

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

In the Matter of:

CLAIMANT

and

VALLEY MOUNTAIN REGIONAL CENTER,

Service Agency

DDS No. CS0026190

OAH No. 2025041267

DECISION

Matthew S. Block, Administrative Law Judge, Office of Administrative Hearings, State of California, serving as a hearing officer, conducted a fair hearing on August 28, 2025, in Modesto, California.

Claimant was not present, and was represented by his mother and father, and by Ron Wu, R.N. The names of Claimant and his parents are omitted to protect their privacy and confidentiality. Marcela Hernandez provided Spanish interpretation.

The service agency, Valley Mountain Regional Center (VMRC), was represented by Jason Toepel, Compliance Manager.

Evidence was received, the record closed, and the matter submitted for decision on August 28, 2025.

ISSUE

Is Claimant eligible for services from VMRC under the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code section 4500 et seq. (Lanterman Act) based on a diagnosis of medically refractory epilepsy?

FACTUAL FINDINGS

Background and Procedural History

1. VMRC provides funding for services and supports people with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.) To be eligible for services under the Lanterman Act, the developmental disability must be substantially disabling and have originated before the person turns 18 years old.

2. Claimant is 28 years old and resides in Ceres, California. On an unknown date, he applied for VMRC services based on a diagnosis of medically refractory epilepsy. VMRC issued a Notice of Action (NOA) denying Claimant's application on November 13, 2024. On April 22, 2025, Mr. Wu appealed VMRC's decision on Claimant's behalf. This hearing followed.

Claimant's History and Diagnosis

3. Claimant was born and raised in Mexico with his parents and younger brother. He achieved developmental milestones within normal expectations. His family temporarily moved to the United States when Claimant was five years old. They subsequently moved back to Mexico, where Claimant completed middle school and high school. He was a hard worker and above-average student and was in his first semester of college when he suffered his first seizure at the age of 19. After suffering several additional seizures, he was taken to a hospital, where he was diagnosed with encephalitis.

4. Claimant began having difficulty with concentration, processing speed, and memory. This led to academic struggles, and he was unable to finish college. He began experiencing anxiety and depression and reported low self-esteem and hopelessness about the future. There were multiple incidents where he became disoriented and confused, which resulted in physical altercations with family members and other people that have had legal ramifications.

5. Claimant is under the care of Tina Shih, M.D., a neurologist at the University of California, San Francisco (UCSF) Epilepsy Center. She diagnosed him with medically refractory epilepsy, which requires multiple simultaneous medications to control. Despite his medication regimen, he continues to suffer seizures, and his cognitive deficits are significant.

Claimant's Evidence

6. Mr. Wu testified at hearing on Claimant's behalf. He has been a registered nurse for 12 years and works with Dr. Shih at the UCSF Epilepsy Center. He works as a nurse navigator for epilepsy patients, which includes providing clinical

treatment, as well as assisting patients with enrolling in social welfare services and home services. Mr. Wu acknowledged that there are no records available which demonstrate Claimant suffered a seizure prior to the age of 18. However, he testified that it is not uncommon for people with epilepsy to experience minor seizures at a younger age that go unnoticed. Mr. Wu does not know whether encephalitis can cause epilepsy, although he believes it can exacerbate the underlying symptoms of chronic epilepsy.

7. According to Mr. Wu, Claimant's journey in managing his disability will be long and complicated. His symptoms are severe enough that Mr. Wu believes he may be a candidate for epilepsy surgery.

8. Claimant's mother testified at hearing. Claimant was bullied in high school and there were occasions when other students struck him on the head. She believes that it may have caused him to develop epilepsy before anyone noticed its symptoms. She also described the difficulty Claimant had dealing with the loss of his paternal grandmother at a young age, and she wonders whether the experience had a long-lasting mental effect which has contributed to his cognitive and behavioral decline.

