

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

In the Matter of:

CLAIMANT

and

SAN DIEGO REGIONAL CENTER, Service Agency

DDS No. CS0026341

OAH No. 2025050106

DECISION

Traci C. Belmore, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 12, 2025, by videoconference and telephone.

Claimant's mother represented claimant who was not present at hearing.

Erik Peterson, Fair Hearings Representative, represented San Diego Regional Center.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on June 12, 2025.

ISSUE

Must San Diego Regional Center (SDRC) fund occupational therapy services for claimant from a provider that is not vendored to provide service to clients older than three years old?

FACTUAL FINDINGS

1. Claimant is a six-year-old consumer of SDRC, by reason of his diagnosis of autism spectrum disorder (ASD). He lives at home with his parents and two siblings who are also consumers of SDRC. Claimant has challenges related to his eating habits. Claimant exhibits difficulty with sensory aversions to certain textures and has a highly restricted diet. It was determined that claimant needed feeding therapy provided by an occupational therapist (OT).

2. On October 25, 2024, claimant's mother was given the names of several OTs that could provide feeding therapy to claimant, including Rady Children's Feeding Team Clinic (Rady) and Innovative Therapy 4 Kids (Innovative). Claimant's mother expressed that claimant had been on the waiting list for Rady for over a year.

3. On November 6, 2024, claimant's mother reported to Debra Grossberg, claimant's service coordinator (SC), that she had contacted more than 10 OT based feeding specialists. Claimant's mother had determined that OT Mama was the OT feeding specialist who was in the best position to help claimant immediately. SC Grossberg consulted with Lori Sorenson, Program Manager (PM). PM Sorenson determined that OT Mama was not vendored to provide services to a consumer older than three years old.

4. On November 8, 2024, SC Grossberg informed claimant's mother that OT Mama was not vendored to provide services to a consumer older than three years old. Claimant's mother stated that she had researched OT feeding specialists throughout the San Diego area and the only one who could work with claimant immediately was OT Mama. She requested that SC Grossberg upgrade her request for funding.

5. On January 30, 2025, SC Grossberg gave claimant's mother a list of OTs that were vendored to provide services to claimant. Innovative would accept claimant immediately but it was in Carlsbad. Claimant's mother stated that it would take over an hour to drive to Carlsbad. SC Grossberg offered to increase the respite hours for claimant's siblings so that claimant's mother would be able to take claimant, but claimant's mother declined.

6. On February 25, 2025, OT Mama communicated to SC Grossberg that they were interested in becoming vendored with SDRC for OT services for consumers over three years old. SC Grossberg sent OT Mama the contact information for Kristen Van Den Broek, a resource community service coordinator, who would be able to assist OT Mama with becoming vendored to provide services to consumers over three years old.

7. In a Notice of Proposed Action dated April 4, 2025, SDRC notified claimant that the request for funding OT Mama was denied. Claimant filed a fair hearing request, and this hearing ensued.

8. Rosalie Goulding, a community services department manager with SDRC, testified at hearing. Goulding stated that she had processed OT Mama's vendorization for consumers aged up to 36 months. Goulding testified that SDRC could not fund OT

Mama to provide services to claimant, who is six years old, because OT Mama was not vendored to provide services to a consumer his age.

9. Van Den Broek testified that she had several conversations with OT Mama about becoming vendored to provide services to consumers over the age of three years old. Van Den Broek stated that OT Mama is currently vendored for service code 116 (early start specialized therapeutic services). A service provider is classified as an early start therapeutic service provider if they provide services for consumers up to the age of 36 months. Van Den Broek detailed the vendorization process and stated that much of the process would be streamlined because OT Mama is already vendored. The process for OT Mama to be vendored for service code 773 (occupational therapy) would require that OT Mama file an application. All of the other required documentation is already on file with SDRC. Van Den Broek testified that she informed OT Mama of the process but has not received an application.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Act). The Act is found at Welfare and Institutions Code section 4500 et seq. The purpose of the 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. (Welf. & Inst. Code, §§ 4501, 4502; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.)

2. Welfare and Institutions Code section 4648, subdivision (a)(3), provides that a regional center may, "pursuant to vendorization or contract," purchase services from a provider that the regional center and consumer determines will accomplish all or part of that consumer's program plan. OT Mama is not vendored to provide the service to claimant. SDRC is prohibited from funding OT Mama until they are vendored to provide services to consumers older than three years old.

3. Accordingly, claimant's appeal must be denied.

ORDER

Claimant's appeal is denied.

DATE: June 20, 2025

Traci C. Belmore
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 Welfare and Institutions Code section 4713, subdivision (b), 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.