

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

In the Matter of:

CLAIMANT

and

FAR NORTHERN REGIONAL CENTER, Service Agency

DDS No. CS0028819

OAH No. 2025071176

DECISION

Hearing Officer Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on October 9, 2025, by videoconference from Sacramento, California.

Larry Withers represented Far Northern Regional Center (FNRC).

Claimant's mother represented Claimant, who was present.

Evidence was received, the record closed, and the matter submitted for decision on October 9, 2025.

ISSUE

Is FNRC required to fund a walk-in bathtub for Claimant as an environmental accessibility modification?

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is a 41-year-old woman. She receives FNRC services based upon a qualifying diagnosis of mild intellectual disability originating from Langer-Giedion syndrome. The characteristics of this syndrome include intellectual disability and bone and joint deterioration. She lives with her mother and stepfather.

Request for Walk-in Bathtub

2. Tamra Panther, FNRC Associate Director of Client Services, testified at hearing. She is responsible for reviewing requests for services and authorizations to ensure that they comply with FNRC's purchase of service guidelines. FNRC has adopted an Environmental Accessibility policy. The policy defines the scope of this service as follows:

Environmental accessibility for home modifications are physical modifications to a client's home to improve access and enable them to function with greater independence.

The policy contains guidelines for FNRC to use in determining whether to approve environmental accessibility modifications. The guidelines state as follows:

Generally, physical modifications to the home of a client are the responsibility of the client or their family. [FNRC] may fund home modifications when the following requirements are satisfied:

1. The client has a physical disability that limits their ability to freely access their home environment.
2. The need for this service must directly relate to the diagnosis or criteria that qualified the individual for regional center services.
3. All other sources of generic and private funding available to the client and/or his family must be exhausted, including but not limited to, local housing authorities, Medicare, Medi-Cal, and non-profit organizations. Written denials from potential generic and private funding sources may be required.
4. The service must be a cost-effective use of public funds. All materials procured will be basic and procurement will occur in the most economical manner that meets the requirements of the modification. The cost of upgrades used to accommodate other family members or to improve appearances shall be borne by the family.
5. A written assessment (Scope of Work) of the environmental accessibility to the home has been obtained from the FNRC designated Project Manager and at least

three (3) written bids have been obtained from licensed contractors before funding is authorized by FNRC. All modifications must be provided by a licensed building contractor.

6. The client or family must own the home where the modifications are planned or present documentation from the owner agreeing to all modifications.

a. FNRC will not fund major modifications to rented or leased property.

b. The cost of any work or material used to repair damage to existing structures or needed to meet building code requirement is the responsibility of the client or family. FNRC will fund the minimal modifications necessary to ensure safety and accessibility.

c. FNRC will not fund modifications to a home for general utility purposes, including but not limited to carpeting, roof repair, and central air conditioning.

d. FNRC will not fund modifications that increase the total square footage of the home.

3. In 2018, Claimant requested that FNRC fund a walk-in bathtub so Claimant could soak in hot water to relieve pain in her hips and legs. Initially, FNRC denied this request due to concerns about Claimant's comfort and safety in a walk-in bathtub. Claimant appealed FNRC's denial and requested a fair hearing. Prior to the

fair hearing, Claimant and Claimant's mother met with FNRC's Executive Director to discuss this request. FNRC proposed various alternatives to address Claimant's needs for pain relief including installing a bathtub with a lift system, modifying Claimant's shower, and installing a hot tub. Claimant and FNRC agreed that FNRC would send contractors into Claimant's home to determine if the home could accommodate the proposed modifications. With this agreement in place, Claimant withdrew her fair hearing request.

4. FNRC sent contractors into Claimant's home as agreed. Thereafter, FNRC agreed to fund modifications to Claimant's home including a track system in Claimant's bedroom, widened doorways, and an accessible shower. FNRC's Executive Director approved an exception for FNRC to purchase a hot tub and lift system for Claimant outside of her home. Ms. Panther explained that, generally, FNRC would not fund a hot tub as an accessibility modification because a hot tub does not improve a consumer's ability to access her home.

5. An Individual Program Plan (IPP) meeting was held on September 19, 2024. Claimant, her mother, and FNRC Service Coordinator Marylou Murrillo were present at the meeting. The IPP reflects that Claimant was experiencing constant pain in her hips and legs. As a result, her mobility had significantly decreased. When the hot tub and lift were installed, Claimant was able to take a few steps to get into the hot tub's lift herself. However, at the time of the IPP she was no longer able to walk from her home to the lift due to her decreased mobility. Rather, her mother or stepfather would need to carry her from the sliding door to the lift, which they are often unable to do due to their own physical limitations. Claimant requested that FNRC fund a walk-in bathtub for hot soaking in her bathroom.

Notice of Action and Fair Hearing Request

6. On June 26, 2025, FNRC issued a Notice of Action (NOA) denying Claimant's request for a walk-in bathtub. On August 27, 2025, Claimant's mother requested a fair hearing on Claimant's behalf to contest FNRC's denial. The NOA states the following reasons for denying Claimant's request:

Walk-in tubs create serious drowning risks and are not safe for persons with mobility issues. The need (soaking to ease pain) for this service was addressed through the funding of a hot tub and lift in 2018. To add a new walk-in tub (to replace a shower FNRC added to the home earlier) is not a cost-effective use of public funds. Additional alternatives exist in the community to meet this need.