9. Claimant's father testified at hearing. He recalled an incident that occurred when Claimant was young and the family was living in Mexico. Claimant was riding in a car with his mother when the interior of the car began to fill with smoke. Claimant had difficulty breathing and his body started twitching. They took Claimant to a doctor who treated him with oxygen. Claimant's father does not recall whether the doctor diagnosed Claimant with any illness. He explained that in Mexico at that time, patients went directly to a doctor instead of checking in with a secretary or medical assistant, which he believes is one of the reasons there are no records of the visit.

Analysis

10. The evidence in this case is largely undisputed. Claimant experienced his first documented seizure when he was 19 years old. Since then, he has experienced multiple additional seizures, which have caused significant cognitive and behavioral decline. He has been diagnosed with medically refractory epilepsy, which requires multiple simultaneous medications to control. Mr. Wu testified to the severity of Claimant's condition, and the struggles that he will likely face in the future. Claimant's parents testified about his medical history, and events they believe may have contributed to the development of epilepsy before his first documented seizure.

11. To be eligible for regional center services, a person must have a developmental disability that is substantially debilitating and which originated before the person reaches 18 years of age. In this case, Claimant demonstrated he has medically refractory epilepsy, a developmental disability that may be debilitating. However, he did not establish that the disability originated before he reached the age of 18. For that reason alone, he is not eligible for regional center services, and his appeal must be denied.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. In an administrative hearing, the burden of proof is on the party seeking government benefits or services. (See, e.g., *Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) In this case, Claimant bears the burden of proving, by a preponderance of the evidence, that he is eligible for services from VMRC under the Lanterman Act. (Evid. Code, § 115.)

Applicable Law

CARE FOR THE DEVELOPMENTALLY DISABLED

2. Under the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities and pays for the majority of the "treatment and habilitation services and supports" to enable such persons to live "in the least restrictive environment." (Welf. & Inst. Code, § 4502, subd. (b)(1).) The State Department of Developmental Services is charged with implementing the Lanterman Act and is authorized to contract with regional centers to provide the developmentally disabled access to the services and supports needed. (Welf. & Inst. Code, § 4620, subd. (a); *Williams v. State of Cal.* (9th Cir. 2014) 764 F.3d 1002, 1004.)

ELIGIBILITY FOR REGIONAL CENTER SERVICES

3. Eligibility for regional center services and supports is dependent on the person having a "developmental disability" that: (1) originated before he reached 18 years of age; (2) is likely to continue indefinitely; and (3) constitutes a substantial disability. (Welf. & Inst. Code, § 4512, subd. (a)(1).) Under the Lanterman Act, "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. (*Ibid.*)

4. Any person believed to have a developmental disability shall be eligible for initial intake and assessment services in the regional centers. (Welf. & Inst. Code, § 4642, subd. (a)(1).) "If assessment is needed, the assessment shall be performed within 120 days following initial intake." (Welf. & Inst. Code, § 4642, subd. (a).)

5. Welfare and Institutions Code section 4710, subdivision (e), provides:

If a person requests regional center services and is found to be ineligible for these services, the regional center shall give adequate notice pursuant to Section 4701. Within five business days of the time limits set forth in Sections 4642 and 4643, notice shall be sent to the applicant and, if appropriate, the authorized representative, by standard mail, certified mail, or email at their preference as indicated at the time of intake.

APPEAL PROCESS

6. Welfare and Institutions Code section 4710.5, subdivision (a), provides:

Any applicant for or recipient of service, or authorized representative of the applicant or recipient, who is dissatisfied with a decision or action of the regional center or state-operated facility under this division shall, upon filing a request within 60 days after notification of the decision or action, be afforded an opportunity for an informal meeting, a mediation, and a fair hearing.

Disposition

7. Based on the Factual Findings and Legal Conclusions as a whole, Claimant did not meet his burden of establishing by a preponderance of evidence that his epilepsy originated before he turned 18 years old. The only medical evidence admitted at hearing is that he suffered his first seizure when he was 19 years old. Regrettably, that fact renders Claimant ineligible for VMRC services, and his appeal must be denied.

ORDER

Claimant's appeal is DENIED.

DATE: September 5, 2025

MATTHEW S. BLOCK

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 this decision, or appeal this decision to a court of competent jurisdiction within 180 days of receiving the final decision.