

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

In the Matter of:

CLAIMANT

and

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS No. CS0027837

OAH No. 2025061112

DECISION

Jennifer M. Russell, Senior Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 20, 2025.

Paul Mejia, Due Process Officer, represented North Los Angeles County Regional Center (NLACRC or service agency). Mother, with assistance from a Spanish linguist, represented Claimant, who was not present. Mother and Claimant's names are not used to preserve their privacy and confidentiality.

Sami Salazar, Consumer Service Coordinator; Jessical Wilson, Consumer Services Manager; Annette Sinanian, MS, BCBA; and Mother testified. Exhibit 1 through Exhibit 6, Exhibit 8, and Exhibit 9 were received in evidence. The record closed and the matter was submitted for decision on August 20, 2025.

FACTUAL FINDINGS

1. Claimant is a seven-year-old male consumer with NLACRC based on his qualifying diagnosis of autism. Claimant presents with sensory food aversion. He eats independently using his fingers. He refuses to eat solid foods. He consumes only Pediasure and lollipops. He engages in tantrums and emotional outbursts when he is offered foods. Claimant's self-injurious behaviors include hitting himself when experiencing stress from being in the presence of a lot of people.

2. On a date not established by the evidence, Medi-Cal authorized occupational therapy (OT) to address Claimant's food aversion. The occupational therapist, however, was located in an area where Claimant does not reside.

3. On April 10, 2025, members of the service agency's Behavior Modification Review Committee (BMRC) recommended NCLARC to fund OT for Claimant to manage his food aversion. The BMRC additionally recommended Mother to access Applied Behavior Analysis (ABA) therapy through a generic resource to target Claimant's food aversion with the understanding that the ABA provider is expected to collaborate with the OT provider.

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4. On May 8, 2025, the service agency informed Mother it was unable to find OT vendors in Claimant's residential area who offered OT with an emphasis on feeding. The service agency offered in-home ABA services as an alternative. Mother declined in-home ABA services noting that such services required too many hours and Claimant cannot tolerate a lot of people in the home. Claimant gets "stressed out" and hits himself. Mother expressed a preference for ABA in a clinical setting and informed the service agency that Claimant was on the waiting list for services at Behavioral Learning Center.

5. On May 15, 2025, members of the BMRC met with Mother to discuss the benefits of in-home ABA therapy and to design a plan for how Claimant's family is able to help him with his feeding aversion. Members of the BMRC recommended Aclan Behavioral Services (Aclan), an ABA vendor, to provide Claimant with in-home ABA services with an emphasis on feeding aversion. At hearing, Ms. Sinanian explained Claimant's "feeding aversion is primarily behavioral in nature." Ms. Sinanian opined the Aclan team has the expertise required to train others on the appropriate therapy for Claimant.

6. Mother subsequently informed NLACRC she did not want to proceed with Aclan and declined the ABA services. Mother additionally informed NLACRC she was not continuing with her request for services. Mother requested a formal Notice of Action from the service agency.

7. NLACRC provided Mother with a May 19, 2025 letter confirming it "will not be moving forward with funding for ABA, feeding therapy or OT." The letter documents Mother "declined ABA services and did not want to proceed with the referral with Aclan. Nor the continuation of your request." (Exh. 3 [at A29].)

8. On June 23, 2025, Mother filed an Appeal Request Form Fair stating, "Because with the medical, there's no therapy here in the area, and my son gets stressed when we drive far. I asked the regional center for help, but they were refused." (Exh. 1 [at A1].)

9. At hearing, the service agency represented it is ready and willing to collaborate and provide OT and ABA services with an emphasis on feeding aversion to Claimant. At the time of hearing, a planning meeting with Aclan was scheduled to occur on August 22, 2025. NLACRC does not propose denying OT or ABA services to Claimant.

LEGAL CONCLUSIONS

1. Under the Lanterman Developmental Services Act (Lanterman Act), developmentally disabled persons have a statutory right to treatment and habilitation services and supports. (Welf. & Inst. Code, §§ 4502, 4620, & 4646-4648; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 389.) The Lanterman Act mandates 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 of life in the community." (Welf. & Inst. Code, § 4501.)

2. Regional centers play a critical role in the coordination and delivery of treatment and habilitation services and supports for persons with developmental disabilities. (Welf. & Inst. Code, § 4620 et seq.) Regional centers are responsible for securing needed services and supports, as determined in a consumer's IPP, in conformance with purchase of service policies, approved by the Department

Developmental Services, to reflect the cost-effective use of public resources. (Welf. & Inst. Code, §§ 4646, 4646.4, 4646.5, 4647, & 4648.)

3. Services and supports for persons with developmental disabilities are defined as "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).) Services and supports may include, among other things, occupational therapy, behavior training, and behavior modification programs. (*Id.*)

4. Regional Centers are required to notify consumers whenever they make a decision to deny the initiation of a service or support requested for inclusion in a consumer's IPP. (Welf. & Inst. Code, § 4710, subd. (b).) The consumer's authorized representative is afforded an opportunity for an informal meeting, a mediation, and a fair hearing upon request in writing on a prescribed appeal form. (Welf. & Inst. Code, § 4710.5.)

5. Nothing in the evidentiary record supports a finding that NLACRC reached a decision to deny OT or ABA services for Claimant and notified Mother, Claimant's authorized representative, accordingly. Consequently, Claimant's June 23, 2025 Appeal Request Form is premature.

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ORDER

Claimant's appeal is dismissed.

DATE:

JENNIFER M. RUSSELL

Senior Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Pursuant to Welfare and Institutions Code section 4713, subdivision (b), either party may request in writing a reconsideration within 15 days of receiving the decision or appeal the decision to a court of competent jurisdiction within 180 days of receiving the decision.