FNRC's Additional Evidence

7. Ms. Panther explained that FNRC does not fund walk-in bathtubs for its consumers. FNRC has determined that walk-in tubs are unsafe for consumers with mobility issues. A person using a walk-in bathtub must first get into the tub, close and lock the door, and sit in the tub while it fills. These tubs take approximately 30 minutes to fill, and between 15 and 30 minutes to drain. A person could not get out of the tub quickly in an emergency without flooding the bathroom.

8. Per Claimant's IPP, Claimant suffers from frequent bowel and bladder incontinence. Ms. Panther is concerned that a walk-in bathtub would be unhygienic because Claimant may have to sit in urine or feces for an extended time if she had an accident in the tub.

9. Ms. Panther explained that Claimant's need for soaking to relieve pain cannot be addressed through accessibility modifications. A consumer's need for pain relief could be addressed in the community through physical therapy, occupational therapy, or spas. Claimant would need to first attempt to obtain funding for these services through her health insurance. If her insurance does not cover these services, FNRC may be able to fund them.

Claimant's Additional Evidence

10. Claimant's mother testified at hearing. Claimant experiences regular pain in her hips and legs. She receives cortisone shots every three months to assist with her pain. The shots cannot be administered more frequently. The shots are only effective at relieving her pain for the first month after they are administered. Thereafter, Claimant frequently complains of pain and at times has difficulty sleeping due to the pain. Claimant has previously received physical therapy to help her manage pain. However, this service is not accessible during nighttime hours when Claimant experiences regular pain.

11. Hot water soaking is the most effective treatment to relieve her pain. Claimant cannot walk from the sliding door to the hot tub on the patio due to her decreased mobility. Claimant's wheelchair can get through the sliding door, but Claimant's mother would need to move furniture and take out a removable dog door to do so. FNRC considered expanding the sliding door so Claimant could get outside more easily but has not done so. At times the hot tub cannot be used due to weather conditions.

12. FNRC's previous modifications made Claimant's hallway bathroom accessible to her. That bathroom has an accessible shower but no tub. There is a

bathtub in the master bedroom suite. However, this bathroom is not accessible to Claimant because the doorway is too narrow. The master bathtub is small and low to the ground and would be difficult for Claimant to enter unless a lift was installed or the tub was replaced with a walk-in tub.

Analysis

13. Claimant bears the burden of proving that FNRC is required to fund a walk-in bathtub as an environmental accessibility modification. Claimant must prove that the requested modification is a cost-effective use of funds. Claimant established she needs access to hot water soaking to relieve pain.

14. The evidence did not establish, however, that her current hot tub is unsuitable for this purpose. FNRC previously funded a hot tub on Claimant's patio. Although furniture and a dog door must be moved, Claimant is able to access her patio with her wheelchair and use the lift to get to the hot tub. Similarly, the occasional unavailability of the hot tub due to weather does not make the hot tub unusable for its intended purpose. Funding a walk-in tub while Claimant retains the ability to access her hot tub for pain relief is duplicative and not a cost-effective use of public funds. Therefore, Claimant's appeal must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative fair hearing to determine the rights and obligations of the parties is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.)

2. Claimant has the burden of proving by a preponderance of the evidence that FNRC is required to fund a walk-in bathtub as an environmental accessibility modification. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) Proof by a preponderance of the evidence means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

3. Under the Lanterman Act, the State of California is responsible for providing individuals with developmental disabilities with 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).) To comply with this mandate the Department of Developmental Services (Department) contracts with non-profit agencies called regional centers to provide services and supports for individuals with developmental disabilities. (Welf. & Inst. Code, § 4620.)

4. To determine what services a regional center consumer needs, regional centers are directed to conduct a planning process that results in an IPP to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 389.) The IPP planning process includes “gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the [consumer].” (Welf. & Inst. Code, § 4646.5, subd. (a)(1).) The IPP must set forth goals and objectives for the consumer, provisions for acquiring services, contain a statement of time-limited objectives for improving the consumer’s situation, and reflect the consumer’s desires and preferences. (Welf. & Inst. Code, §§ 4646.5, subd. (a)(1) & (2); 4512, subd. (b); & 4648, subd. (a)(6)(E).)

5. A regional center must “secure services and supports that meet the needs of the consumer” within the context of the IPP. (Welf. & Inst. Code, § 4648, subd. (a)(1).) The “highest preference [shall be given] to those services and supports that would allow . . . adult persons with developmental disabilities to live as independently as possible in the community” (Welf. & Inst. Code, § 4648, subd. (a)(1); see *id.* at § 4646.5, subd. (a)(3).) The services and supports a regional center provides must be secured in a cost-effective manner. (Welf. & Inst. Code, §§ 4640.7, subd. (b), & 4646, subd. (a).) Further, a regional center must adhere to its purchase of service policies, as approved by the Department. (Welf. & Inst. Code, § 4646.4, subd. (a)(1).)

Conclusion

6. As discussed above, Claimant did not prove that FNRC must fund a walk-in bathtub as an environmental accessibility modification. Claimant may access the hot tub and lift FNRC funded in 2018. FNRC properly determined this modification is not a cost-effective use of public funds. Therefore, Claimant’s appeal must be denied.

ORDER

Claimant’s appeal from Far Northern Regional Center’s June 26, 2025 Notice of Action, denying Claimant’s request to fund a walk-in bathtub, is DENIED.

DATE: October 13, 2025

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