

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

**In the Matter of:**

**CLAIMANT**

**and**

**SAN GABRIEL/POMONA REGIONAL CENTER,**

**Service Agency.**

**DDS No. CS0030047**

**OAH No. 2025090698**

**DECISION**

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter by videoconference on October 30, 2025.

Claimant's sister (Sister) represented Claimant, who was not present during the hearing. Names are omitted to protect the privacy of Claimant and his family.

Daniel Ibarra, Appeals and Resolutions Manager, represented Service Agency.

The ALJ received testimony and documentary evidence. The record closed and the matter was submitted for decision at the conclusion of the hearing.

## **ISSUE**

Is Service Agency required under the Lanterman Developmental Disabilities Services Act (Lanterman Act) to fund transportation services for Claimant from Hope Counseling, Claimant's Applied Behavioral Analysis (ABA) provider?

## **EVIDENCE RELIED UPON**

In reaching this decision, the ALJ relied upon Service Agency's Exhibits 1 through 4 and the testimony of the following witnesses: Lucina Galarza, Service Agency Deputy Executive Director; Jamie Currie; and Sister.

## **FACTUAL FINDINGS**

### **Parties and Jurisdiction**

1. Claimant is 47 years old. Sister is his conservator. He is eligible for regional center services based upon his diagnosis of an intellectual disability.
2. Service Agency is a regional center designated by the Department of Developmental Services to provide funding for services and supports to persons with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4500 et seq.)

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3. On September 9, 2025, Service Agency sent Claimant a Notice of Action (NOA) stating the following:

[Claimant] receives ABA services with Hope Counseling. [Claimant] receives both in home services and out in the community services. On August 6, 2025, Hope Counseling was told by a [Service Agency] representative that they cannot transport individuals served in their ABA program as this was not a service that was part of their approved Program Design. [Service Agency] is currently working with the vendor to address the issue.

[Service Agency] is not denying ABA services or for service to be conducted out in a community setting. Mr. Adrian Sosa, Manager, spoke with [Sister] on 9/8/25. [Sister] requested a Notice of Action.

(Ex. 2, p. A6.)

4. Claimant timely filed an appeal, requesting a fair hearing.

## **Background**

5. Hope Counseling is a Service Agency vendor authorized to provide behavior management consultant and behavior analyst services to Service Agency consumers.

6. In her testimony at the hearing, Service Agency Deputy Executive Director Lucina Galarza explained Hope Counseling is not authorized to provide transportation services to Service Agency consumers. Service Agency vendors receive

funding only for services within an approved program design. Vendors seeking to provide transportation services within their program must first submit to Service Agency a program design setting forth numerous policies and procedures related to vehicle safety issues, such as vehicle insurance and driver background checks.

7. Ms. Galarza acknowledged she was aware Hope Counseling seeks to become authorized to provide transportation services, but testified she was unaware of any ABA service provider authorized to do so. She explained Service Agency funds day programs and community integration programs to provide services to consumers in the community to address behavioral challenges or work toward community-based goals.

8. Consumers receiving ABA services may do so in a community setting, but any required transportation must be provided by the consumer's family, an authorized vendor, or a generic resource such as Access or a shared ride service. For example, a consumer could meet an ABA provider at a grocery store or on a street corner to receive community-based ABA therapy.

### **Claimant's Request**

9. Since April 2025, Claimant has received 40 hours per month of ABA services from Hope Counseling. He receives those services in the weekday evening hours or on weekends. During the day, Claimant attends a day program between 9:00 a.m. and 3:00 p.m.

10. Sister testified Claimant has made significant progress while receiving ABA therapy from Hope Counseling. She described the services as "working beautifully" and "a godsend." She does not want to interrupt his services and risk causing Claimant to regress in his behavior. She wishes for Claimant to continue

receiving community-based ABA services from Hope Counseling and for Hope Counseling to provide any transportation services required in connection with Claimant's ABA services.

11. Until August 2025, when Service Agency directed Hope Counseling to stop providing transportation to Claimant and other clients, Hope Counseling would occasionally take Claimant into the community to provide therapy. According to Sister, most of these outings were to a comic book store near Claimant's home. Claimant worked on proper eye contact, conversation skills, respecting personal space of others, and proper behavior in public spaces generally. Claimant's therapist drove him in their personal vehicle during these outings.

12. Sister asserted alternative methods of transportation are not viable for Claimant. She is unable to provide transportation for Claimant to meet his therapist in the community, nor is any other member of Claimant's family. Claimant is unable to ride in an Uber or other ride sharing service vehicle by himself due to behavioral concerns. Sister explained she is not willing for Claimant to use Access transportation services because they are untimely and sometimes result in Claimant having to wait by himself for long periods of time, which Sister believes is unsafe.

