

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

INLAND REGIONAL CENTER, Service Agency

DDS NO. CS0029641

OAH No. 2025090141

PROPOSED DECISION

Kimberly J. Belvedere, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on October 9, 2025.

Claimant's mother represented claimant, who was not present.

Hilberto Echeverria, Jr., Fair Hearings Representative, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on October 9, 2025.

ISSUE

May claimant transfer \$900 in funds from one spending category in his self-determination program (SDP) spending plan to another category to pay for a 1:1 aide that provided supervision so claimant could attend camp?

SUMMARY

Claimant established by a preponderance of evidence that he should be permitted to transfer \$900 in funds from one budget category of his spending plan to another, in order to cover the cost of a 1:1 aide who provided services. Although approval should have been obtained prior to the rendering of those services, the evidence established claimant's mother tried to obtain prior approval but did not receive a timely response. So claimant's mother paid the \$900 out of pocket with the intent to seek reimbursement afterwards. There is no dispute that claimant has sufficient funds in another portion of his SDP budget to transfer to the appropriate category to cover this cost, and in IRC's position statement and on the Notice of Action (NOA), transfer of funds is suggested as the remedy. However, when claimant's mother sought reimbursement, it was misconstrued as a request to augment the SDP budget by \$900, and was denied. This was not a request to augment the SDP budget. Applicable law allows the transfer of funds between budget categories and the evidence established that, in this instance, claimant shall be allowed to do so.

FACTUAL FINDINGS

Claimant's Background, SDP Budget, and Spending Plan

1. Claimant is a 22-year-old man who qualifies for regional center services based on a diagnosis of mild intellectual disability.

2. Claimant is in the SDP. SDP participants have the freedom to choose how their time will be occupied, and who supports them; the authority to control a certain sum of dollars in order to purchase services and supports of their choosing; and the support to arrange resources and personnel to assist a person with a disability to live a life rich in community participation.

3. Claimant's most recent Individualized Program Plan (IPP), dated February 28, 2025, describes claimant as very positive, even with his struggles. Claimant lives in the family home. He receives a number of services, including In-Home Supportive Services (IHSS), respite, social recreation, social recreation coaching, non-medical transportation, personal assistance, camp, and conferences. Claimant can handle most personal care activities on his own, but does need assistance at times. Claimant does engage in screaming, aggressive conduct, and other challenging behaviors, all of which impact his social skills. Claimant is reported to behave inappropriately when he is in the community, does not understand social cues, and does not maintain interactions with others even if he initiates the interaction. Claimant's IPP goals include decreasing his inappropriate behaviors and increasing his social skills. Claimant has an SDP budget of \$190,834.48 to cover his needs.

4. Claimant was scheduled to attend camp, as part of social recreation services, on August 9 through 12, 2025. However, because of his behaviors, claimant

needed a 1:1 aide for supervision. Claimant's mother contacted her financial management service (FMS) sometime prior to August 7, 2025, regarding how the \$900 for 1:1 services should be paid.

5. On August 7, 2025, claimant's FMS sent an email to Amira Abdelmageed, a Program Manager at IRC, to see what should be done to pay a 1:1 aide for claimant's camp. That email said: "[W]ould IRC allow the expense of a chaperone to attend camp as an SDP expense?" Ms. Abdelmageed replied, "[I] hope you are well. Thanks for reaching out. This would require the family to contact their service coordinator and provide a reason / justification for request. Are they considering MOF?" The abbreviation "MOF" stands for a "movement of funds," and occurs when a consumer moves funding from one category of the SDP budget to another. A movement of funds is permitted by statute.

6. Claimant attended camp on August 9, 2025, but did not attend the other three days. The total cost for the services the 1:1 aide provided was \$900. Claimant's mother paid the cost out of pocket because if she did not, claimant would not have been allowed to access the camp.

7. On August 12, 2025, Ms. Abdelmageed emailed Beatriz Galvez, a self-determination participant choice specialist, to inquire how claimant's mother could pay for the 1:1 aide. She wrote: "[Claimant's mother] emailed requesting reimbursement, this was not discussed with her CSC prior. I believe if they are considering a MOF, they will be required to discuss with their [independent facilitator] and present this request."

8. Over the next month, there was some discussion with Ms. Abdelmageed, claimant's FMS, claimant's mother, and Nicole Aboyetes (claimant's consumer services

coordinator (CSC)). The discussion, which was contained in email, involved trying to ascertain why claimant did not use other resources to provide 1:1 supervision at camp, but there was no discussion regarding a denial of moving funds from one budget category to another.

