

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

In the Matter of:

CLAIMANT

and

WESTSIDE REGIONAL CENTER, Service Agency.

DDS No. CS0024348

OAH No. 2025020662

DECISION

Thomas Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on June 10, 2025.

Ron Lopez, acting Fair Hearings Manager, represented the Westside Regional Center. Claimant represented herself.

Documents and testimony were received in evidence. The record closed and the matter was submitted for decision on June 10, 2025.

STATEMENT OF THE CASE

Claimant has very much benefited from moving from Los Angeles, where her family continues to reside, to reside on the campus of a program provider in the Sacramento area. Claimant has diligently sought other sources of funding for her on-campus residence, but without success. The service agency has denied Claimant's request that it provide those funds for the coming academic year.

FINDINGS OF FACT

1. Claimant, 24 years old, is receiving services from the service agency, having been diagnosed with autism spectrum disorder (ASD). She has been attending the Meristem Residential Program (Meristem) in the Sacramento area for the academic year that ends in July 2025. Otherwise she has lived with her parents in the Los Angeles area.

2. Claimant's parents have in the past funded the housing portion of her tuition at Meristem, but decided against continuing to fund that tuition, \$33,000 for the upcoming academic year, 2025 to 2026. The issue here is whether the service agency should take over such funding.

Meristem's Programs and Benefits

3. Claimant testified that she has successfully availed herself of many services and supports that her residence at Meristem has provided. Claimant wrote of these in her personal statement, Exhibit 4, page Z16:

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Meristem has provided a safe, inclusive, structured, and supportive home base for me to engage in meaningful activities within the Sacramento community and grow in ways that would not be possible in my home environment. While living at Meristem, I have had the opportunity to participate in part-time internships at the Sacramento Waldorf School and Wonderland Preschool, take both academic and recreational classes at American River College, obtain my driver's license, and build a large, tight-knit tennis community at Gold River Sports Club, among many other things. I hope to continue along these lines in the fall semester if given the chance. Meristem allows me to succeed in these off-campus endeavors because we consistently work on essential executive functioning skills such as organization, time management, emotional regulation, advocacy, concentration, and planning. I am currently receiving medically necessary treatment from several providers in the Sacramento area for both my mental and physical well-being, including from a Meristem-based provider who offers the Safe and Sound Protocol. This is a specialized listening therapy designed to reduce anxiety and improve nervous system regulation, which in turn supports my progress in key areas such as education, employment, independent living, and overall daily functioning.

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4. A psychologist in Los Angeles, Robyn Westbrook, Ph.D., who has been Claimant's psychologist for the past eight years, wrote a letter of support, stating in part in Exhibit B, page Z2:

I hope that [Claimant] can continue to attend Meristem, past this July. Meristem has created a safe space where [Claimant], for the first time, is able to thrive and grow because she feels part of a community that sees, understands and values her.

Dr. Westbrook observed that Claimant's family is, as she states at page Z2, "constantly" in conflict and that has caused Claimant increased mental health issues, including feelings of insignificance and insufficiency, manifested in more "depressive and anxious symptoms." Dr. Westbrook continues, pages Z2 through Z3:

Meristem allows [Claimant] to be a part of a supportive, loving, kind, accepting environment. They provide structure and limits and boundaries and teach through love and acceptance. This environment has allowed [Claimant] to exist in a more positive way. She is allowed to feel comfortable and safe enough to learn, which in turn allows her to challenge herself and grow. Only when she feels safe have I seen her make developmental leaps and bounds. More specifically, [Claimant] has taken courses locally at American River College, she obtained her driver's license, she is on her 3rd internship as a teacher's assistant in elementary school, and she is consistently practicing grocery shopping, cooking, cleaning, managing conflicts,

doing laundry, budgeting, self care, emotional regulation, and executive functioning skills. Socially, [Claimant] has been able to challenge herself and work through conflict to resolution.

To summarize, I hope Regional Center can offer full funding of the Meristem tuition for next school year. In my professional opinion, [Claimant] would tremendously benefit.

5. Claimant explained, as Dr. Westbrook also noted in her letter of support, that Claimant's maternal grandmother was her advocate in the family, supporting Claimant's residence and activities at Meristem. She became ill and died recently from cancer, however, leaving no one else in the family to promote Claimant's continued participation at Meristem, its programs and the other beneficial activities it makes possible, such as the college courses at American River College Claimant stated she has completed.

