

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0026727

OAH No. 2025050368

DECISION

Administrative Law Judge Mario M. Choi, State of California, Office of Administrative Hearings, heard this matter on January 14, 2026, by videoconference.

Attorney Stephanie Krol Vieira represented claimant, who was not present.

Executive Director's Designee James Elliott represented service agency San Andreas Regional Center.

The record closed and the matter was submitted for decision on January 14, 2026.

ISSUES¹

1. Under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.), its implementing regulations, and the directives of the Department of Developmental Services (DDS), is San Andreas Regional Center (SARC) required to offer Participant-Directed Services (PDS) to allow claimant to fund claimant's parents as personal assistants?

2. If SARC is required to offer PDS to allow claimant to fund claimant's parents as personal assistants, did SARC improperly deny claimant's request to fund claimant's mother as his personal assistant through PDS?

FACTUAL FINDINGS

Introduction

1. Claimant is a 25-year-old SARC consumer who has autism spectrum disorder. Claimant is currently in his last year of a three-year appointment as an assistant adjunct professor position at the University of California, Los Angeles (UCLA), in its College of Physical Sciences, Department of Mathematics.

2. Claimant and SARC are parties to an Individual Program Plan (IPP). Although the IPP is not in evidence, progress reports dated October 8, 2020, and November 9, 2021, indicate that claimant's mother has been living with claimant since

¹ The issues as stated were agreed to by the parties at hearing.

he attended school at the University of Southern California and that she continues to care for claimant's daily needs and ensure that his safety and care are met.

3. Claimant was receiving support through the In-Home Supportive Services (IHSS) program of the Department of Social Services. The IHSS program allowed claimant's parents to receive funding to perform 283 hours of services per month for claimant. Services, all of which were provided by claimant's mother, included meal preparation, laundry, shopping, assistance with bowel and/or bladder care, feeding, dressing, bathing, care and assistance with prosthetics and medication, accompanying claimant to medical appointments, and protective supervision.

4. Claimant was required to be Medi-Cal eligible to receive IHSS program service funding. On November 30, 2024, claimant was discontinued from Medi-Cal because he no longer met Medi-Cal's financial eligibility requirement, and his appeal was unsuccessful. On March 17, 2025, claimant was discontinued from the IHSS program.

5. Due to the loss of IHSS program funding, claimant sought funding from SARC for personal assistance services by his mother through PDS. On March 21, 2025, and again on April 23, 2025, SARC issued a notice of action denying claimant's request. SARC stated that other service options are available and that DDS policies do not allow parents to provide personal assistance services under the PDS model.

Claimant filed a timely appeal on May 8, 2025.

6. In an informal meeting decision dated June 19, 2025, SARC offered claimant:

1-2 hours of personal assistance by a vendor that is not a family member per regulations. [SARC] would also include [independent living services funding] on top of that to help [claimant] become more independent and learn how to incorporate self-care tasks into his routine. Though [SARC] understand[s claimant] is under stressful circumstances his records do not reflect the need for a [personal assistant] but rather support to become more independent.

Claimant rejected SARC's offer.

Regulation

7. California Code of Regulations, title 17, section 58886, subdivision (a), entitled "General Requirements for Participant-Directed Services," states:

Effective October 1, 2011, for consumers and family members of consumers receiving the services in California Code of Regulations, Title 17, Section 54355 (g) (1), (3), (4), and (5), when these services are funded with federal financial participation through Medicaid programs, the regional center may offer Participant-Directed Services to allow the adult consumer and/or family member to procure their own community-based training service, day care, nursing, respite, and/or transportation services. Effective September 16, 2022, personal assistance, independent living services, and supported employment are included in the list of Participant-Directed Services.

8. California Code of Regulations, title 17, section 58886, subdivision (e)(6) (hereinafter section 58886(e)(6)), provides the following:

The regional center shall vendor the Employer and Co-Employer in accordance with vendor requirements contained in California Code of Regulations, Title 17, Sections 54310 and 54326, in addition to the following requirements:

¶ . . . ¶

Participant-Directed Personal Assistance -- Service Code 456 is a Personal Assistance service that assists the consumer with personal assistance and support to help the consumer be successful in their own home and in the community.

