

**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. CS0029511**

**OAH No. 2025090265**

**DECISION**

Glynda B. Gomez, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Chatsworth, California, on March 5, 2026.

Paul Mejia, Fair Hearings Manager, appeared on behalf of North Los Angeles County Regional Center (NLACRC or Service Agency).

Claimant represented herself. She was accompanied by a caregiver. (The names of Claimant and her family are not used to protect their privacy.)

Testimony and documentary evidence were received, the record was closed, and the matter was submitted for decision on March 5, 2026.

## **ISSUE**

Whether Claimant is eligible for services as a person with Intellectual Disability or a condition similar to Intellectual Disability (Fifth Category) under the Lanterman Developmental Disabilities Act, Welfare and Institutions Code, section 4500, et seq., (Lanterman Act) and accompanying regulations. (All further statutory references are to the Welfare and Institutions Code unless otherwise stated.)

## **EVIDENCE RELIED UPON**

Testimony of Claimant; Claimant's Caregiver; Paul Mejia, Fair Hearing Manager; and Sandi Fischer, Ph.D., Psychologist; and Service Agency Exhibits 1-21.

## **FACTUAL FINDINGS**

### **Background and Jurisdiction**

1. Claimant is a 62-year old woman. She seeks eligibility for regional center services based upon Intellectual Disability or Fifth Category.
2. This appeal concerns Claimant's second and most recent application for regional center services.

### **First Application**

3. Claimant initially applied for regional center services on December 9, 2013. At that time, a social assessment and psychological assessment were performed and on May 14, 2014, NLACRC's interdisciplinary team determined that Claimant was

not eligible for regional center because she did not have a qualifying disability. (Ex. 13.)

## **Second Application**

4. On April 2, 2025, Claimant filed a new application for regional center services. As part of its review, NLACRC considered medical records, available school records, existing assessment reports and attempted a brief social assessment.

5. On February 20, 2026, the Service Agency's eligibility determination team met and again determined that Claimant is not eligible for its services. Claimant appealed the determination. (Exhibit 1.) All jurisdictional requirements have been met for this hearing.

6. Claimant lives relatively independently in her own mobile home. She is divorced and recently ended a long-term relationship. She has had sporadic and temporary employment of short duration at various times throughout her life, but was primarily supported by her parents until their deaths. (Ex. 9.) She currently receives Supplemental Security Income (SSI) and In Home Support Services (IHSS). Claimant has been diagnosed with asthma, depression and a learning disorder. Additionally, she has a history of knee, leg and back injuries that sometimes require a cane for walking. She does not know how to drive a car and her physical injuries would prevent her from driving. (Exs. 2-5.)

7. Claimant provided the Service Agency with a letter from her deceased mother dated February 12, 1997, wherein the writer describes being told that Claimant had "water on the brain" and needed emergency surgery and a shunt as an infant. (Ex. 6, p. A36). According to the letter, and Claimant's understanding, she underwent three brain surgeries as an infant and was later diagnosed with an emergency "subdural

hemorrhage.” (Ex. 6, p. A36). According to the letter, Claimant was in the hospital for several months and the surgeries left her with learning disabilities. (Ex. 6, p. A37.) She suffered seizures as a child, but has not been diagnosed with Epilepsy or Cerebral Palsy. (Ex. 2.) The letter was considered as part of her first and second applications for services.

8. Claimant attended private schools where her mother’s letter described “she was given the attention she needed for her condition.” (Ex. 6, p. A37.) Claimant later attended a local public high school in the Los Angeles Area where she attended special education classes, received a mix of passing grades, passed all required examinations and was awarded a high school diploma. She also attended West Valley Occupational Center for two years where she learned clerical work. (Exs. 3 and 8.)