9. Additional email communications show that claimant's mother continued to seek "reimbursement" so the service providers could get paid. Utilization of this term in her communications was construed by IRC as a request for retroactive reimbursement for the 1:1 aide, which would, essentially, increase the SDP budget by \$900. Claimant's mother, however, never asked for an increase in the SDP budget; she was only seeking assistance in figuring out how to fund the \$900 she paid out of pocket so claimant could access his social recreation services (the camp, which required a 1:1 aide).

10. On August 20, 2025, IRC issued the following Notice of Action:

The current Self-Determination Program (SDP) certified budget is \$190,834.48 (Year 1 budget year July 01, 2025 - June 30, 2026). IRC has denied the request to increase the SDP budget by an additional \$900 to reimburse one-on-one care for [claimant] at Camp Paivika from August 9, 2025 - August 12, 2025. You may consider reallocating funds in the spending plan as a movement of funds request for the one-on-one care at Camp Paivika in the amount of \$900.

11. On August 27, 2025, claimant's mother appealed the denial. She acknowledged that services normally are supposed to be approved in advance, however, she explained that it was an emergency for her to fund the 1:1 aide out of

pocket because claimant's health and safety would have been at risk if he did not have the aide, and therefore, there was no bar against retroactive reimbursement. At no time in her appeal did she request to augment the SDP budget by \$900.

12. At the hearing, claimant's mother testified that she had communications with IRC prior to claimant attending camp regarding the 1:1 aide, because claimant could not attend without one. She did not hear back from anyone so she paid the cost out of pocket. She continued communicating with IRC throughout August 2025 regarding the \$900, but at no time did she request to augment the SDP budget. Claimant's mother said she is flexible, and if reimbursement is not allowed (although she believes it is because it was an emergency), she is fine with a movement of funds from one budget category to another. Claimant's mother said nobody ever told her about the ability to move funds and she was waiting for further instruction from her CSC or independent facilitator on how to accomplish that, but nobody ever gave her any information.

13. Ms. Abdelmageed also testified at the hearing. Ms. Abdelmageed said that the 1:1 aide for camp was not an emergency and thus no retroactive reimbursement could be provided, however, claimant does have funds in his SDP budget that could be moved to cover the 1:1 aide cost of \$900.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. In a proceeding to determine whether a regional center should fund certain services, the burden of proof is on the claimant to establish by a preponderance of the evidence that the regional center should fund the requested

service. (Evid. Code, §§ 115, 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051-1052.)

Applicable Law

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Developmental Disabilities Act (Lanterman Act) (Welf. & Inst. Code, § 4500 et seq.) to provide a pattern of facilities and services sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. The purpose of the statutory scheme is twofold: To prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.) Welfare and Institutions Code section 4501 outlines the state's responsibility for persons with developmental disabilities and the state's duty to establish services for those individuals.

3. The Department of Developmental Services (department) is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) In order to comply with its statutory mandate, the department contracts with private non-profit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4512, subdivision (b) defines "services and supports for persons with developmental disabilities" as:

[S]pecialized 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 independent, productive, normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option . . . Nothing in this subdivision is intended to expand or authorize a new or different service or support for any consumer unless that service or support is contained in his or her individual program plan.

5. A regional center's responsibilities to its consumers are set forth in Welfare and Institutions Code sections 4640-4659.

6. Welfare and Institutions Code section 4646.4, subdivision (a), requires regional centers to establish an internal process that ensures adherence with federal

and state law and regulations, and when purchasing services and supports, ensures conformance with the regional center's purchase of service policies.

7. Welfare and Institutions Code section 4648 requires regional centers to ensure that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and to secure services and supports that meet the needs of the consumer, as determined by the IPP. This section also requires regional centers to be fiscally responsible.

The Self-Determination Program

8. In 2013, the Legislature passed Welfare and Institutions Code section 4685.8, which required the department to implement a statewide self-determination program to provide participants and their families, within an individual budget, increased flexibility and choice, greater control over decisions, resources, and needed and desired services and supports to implement their Individualized Program Plan (IPP). The department began pilot programs in certain regional centers, including IRC, and oversaw statewide working groups from various regional centers and consumer groups to develop policies and procedures to implement the program. After completion of that pilot program, the SDP became available to all regional center consumers who wished to use it effective July 1, 2021.