(A) A regional center shall classify a vendor as a Participant-Directed Personal Assistance Service if the vendor:

1. Is an adult consumer, family member, or conservator;
2. Selects an individual who is at least 18 years of age;
3. Ensures that the individual selected will possess the skill, training, or education necessary to provide the service in accordance with the IPP; and

4. Ensures that the individual is familiar with the consumer's daily routines and needs and is trained in any specialized supports necessary for the consumer.

SARC's Position

9. SARC does not dispute that claimant requires supports and services. SARC instead argues that because claimant's mother is a natural support and because claimant lives in the "family home," SARC cannot fund claimant's mother as claimant's personal assistant through PDS. SARC points to Welfare and Institutions Code section 4646, which requires regional centers to provide services to their consumers that are appropriate and cost-effective uses of taxpayer funds. SARC contends that Welfare and Institutions Code sections 4512, subdivision (e), 4646.5, subdivision (a)(5), 4648, subdivisions (a)(14)(C) and (e)(3), 4685, subdivision (b)(3), and 4688, subdivision (a)(5), require it to consider the use of alternatives, such as natural supports, regardless of the consumer's age, in its funding decisions. SARC also noted the distinction between individuals living in the family home—with their parents or other family members as primary caregivers—and those living in their own home. SARC contends that because claimant's mother is a natural support for claimant, and because claimant is living with her in the "family home" in Los Angeles, claimant cannot receive PDS funding for his mother to serve as a personal assistant.

10. SARC further maintains that section 58886(e)(6) cannot be interpreted to include parents as personal assistants. SARC argues that "personal assistance services" are considered as a "miscellaneous service" pursuant to Welfare and Institutions Code section 4691.9, subdivision (c)(1), and Code of California Regulations, title 17, section 54356. While section 58886(e)(6) governs participant-directed personal assistance, SARC argues that the regulation is ambiguous as to who can be a consumer's personal

assistant. Thus, regional centers must follow the directives issued by DDS. (Welf. & Inst. Code, § 4435.1, subd. (h).)

SARC points out that DDS added personal assistance to PDS through its March 20, 2020, directive (directive) in response to the COVID pandemic and the Governor's State of Emergency declaration. The directive specifically provided that parents cannot be personal assistants. SARC also highlights DDS's October 2020 document entitled "Summary of F[requently] A[sked] Q[uestions] for Self-Advocates and Families About Participant-Directed Services During the COVID-19 Pandemic" (FAQs), which also stated that parents cannot be personal assistants under PDS.

The State of Emergency was terminated on March 28, 2023.

11. Finally, SARC argues that claimant's mother cannot be claimant's personal assistant because she does not have the skill, training, or education necessary to provide personal assistance services to claimant.

Claimant's Position

12. Claimant does not dispute that the Welfare and Institutions Code requires regional centers to provide appropriate and cost-effective services to their consumers. However, claimant argues that section 58886(e)(6) allows parents to serve as personal assistants through PDS because, unlike in other regulations that prohibit parents from serving in certain roles, section 58886(e)(6) is not limited in the way SARC interprets that provision. Claimant also points out that DDS rescinded the directive on September 28, 2022, after the enactment of section 58886(e)(6), and thus the FAQs that interpreted the directive were also withdrawn.

13. Claimant maintains that SARC should pay for his parent to provide the services IHSS no longer funds because his autism requires continuity of care and non-disruption to his daily routine, and that his parent's services reduce the embarrassment because of his medical conditions and eliminate the high turnover of hiring a third-party provider. Claimant's mother has assisted claimant with the services claimant needs his entire life and is well aware of claimant's routines and specialized supports.

14. In an uncontroverted declaration, claimant's mother details the assistance she provides for claimant to ensure his success and protect his dignity. Claimant's mother clarifies that she does not live with claimant but has her home with claimant's father in San Jose. Claimant's living situation is being provided by UCLA. Claimant's mother states that she did not intend to care for her adult son for this length of time or expect to be traveling between San Jose and Los Angeles to support him. She has not been able to take a vacation or go out to eat with her husband, who remains in San Jose and has not assisted claimant in Los Angeles. Claimant's mother has provided care to claimant out of necessity and only until a new provider can be found, trained, and acclimated.