9. On April 2, 2025, Claimant again applied for regional center services. A brief Social Assessment was conducted by telephone by Psychologist Sandi Fischer, Ph.D., on February 20, 2026, to ascertain any new information about Claimant’s history. At that time, Claimant was hesitant to answer Dr. Fischer’s questions. However, she did note that she had three brain surgeries as an infant, went to four elementary schools as a child, attended a local high school with an Individualized Education Program (IEP) related to Math. She was in special education classes full-time and earned a high school diploma. Claimant also had mental health intervention prior to the age of 18, but would not discuss the intervention with Dr. Fischer. Claimant claimed to have worked for 10 years doing “general office” work, was unemployed, not retired, and refused to discuss her employment situation. Claimant told Dr. Fischer that she was toilet trained, independent in self-care skills such as cleaning, dressing and preparing food, but has needed IHSS assistance for the past three years. Dr. Fischer noted that

Claimant was confused by her telephone call despite repeated explanations, and she objected to being asked questions.

## **Psychological Assessment**

10. Anna Levi, Psy.D., conducted a psychological assessment of Claimant on April 10, 2014. She prepared a report of her findings. (Ex. 12.) At the time, Claimant was 50 years old. Levi administered the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV), Wide Range Achievement Test-Fourth Edition (WRAT-4), Mini Mental Status Examination (MMSE), and the Adaptive Behavior Assessment System (ABAS-III) with Claimant's partner as the responding party. Claimant received a Full Scale Intelligence Quotient (FSIQ) Score of 74, within the borderline range. The FSIQ is comprised of various subtests. On the subtests, the assessor derived index scores. Claimant received a Verbal Comprehension index score of 80, within the low average range, a Perceptual Reasoning index score of 81, within the low average range, a Working Memory index score of 71, within the low borderline range, and a Processing Speed index score of 79, within the high borderline range. Dr. Levi concluded that "[Claimant's] strengths, two abilities in the average range, were in verbal reasoning and nonverbal reasoning in visual pattern completion. Most of her individual abilities were in the borderline range." (Ex. 12, p. A1508.)

11. Claimant's adaptive skills, as measured by the Adaptive Behavior Assessment System (ABAS-II), with her then-partner as respondent, were in the mild deficit range. Her communication skills were rated in the borderline range, her social skills were rated as average, and her self-care skills were rated as low average. (Ex. 12, p. 1509.)

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12. Dr. Levi analyzed the diagnostic criteria set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), for Intellectual Disability (the most recent version at the time) which required "intellectual and adaptive functioning deficits in conceptual, social and practical domains." (Ex. 12, p. 1509). Dr. Levi concluded that although Claimant's overall intellectual ability is measured to be in the borderline range, she "shows distinct strengths, average verbal reasoning and average nonverbal reasoning in visual pattern completion, which is not characteristic of an intellectually deficient individual. Her academic skill were ranging from high end of borderline to low average range, also not scoring in the deficient range. Thus, she does not appear to have [I]ntellectual [D]isability." (Ex. 12, p. A5109.)

13. Dr. Levi provide a diagnosis of "rule out Specific Learning Disorder with impairment in mathematics and reading." (Ex. 12.)

14. There were no concerns about Autism Spectrum Disorder (ASD), Cerebral Palsy or Epilepsy at the time of the assessment or in either application for NLACRC services.

15. On February 20, 2026, the Service Agency's eligibility determination team consisting of Carlo DeAntonio, M.D., Director of Clinical Services, Maragret Swaine, M.D., Manager of Medical Services, Heike Ballmaier, Psy.D., BCBA, Senior Clinical Psychologist, Sandi Fischer, Ph.D., Manager, Psychological and Intake Services, and Nichole Cecil, Psy.D., Supervisor, Psychological Services, reviewed Claimant's file including the Brief Social Assessment and High School Transcripts. The team determined that Claimant was not eligible for regional center services because she did not have a qualifying condition. The team recommended that Claimant continue receiving mental health services and IHSS to meet her needs.