6. Residence at Meristem has benefitted even Claimant's physical well-being. Improvement physically bestows benefits both emotional and mental that are different from the benefits to Claimant from psychological therapy and learning at college. As explained in an April 26, 2025 letter of support, Exhibit A, page Z1, from Milun Daskovic, Claimant's tennis instructor and coach:

Since beginning lessons and group clinics at Gold River Sports Club, [Claimant] has shown significant improvement in her athletic skills, self-confidence, and social interactions. She has built strong friendships and consistently shown a

genuine desire to learn and grow. Through regular participation and dedication, she has developed valuable skills in teamwork, communication, and perseverance, all of which have contributed meaningfully to her personal growth. Her involvement at Gold River Sports Club has greatly benefited her physical health as well, allowing her to feel stronger, more energized, and improve her stamina and coordination. She may come to the court feeling down from outside stressors, but through playing, her spirits lift and a bright smile soon lights up her face. I believe it is important for [Claimant] to continue having access to the Sacramento community and her support systems, such as her second family at Gold River Sports Club.

Claimant's IPP

7. Claimant's most recent Individual Program Plan (IPP) was prepared by Alta California Regional Center. Claimant urged that because Meristem provides courses and programs to the disabled to teach independence and life and social skills of various types, it should be deemed a special living arrangement such as may be provided by a service agency under the Lanterman Act. She also argued that the services and supports to be provided under an IPP must be flexible and tailored to the individual and Meristem provides just such services and supports, well adapted to her needs, with help directed at managing her specific disability.

8. Claimant addressed the service agency's status as payor of last resort and the legal restriction, set out in Welfare and Institutions Code section 4659, on its paying for programs or benefits that are provided by generic resources such as those

funded by private insurance or available at no cost from school districts. Claimant has searched extensively and to the best of her ability for alternatives to the service agency's funding, including the Department of Rehabilitation, Medi-Cal, Meristem's scholarship programs, Autism Speaks, the Autism Society of America, the Sacramento Autistic Spectrum and Special Needs Alliance, the Doug Flutie Jr. Foundation for Autism, the State Council on Developmental Disabilities, and Adult Autism Funding NFP, but all to no avail. All such organizations have advised her they are unable to fund her residence at Meristem.

9. Claimant also pointed out that the service agency funds for the Independent Living Skills services (ILS) provided by Meristem, but these funds she cannot access while her on-campus housing at Meristem is not funded.

10. The service agency reviewed Claimant's request for funding of the \$33,000 Meristem fee for the upcoming school year, 2025-2026 on January 30, 2025. The request was denied under various provisions of the Lanterman Act, including Welfare and Institutions Code section 4512, subdivision (b). The service agency is funding various Meristem services: 30 hours of one-to-one support, 30 hours of one-to-two support, and 37 hours of one-to-three support for ILS while Claimant resides at Meristem. Meristem, however, is vendored for its ILS services and its day program component only.

LEGAL CONCLUSIONS

1. The party seeking government benefits or services, in this case Claimant, bears the burden of proof. Thus the party that sought disability benefits was held to bear the burden of proof in *Lindsay v. San Diego Retirement Board* (1964) 231

Cal.App.2d 156, 161. The standard of proof Claimant must meet is proof by a preponderance of the evidence under Evidence Code section 115.

2. Welfare and Institutions Code section 4512 states that an IPP may include "special living arrangements"

3. Welfare and Institutions Code section 4648, subdivision (a)(2), provides:

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, if appropriate, the consumer's family.

4. Welfare and Institutions Code section 4659 provides in part:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services.

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

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(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer. [¶] . . . [¶]

(c) [R]egional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage.

ANALYSIS

5. There is no provision in the Lanterman Act for funding a consumer's housing expenses, such as a mortgage, or rent. As in the case of Meristem, the service agency may fund programs provided at a facility while a consumer resides there, but not the cost of room and board.

6. Claimant will not be rendered homeless or without shelter if the service agency does not fund her continued residence at Meristem. She has resided with her parents in the past and it appears she may do so again. But they live in the Los Angeles area, far from Meristem. As a result, Claimant is unable to reside with or near her parents and still participate in the services Meristem has made available to her. Claimant also believes that she will receive little or no emotional support at her parents' home. She had such support in the past because her grandmother, now deceased, was there to help. Claimant believes she will not only be deprived of advantages she used to enjoy with her grandmother's help, but will indeed see a

reversal of the progress she has made, thanks to Meristem's on-site programs, in dealing with her disability.

7. Claimant makes a compelling case that Meristem has been invaluable in assisting her to become more independent and capable, better in many ways. Claimant's position, however, is not supported by the provisions of the Lanterman Act. The service agency is bound to observe that law, and its decision against funding Claimant's residence fee at Meristem is determined by that law.

ORDER

Claimant's appeal of the service agency's decision to deny her request, to fund the fee for room and board at the Meristem Residential Program for the upcoming academic year, is denied.

DATE:

THOMAS LUCERO

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.

