

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

In the Matter of:

CLAIMANT

and

CENTRAL VALLEY REGIONAL CENTER, Service Agency

DDS No. CS0026111

OAH No. 2025040974

DECISION

Administrative Law Judge Brian Weisel, Office of Administrative Hearings, State of California, heard this matter on July 29, 2025, via videoconference from Sacramento California.

Jacqui Molinet, Fair Hearings and Appeals Manager, appeared on behalf of Central Valley Regional Center (CVRC).

Claimant was represented by her mother. Claimant was not present.

Evidence was received, the record was closed, and the matter submitted for decision on July 29, 2025.

ISSUE

Is CVRC required to fund installation of padded walls in claimant's bedroom?

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is a 13-year-old girl who receives CVRC services based on her qualifying disability of epilepsy. Claimant lives with her mother in Fresno, California. Her mother, maternal aunt, and maternal grandmother help with claimant's care.

2. In March or April 2025, claimant requested CVRC fund the installation of padded walls or mats in claimant's bedroom. Claimant's mother explained that the padding was necessary for claimant's safety. Claimant has violent episodes where she can injure herself and others.

3. On April 11, 2025, CVRC issued a Notice of Action denying claimant's request. CVRC explained that claimant's episodes were not a manifestation of a qualifying disability, but rather related to claimant's diagnosis of psychosis. On April 18, 2025, CVRC received claimant's appeal and fair hearing request. Claimant's mother explained in her appeal:

My child was denied the purchase of mats for her walls to help keep her safe from injury during psychotic melt downs, that her Neurologist, Psychiatrist and specialty primary care doctors felt that she STRONGLY needed.

(Emphasis in original.)

4. On May 8, 2025, claimant and CVRC attended an informal meeting discussing the above issues. CVRC maintained its position that it could not fund the installation of wall padding as claimant's episodes are not a result of a qualifying disability. This hearing followed.

CVRC's Evidence

5. Krystal Mendoza is a program manager at CVRC. Ms. Mendoza's duties include providing services to regional center consumers, reviewing service requests, and finding additional resources for regional center consumers when CVRC cannot meet a consumer's needs.

6. Ms. Mendoza explained the services claimant currently receives through CVRC and other agencies. Claimant receives 80 hours of respite care, 273.4 hours of In-Home Support Services, and 250 hours of Waiver Personal Care Services (WPCS) per month.

7. Claimant's mother discussed installation of wall padding in March 2025 during the most recent Individual Program Plan (IPP) meeting. At that IPP meeting, claimant's mother provided CVRC with letters from Mindpath Health and Valley Children's Healthcare further explaining claimant's condition and treatment goals.

8. According to the documents provided by claimant's mother, claimant's diagnoses include psychosis, mood disorder, attention deficit hyperactivity disorder, and anxiety. Claimant hallucinates to the point she is not fully aware that she is harming herself or others. She throws herself at walls or destroys objects when she becomes upset.

9. After reviewing the letters provided by claimant's mother, CVRC determined that claimant's episodes stem from her mental health diagnoses, not from claimant's epilepsy diagnosis. As CVRC can only fund services stemming from a qualifying disability, they must deny the service request.

10. Ms. Mendoza provided claimant's mother with other resources that might help her pay for the padding installation. CVRC provided claimant's mother with a grant application for the Native Daughters of the Golden West Children's Foundation (Native Daughters). Native Daughters provides partial or full grants to some consumers for services similar to claimant's request. To date, claimant has not applied for the Native Daughters grant. CVRC also offered claimant contact information for Libertana, a health care services provider that works with WPCS to obtain funds for health-related services.

Claimant's Evidence

11. Claimant's mother described a typical episode for her daughter. A few times per week, claimant will hit her head against, kick, or throw her body into walls. She picks at her skin. She throws objects across the room. She attempts to hit or kick any person around her. Claimant's mother or claimant's aunt will hold claimant's wrists and attempt to stop her from throwing herself against the wall. Claimant weighs 128 pounds. Completely stopping claimant from self-harm is becoming more difficult as she gets older. Claimant's episodes usually last for a few hours and may continue intermittently for a few days. Claimant has been prescribed emergency medication from her psychiatrist to calm her down during an episode.

12. Claimant also is epileptic. She has experienced grand mal and other seizures several times in the past. Claimant's mother reported that claimant has not experienced a seizure recently. When she does, she convulses in place for a short time.

