimant as having been diagnosed with ASD. It was not established that Claimant received a psychological evaluation, or psychological testing, at Harbor-UCLA Medical Center.

13. Allyson Wells (Wells), M.D., a psychiatrist at ChildNet Family Services, wrote a letter, dated October 24, 2024. (Exhibit D.) The letter states Claimant began receiving psychiatric treatment from Wells in early 2024. Wells recommended that Claimant be evaluated by RC to determine if he is eligible for services.

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14. Jean Shibasaki, Family Nurse Practitioner, Department of Children and Family Services, wrote a letter, dated November 22, 2024 (Exhibit E), wherein she recommends Claimant be assessed for RC eligibility.

15. The Individualized Education Plans discussed in Factual Finding 2 were also offered as evidence by Claimant.

Other Findings

16. Claimant established that some medical personnel have recently recommended that Claimant be reassessed by RC. Additionally, Dr. Christopher Chamanadjian recently stated that Claimant has ASD. However, Claimant did not provide any evidence that Dr. Chamanadjian performed any psychological testing, which is generally required to diagnose ASD. Dr. Chamanadjian's letter is unclear regarding whether he diagnosed Claimant as having ASD, or whether he was reporting information that had been provided to him.

17. Claimant's Grandparents are zealous advocates for Claimant. They are understandably concerned about obtaining any assistance to which Claimant is entitled.

18. Claimant was evaluated and assessed by RC on two prior occasions, in 2016 and 2020, at age nine and 13. While Claimant's grandparents, and medical personnel that have seen Claimant recently, are understandably concerned with Claimant's inability to take care of himself, now and in the future, RC is required by law to only provide services and supports to persons with specified conditions. There is no doubt that Claimant's grandparents struggle to care for Claimant and that Claimant's condition significantly impacts his daily life. However, the only issue to be decided in

this matter is whether Claimant has a qualifying condition which could make him eligible to receive services from RC.

19. Claimant did not establish RC's decision finding him not eligible for RC services and supports is incorrect. Further, Claimant did not establish RC's decision to not perform any additional assessments was incorrect. The evidence provided by Claimant did not establish that a medical professional has diagnosed Claimant with a qualifying condition and provided a reasonable basis for such diagnosis. Claimant's information provided to RC did not establish the need for further reassessment of Claimant's condition.

LEGAL CONCLUSIONS

1. The Lanterman Act (Welf. & Inst. Code, § 4500 et seq.) provides a framework for the provision of services and supports to individuals with developmental disabilities.

2. Individuals who disagree with regional center determinations, such as in this case, may appeal the determination through a fair hearing process. (Welf. & Inst. Code, §§ 4700-4716, and Cal. Code Regs., tit. 17, §§ 50900-50964).

3. Because Claimant seeks to establish his eligibility for services, or the need for reassessment by RC, he bears the burden to demonstrate his eligibility, or the need for a reassessment, and that the RC's decisions to deny eligibility and reassessment are incorrect. (See Evid. Code § 115.)

4. Welfare and Institutions Code (Code) section 4512, subdivision (a), defines a developmental disability as ". . . a disability which originates before an

individual attains age 18; continues or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." The sole qualifying disabilities are: "intellectual disability, cerebral palsy, epilepsy, and autism. . . [and] disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature." (*Id.*) A person must establish they have a qualifying disability to potentially be eligible to receive RC services. Once a qualifying disability is established, the person then must establish that they are "substantially disabled" in at least three of the major life categories.

5. In determining eligibility, "the Lanterman Act and implementing regulations clearly defer to the expertise of the DDS (California Department of Developmental Services) and regional center professionals' determination as to whether an individual is developmentally disabled." (*Mason v. Office of Administrative Hearings* (2001) 89 Cal.App.4th 1119, 1127.)

6. RC's interdisciplinary team assessed Claimant for eligibility in 2016 and 2020. On both occasions, RC reviewed all medical reports and information submitted by Claimant. RC also funded medical assessments to evaluate Claimant's condition in 2016 and 2020. In both instances, Claimant was found not eligible because he does not have a qualifying diagnosis.

7. Under the *Mason* case, deference to the RC's expertise is required. In this matter, RC has evaluated Claimant on two occasions. On both occasions, Claimant was evaluated by a medical professional who produced a thorough and extensive report. While Claimant submitted a one-page letter from Dr. Chamanadjian that states Claimant has ASD, no other evidence was offered to support Dr. Chamanadjian's statement, such as a psychological evaluation or psychological testing. Dr.

Chamanadjian's letter, without additional evidence, is insufficient to require RC to reassess Claimant for a third time.

8. Claimant did not establish he has a qualifying condition. Claimant did not establish that RC's decision regarding Claimant's ineligibility was erroneous. Claimant did not establish that RC's decision denying reassessment was erroneous.

9. For the reasoning set forth in Legal Conclusions 1-7, RC's determination must be upheld and affirmed. However, if additional relevant information becomes available, or if Claimant's situation changes, Claimant may request that RC re-evaluate Claimant for eligibility at that time.

ORDER

1. Claimant is not currently eligible for Regional Center services and supports, pursuant to the Lanterman Developmental Disabilities Services Act.

2. Claimant's appeal of Regional Center's denial of eligibility is denied. The Regional Center's denial of Claimant's eligibility is affirmed.

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3. Claimant's appeal of Regional Center's denial of a reassessment of Claimant is denied. The Regional Center's decision to deny reassessment of Claimant is affirmed.

DATE:

CHRIS RUIZ

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.