13. According to Sister, Claimant does not want to change day programs. Sister acknowledged Service Agency offered to fund a day program including behavior management services, an offer reiterated by Ms. Galarza in her testimony at hearing, but maintained Claimant told Sister he does not want to change day programs because he likes his current program. Sister emphasized routine and familiarity are very important to Claimant. Through his day program, Claimant receives services from three different providers, one of whom has provided services to Claimant for 10 years.

14. Sister is willing to consider other options presented by Service Agency, such as funding an alternate transportation service or funding a personal assistant to accompany Claimant while using a generic transportation service in connection with community-based ABA services. Both options would be temporary solutions until Hope Counseling is authorized to provide transportation services. However, Service Agency could not guarantee a specific start date for these services because it first needs to identify a vendor willing and able to provide them. Due to the uncertainty, Sister rejected these options.

15. Sister does not dispute that Service Agency is willing to consider authorizing Hope Counseling to provide transportation services and the process is underway. However, Sister expressed frustration with delays in the process, noting Hope Counseling has submitted all required information and awaits Service Agency's response. Sister testified she is "waiting to find out if we can go back to the therapy model or if we have to go find something else," noting she is concerned about further delays if Claimant changes service providers because many providers have lengthy waiting lists.

16. In her testimony at the hearing, Jamie Currie, Hope Counseling Chief Executive Officer, confirmed Hope Counseling submitted to Service Agency an updated program design seeking approval to provide transportation services. Hope Counseling awaits a response from Service Agency. Ms. Currie noted Hope Counseling is not a day program, as it provides services in the afternoons and weekends. It provides ABA services in the community, for which transportation is required. Ms. Currie acknowledged Hope Counseling's current, approved program design does not include transportation services. However, she argued transportation is not a separate service; it is part of the ABA services provided to clients, much like speech therapy is

part of services provided to clients, despite Hope Counseling not specifically being designated a speech therapy vendor.

## **Analysis**

17. There is no dispute between the parties regarding Claimant's services. Service Agency has not proposed termination of funding for ABA services, including community-based ABA services. Service Agency is also willing to fund transportation services in connection with Claimant's ABA services. Although Sister testified credibly regarding her concerns that Claimant may experience a delay before receiving alternate transportation services, those concerns are speculative and do not equate to a denial of services by Service Agency.

18. Transportation services from a properly C provider or commonly available generic resources are available to meet Claimant's transportation needs. Claimant has not explored these options, citing speculative albeit legitimate concerns about promptness and safety.

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. In a proceeding to determine whether an individual is eligible for regional center funding, the burden of proof is on the claimant to establish by a preponderance of the evidence they meet the proper criteria. (Evid. Code, §§ 115, 500.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

## Applicable Law

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code section 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.)

3. "Services and supports for persons with developmental disabilities" 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. Services and supports include "transportation services necessary to ensure delivery of services to persons with developmental disabilities." (Welf. & Inst. Code, § 4512, subd. (b).)

4. Developing the Individualized Program Plan (IPP) for a regional center consumer is the cornerstone of the Lanterman Act. The IPP process must consider the needs and preferences of the consumer and, where appropriate, the family, to determine the services and supports to be funded. (Welf. & Inst. Code, §§ 4646, 4646.5, 4647, 4648.) The planning process includes gathering information and conducting assessments to determine the "life goals, capabilities and strengths, preferences,

barriers, and concerns or problems of the person with developmental disabilities.” (Welf. & Inst. Code, § 4646.5, subd. (a)(1).) The IPP process must ensure conformance with the regional center’s purchase of service policies and utilization of generic services and supports when appropriate. (Welf. & Inst. Code, § 4646.4, subds. (a)(1) & (2).)

5. Regional centers must ensure services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and that those services and supports meet the individual’s needs. Regional centers must be fiscally responsible and may purchase services or supports through vendorization or contracting. Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service. (Welf. & Inst. Code, § 4648, subds. (a)(1) & (3)(A).)

## **Disposition**

6. Claimant did not prove by a preponderance of the evidence Service Agency must fund transportation services for Claimant from Hope Counseling. Hope Counseling is not properly vendored to provide transportation services to Service Agency consumers. Transportation services from a properly vendored provider or commonly available generic resources are available to meet Claimant’s transportation needs. Claimant’s appeal therefore must be denied.

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## **ORDER**

Claimant's appeal is denied.

DATE:

HARDEN SOOPER

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.