15. In a caregiver log presented by claimant's mother, she states that she provides approximately 43 hours a week, or 187 hours a month, of support to claimant. Claimant's mother assists her son in meal preparation, laundry, shopping, assistance with hygiene, care and assistance with medication, accompanying claimant to medical appointments, and emotional regulation.

16. Claimant seeks personal assistance from his mother until a new personal assistant is hired and acclimated to take over as his personal assistant. Claimant also seeks retroactive personal assistant services from the filing of his appeal.

LEGAL CONCLUSIONS

1. Pursuant to the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities. (Welf. & Inst. Code, § 4500 et seq.) The purpose of the Lanterman 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; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384.) Because the Act is a remedial statute, it must be interpreted broadly. (*California State Restaurant Assn. v. Whitlow* (1976) 58 Cal.App.3d 340, 347.)

2. The Lanterman Act mandates that an “array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community.” (Welf. & Inst. Code, § 4501.) Regional centers have the responsibility of carrying out the state’s responsibilities to the developmentally disabled under the Lanterman Act. (Welf. & Inst. Code, § 4620, subd. (a).)

3. “Services and supports” means “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).) The Lanterman Act directs regional centers to develop and implement an IPP for each individual who is eligible for services, setting

forth the services and supports needed by the consumer to meet his or her goals and objectives. (Welf. & Inst. Code, § 4646.)

4. In implementing an IPP, regional centers must first consider services and supports in the natural community and home. (Welf. & Inst. Code, § 4648, subd. (a)(2).) Such natural supports include family relationships and friendships developed in the community that enhance the quality and security of life for people. (Welf. & Inst. Code, § 4512, subd. (e).)

5. If a generic agency fails or refuses to provide a regional center consumer with those supports and services necessary to maximize the consumer's potential for integration in the community, the Lanterman Act requires the regional centers to fund those supports and services in order to meet the goals set forth in the IPP. (Welf. & Inst. Code, § 4648, subd. (a)(1).)

6. In an appeal regarding regional center services, the administrative law judge is empowered to resolve "all issues concerning the rights of persons with developmental disabilities to receive services under [the Lanterman Act]." (Welf. & Inst. Code, § 4706, subd. (a).) The standard of proof in this matter is a preponderance of the evidence. (Evid. Code, § 115.)

Regulatory Interpretation

7. Interpreting an administrative regulation is subject to the same principles as the interpretation of a statute. (*Bates v. Poway Unified School Dist.* (2022) 83 Cal.App.5th 907, 920.) If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of intent. (*Ibid.*) If the language is unclear and ambiguous, the intent of the agency issuing the regulation will be ascertained "by giving effect to the usual meaning of the language used so as to

effectuate the purpose of the law, and by avoiding an interpretation which renders any language mere surplusage. [Citation.]” (*Abney v. State Dept. of Health Care Services* (2024) 99 Cal.App.5th 419, 429.) A regulation is not construed in isolation, but instead it must be read “with reference to the scheme of law of which it is a part, so that the whole may be harmonized and retain effectiveness. [Citations.]” (*Id.* at pp. 429–430.) When an agency intends that something be done in a specific way, the agency “knows how to frame regulations expressing that intent.” (See *Pacific Gas & Electric Co. v. Public Utilities Com.* (2015) 237 Cal.App.4th 812, 853.)

8. Section 58886(e)(6) does not specify who can provide personal assistance to an adult consumer. That provision only requires “an individual.” (Cal. Code Regs., tit. 17, § 58886, subd. (e)(6)(A)(2).) If that person “assists the consumer with personal assistance and support to help the consumer be successful in their own home and in the community” and fulfills the skills and age requirements under that section, a regional center will classify that individual as a “Participant-Directed Personal Assistance Service.” (Cal. Code Regs., tit. 17, § 58886, subd. (e)(6).)