13. Lauren Bradley, certified pediatric nurse practitioner (CPNP), wrote a letter to CVRC regarding claimant's need for padded walls in her bedroom. Claimant experiences self-injurious behaviors and hallucinations. Claimant's behaviors continue to escalate. She does not appear to be fully aware that she is harming herself or others. She throws herself into walls or destroys objects when she becomes upset, seemingly without provocation. Ms. Bradley notes claimant's mother and aunt have been "extremely diligent" in maintaining claimant's safety during episodes. However, the behavior continues and can escalate as claimant grows older.

14. Aditi Giri, M.D., is a child and adolescent psychologist at the Mindpath Health and Community Psychiatry Center in Fresno, California. Dr. Giri also provided CVRC with a letter explaining claimant's episodes. Dr. Giri wrote that claimant is diagnosed with psychosis, mood disorder, and a mild intellectual disability. He further wrote that claimant has a history of agitation, aggression, and perceptual disturbances. Dr. Giri described claimant's episodes as "largely driven by psychotic symptoms, such as responding to internal stimuli."

15. Claimant's mother believed she secured funding for the padded walls through the WPCS program in conjunction with the Department of Health Care Services. Claimant's mother applied for the padding funds in 2024 and expected her application would be approved. However, in January 2025 a representative from WPCS notified claimant's mother that the law had changed and the program would no longer be able to fund padded wall installation. At that point, claimant's mother applied for the funding through CVRC.

16. Claimant's mother is aware of the Native Daughters grant program. She has not yet applied for those funds. She contacted someone from Native Daughters and her understanding was that the program would only provide a partial grant that would not cover the entire cost of the padding installation. Claimant's mother wanted to wait for the results of this appeal before exploring that or other funding options.

Analysis

17. Claimant bears the burden to prove that CVRC is required to fund the padded wall installation in her bedroom. To do so, she must demonstrate the padding is a specialized service or support related to her qualifying developmental disability. Claimant's only qualifying developmental disability is epilepsy. Though claimant suffers seizures because of that diagnosis, those seizures alone do not justify the installation of padded walls in her bedroom.

18. Claimant's mother credibly testified regarding claimant's violent episodes. Claimant can kick, thrash, and lash out, harming herself or others. However, those behaviors are not a result of claimant's epilepsy, but rather her other psychological diagnoses. The letters provided by Dr. Giri and CPNP Bradley confirm claimant's episodes stem from her psychosis and resulting hallucinations.

19. As claimant's episodes are not related to claimant's epilepsy diagnosis, CVRC is not permitted to fund services related to those episodes. Consequently, claimant's appeal must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Act governs this case. (Welf. & Inst. Code, section 4500 et seq.) Under the Lanterman Act, regional centers fund services and supports for persons with developmental disabilities. “Developmental disability” includes intellectual disability, cerebral palsy, epilepsy, autism, and disabling conditions found to be closely related to or require treatment similar to that required for individuals with an intellectual disability. (Welf. & Inst. Code, § 4512, subd. (a)(1).)

Burden and Standard of Proof

2. An administrative “fair hearing” to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code sections 4700–4716.) The burden of proof is on the party seeking government benefits or services. (*Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) Claimant has the burden of proving, by a preponderance of the evidence, that CVRC improperly denied her request to fund installation of padding on her bedroom walls. (Evid. Code, § 115.)

Applicable Law

3. The Department of Developmental Services (Department) is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) To comply with its statutory mandate, the Department contracts with private, non-profit community agencies, known as “regional centers,” to provide the developmentally disabled with “access to the services and supports best suited to them throughout their lifetime.” (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4501 provides in relevant part that:

Services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age. Consumers of services and supports, and where appropriate, their parents, legal guardian, or conservator, should be empowered to make choices in all life areas. These include promoting opportunities for individuals with developmental disabilities to be integrated into the mainstream of life in their home communities, including supported living and other appropriate community living arrangements.

[¶] ... [¶]

5. Regional centers can only fund either “specialized services and supports” or “special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of an independent, productive, and normal life.” (Welf. & Inst. Code, § 4512, subd. (b).)

6. Regional centers, when purchasing services and supports, must ensure conformance with purchase of service policies and utilize generic services and supports when appropriate. (Welf. & Inst. Code, § 4646.4, subdivision (a).)

7. Pursuant to Welfare and Institutions Code section 4659, the regional center shall not purchase any service that would be available from Medi-Cal, Medicare,

In-Home Support Services, California Children's Services, or any other health care service plan.

8. As set forth in the Factual Findings and Legal Conclusions as a whole, claimant failed to establish that claimant's episodes are related to a qualifying disability. Therefore, under the Lanterman Act, claimant's appeal of CVRC's denial of her request to fund installation of padded walls in her bedroom must be denied.

ORDER

Claimant's Appeal is DENIED.

DATE: August 11, 2025

BRIAN WEISEL

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.