9. The individual SDP budget is calculated as specified in applicable law. (Welf. & Inst. Code, § 4685.8, subd. (m).) The SDP budget must be the total amount of the most recently available 12 months' purchase of service expenditures for the consumer. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(i).) The regional center may adjust this amount if the IPP team determines that an adjustment is necessary due to the consumer's changed circumstances, needs, or identifies prior needs that were not

addressed in the IPP. The team must document the specific reason for the adjustment in the IPP. The regional center must certify on the individual budget document that regional center expenses for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the SDP. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(ii).)

10. Each consumer in the program must develop an individual spending plan to use their available individual budget funds to purchase goods, services, and supports necessary to implement his or her IPP. The spending plan must identify the cost of each good, service, and support that will be purchased with regional center funds. The total amount of the spending plan cannot exceed the total amount of the individual budget. A copy of the spending plan must be attached to the consumer's IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(7).)

11. Each item in the spending plan must be assigned to uniform budget categories developed by the department and distributed according to the anticipated expenditures in the IPP in a manner that ensures that the participant has the financial resources to implement the IPP throughout the year. (Welf. & Inst. Code, § 4685.8, subd. (m)(3).) The regional center must review the spending plan to verify that goods and services eligible for federal financial participation are not used to fund goods or services available through generic agencies. (Welf. & Inst. Code, § 4685.8, subd. (r)(6).)

12. Every consumer in the SDP must use a FMS to assist the consumer to manage and direct distribution of funds contained in the individual budget. (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(B).) The FMS assists with managing the budget, pays workers and ensures that all applicable employment laws are followed, helps make sure that workers have the required licenses, certificates, and training to provide the services that they are hired to do, and assists with criminal record background checks

where required by law or where the consumer requests one. The regional center must provide payment to the FMS provider for spending plan expenses through a not less than semi-monthly pay schedule. (*Id.* at subd. (r)(10).)

13. A consumer may elect to use the services of an independent facilitator to help the consumer make informed decisions about the budget and spending plan, locating, accessing, and coordinating the services and supports. (Welf. & Inst. Code, § 4685.8, subd. (c)(2).) The amount of the individual budget may not be increased to cover the cost of the independent facilitator or the FMS. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(iii).)

14. A consumer may transfer funds between service codes and budget categories in the spending plan upon the approval of the regional center or the participant's IPP team. (Welf. & Inst. Code, § 4685.8, subd. (n).) The regional center is required to provide timely authorizations to the participant's financial management service. (*Ibid.*)

15. Whether something is an emergency that permits an exception to the general rule that a regional center cannot provide retroactive reimbursement, is contained in California Code of Regulations, title 17, section 50612.

Evaluation

16. In the NOA, IRC directs claimant to do exactly what she is saying she wants to do: transfer funds from one budget category of claimant's SDP to cover the \$900 cost of the 1:1 aide. Welfare and Institutions Code section 4685.8, subdivision (n), provides for such a transfer. The evidence established claimant's mother inquired regarding how to fund the \$900 prior to the services being provided, but for whatever reason, nobody got back to her prior to claimant attending camp. She paid for the 1:1

aide out of pocket, in good faith, and sought reimbursement afterwards. Although she should have obtained authorization prior to the services being provided, the emails showed her FMS was unsure how to go about accomplishing the funding of the \$900 – and IRC was still discussing whether it should be funded for over a month after camp ended. Welfare and Institutions Code section 4685.8, subdivision (n), requires a regional center to provide timely authorizations. In this case, that did not happen.

Claimant established by a preponderance of the evidence that he should be permitted to transfer \$900 from one budget category in his SDP budget to the appropriate category, to cover the cost of the 1:1 aide claimant needed at camp. IRC confirmed there are funds available. It is unknown, however, what that process entails since there was no testimony about it. Claimant shall be permitted to pursue having that fund transfer completed.

ORDER

Claimant's appeal is granted. IRC shall permit claimant to file the necessary documentation to transfer \$900 from one SDP budget category to another in order to pay for the \$900 1:1 aide utilized between August 9, 2025, and August 12, 2025.

DATE: October 16, 2025

KIMBERLY J. BELVEDERE

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025090141

Vs.

DECISION BY THE DIRECTOR

Inland Regional Center

Respondent.

ORDER OF DECISION

On October 16, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services as its Decision in this matter. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4712.5, subdivision (a)(1), 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.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day November 12, 2025.

Original signed by:
KATIE HORNBERGER
Deputy Director
Division of Community Assistance and Resolutions