Conversely, other provisions of California Code of Regulations, title 17, section 58886, subdivision (e), specifically provide whether a family member can serve in a particular position. For instance, section 58886, subdivision (e)(4)(A), states that, “The family member or adult consumer may either provide the transportation service or secure an individual to provide the transportation services identified in the consumer’s IPP[.]” Section 58886, subdivision (e)(2)(B), specifies that, “The family member may be the direct provider of the nursing service if the service is not intended to provide respite to the family member.” And section 58886, subdivision (e)(5)(A)(2), states that, “A parent or conservator shall not be the direct support worker employed by the community-based training vendor[.]”

9. Because DDS has not explicitly stated in section 58886(e)(6) that family members are prohibited from serving as personal assistants, and considering the Lanterman Act's status as a remedial statute, it is determined that section 58886(e)(6) allows for family members to serve as personal assistants so long as those individuals "assist[s] the consumer with personal assistance and support to help the consumer be successful in their own home and in the community," are at least 18 years of age, have the skill, training, or education necessary to provide the service in accordance with the IPP, are familiar with the consumer's daily routines and needs, and are trained in any specialized supports necessary for the consumer.

10. This interpretation, however, must be tempered by the Lanterman Act's requirement that regional centers consider generic and natural supports when implementing an IPP. If natural supports are voluntarily available to the consumer, a regional center may reduce the amount of paid supports and services it provides.

Application

11. There is no dispute that claimant requires serious supports and services for his autism, and that claimant's mother meets the definition of "natural support" to claimant. It is also undisputed that claimant's mother does not want to provide these services to claimant. Nonetheless, claimant's mother has traveled from San Jose, where she has her home and resides with claimant's father, to Los Angeles, where claimant resides, to provide services for claimant. And claimant currently wants his mother to provide the personal assistant services that she currently provides to him, which IHSS no longer funds.

12. Nothing in the Lanterman Act requires the parent of an adult child to provide services and supports he or she does not want to offer. A regional center must

consider what services a natural support agrees to perform in determining the appropriate supports and services to provide to a client, but it cannot force a parent to deliver those services. Here, SARC must consider that there are no natural supports available to provide services to claimant.

13. Contrary to SARC's arguments, claimant's mother fulfills the requirements as a personal assistant to claimant. She is over the age of 18, has the skills and training necessary to provide the service to claimant, is familiar with his daily routines and needs, and provides the necessary specialized supports. It is undisputed that claimant's mother helps claimant to be successful in his own home and in the community. (Factual Findings 14 and 15.)

14. A preponderance of the evidence has established that claimant's request for personal assistant hours is reasonable and appropriate at this time. It is appropriate that claimant's mother continue providing services as a personal assistant until one is hired and becomes familiar and able to handle claimant's needs. Although claimant requests 283 hours of personal assistance a month (the same amount of time that was allowed through the IHSS program), claimant's mother provides approximately 43 hours a week of support to claimant, or 187 hours a month. (Factual Finding 15.) Here, it is appropriate that SARC provide a similar amount, plus some additional hours as a cushion. At this time, SARC shall provide 48 hours a week of personal assistance support to claimant, or 208 hours a month. Claimant shall receive retroactive personal assistant services from the filing of his appeal.

15. It is important to note that SARC's offer at the informal meeting has persuasive value, including its proposal that services be provided that would help claimant to live independently. Claimant and claimant's mother have also noted that his mother's service as a personal assistant is temporary. However, claimant's current

situation is in flux, as it is unclear whether claimant's position at UCLA will be renewed at the end of the academic year. It is thus understandable that claimant does not at this point seek to make any further changes until his situation is resolved.

Nonetheless, it is expected that claimant will begin searching for and onboard an individual who will succeed his mother as his personal assistant, and that he will make use of other available services to assist in his leading an independent and productive life. Claimant and SARC are expected to meet and review claimant's IPP with the goal of providing claimant with the appropriate supports and services that claimant needs to succeed in his home and in the community.

ORDER

Claimant's appeal is granted. SARC shall fund claimant's mother as claimant's personal assistant through PDS in the amount of 48 hours a week, or 208 hours a month. Funding shall be retroactive to May 8, 2025, the date of the filing of the appeal.

DATE:

MARIO M. CHOI
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.