16. At hearing, Dr. Fischer provided persuasive testimony that although Claimant experiences some memory and processing speed issues, her cognitive performance exceeds the level that could be achieved by a person with Intellectual Disability and her adaptive functioning level exceeds what can be expected of a person with Intellectual Disability under diagnostic criteria of the *Diagnostic and Statistical Manual of Disorders, Fifth Edition, Text Revised (DSM-5-TR)*, most recent edition, (Ex. 19) or guidance from the Association of Regional Center Agencies (ARCA) in its *Recommendations for Determining "5th Category" Eligibility for the California Regional Centers (rev. 6/26/25)*. (Ex. 21.)

17. According to Dr. Fischer, a new psychological assessment was not needed because the 2014 psychological assessment provided a baseline of Claimant's cognitive and adaptive functioning levels. According to Dr. Fischer, later deterioration, if any, of her cognitive scores, would be attributable to normal aging and would not be sufficient to establish a diagnosis of Intellectual Disability since the applicable developmental period to measure is before the age of 18. Claimant's recently provided school and medical records do not establish Intellectual Disability or Fifth Category. According to Dr. Fischer, there was no indication that Claimant has a condition similar to Intellectual Disability or requiring treatment similar to that of someone with Intellectual Disability. Instead, her difficulties are better explained and supported by her established diagnoses of depression and learning disability.

## **LEGAL CONCLUSIONS**

1. Jurisdiction exists to conduct a fair hearing in the above-captioned matter, pursuant to section 4710 et seq., based on Factual Findings 1-5.

2. Because Claimant is the party seeking governmental services, she bears the burden of proving, by a preponderance of the evidence, that she is eligible for such benefits or services. (See Evid. Code, §§ 115, 500.) Claimant has not met her burden of proving she is currently eligible for regional center services.

## **Applicable Law**

3. A developmental disability, as defined by the Lanterman Act, "is a disability which originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." (§ 4512, subd. (a)(1).) The Lanterman Act defines a developmental disability to include Intellectual Disability, Cerebral Palsy, Epilepsy, and ASD, as well as "disabling conditions found to be closely related to [I]ntellectual disability or to require treatment similar to that required for individuals with an intellectual disability" (*Ibid.*), otherwise known as a "Fifth Category" condition.

4. California Code of Regulations, title 17 (CCR), section 54000, subdivision (c), specifies those conditions that are not considered developmental disabilities. The excluded conditions are:

(1) Solely psychiatric disorders where there is impaired intellectual or social functioning which originated as a result of the psychiatric disorder or treatment given for such a disorder. Such psychiatric disorders include psycho-social deprivation and/or psychosis, severe neurosis or personality disorders even where social and intellectual functioning have become seriously impaired as an integral manifestation of the disorder.

(2) Solely learning disabilities. A learning disability is a condition which manifests as a significant discrepancy between estimated cognitive potential and actual level of educational performance and which is not a result of generalized [Intellectual Disability], educational or psychosocial deprivation, psychiatric disorder, or sensory loss.

(3) Solely physical in nature. These conditions include congenital anomalies or conditions acquired through disease, accident, or faulty development which are not associated with a neurological impairment that results in a need for treatment similar to that required for [Intellectual Disability].

5. To prove the existence of a developmental disability within the meaning of section 4512, a claimant must show that he has a "substantial disability." CCR section 54001 defines "substantial disability" to mean:

(1) A condition which results in major impairment of cognitive and/or social functioning, representing sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential; and

(2) The existence of significant functional limitations, as determined by the regional center, in three or more of the following areas of major life activity, as appropriate to the person's age:

(A) Receptive and expressive language;

(B) Learning;

(C) Self-care;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living;

(G) Economic self-sufficiency.

6. Claimant failed to demonstrate that she has a condition eligible for regional center services. Claimant's difficulties are better explained by her learning disability and depression. Although those conditions may cause Claimant considerable difficulty, they are not among the five eligible conditions of the Lanterman Act and therefore the Service Agency is not permitted to provide her services and supports.

## **ORDER**

Claimant's appeal is denied. Claimant is currently not eligible for regional center services under the Lanterman Act.

DATE:

GLYNDA B. GOMEZ

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.