BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

and

EASTERN LOS ANGELES REGIONAL CENTER,

Service Agency.

DDS No. CS0030188

OAH No. 2025090750

PROPOSED DECISION

Taylor Steinbacher, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter via videoconference on May 20, 2026.

Victor Mercado, Appeals Specialist, represented Eastern Los Angeles Regional Center (ELARC).

Claimant represented himself. Claimant's name has been omitted to protect his privacy.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on May 20, 2026.

ISSUE

Should ELARC allow Claimant to spend funds from his Self-Determination Plan (SDP) budget to purchase a backup battery for his Continuous Positive Airway Pressure (CPAP) machine?

Evidence Relied Upon

Documents: ELARC Exhibits 1–17, 19; Claimant's Exhibits: F–H, M–U, Z–AB, AJ–AK.

Witness for ELARC: Belinda Salinas.

Witnesses for Claimant: Adriana Chaidez; Claimant.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a twenty-three-year-old man who lives with his father in the catchment area served by ELARC.

2. ELARC is a regional center designated by the Department of Developmental Services (DDS) to provide funding for services and supports to persons

with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.)

3. Claimant receives services from ELARC under the Lanterman Act with an eligible diagnosis of Autism Spectrum Disorder (ASD). On August 29, 2025, ELARC issued a Notice of Action (NOA) to Claimant, stating, among other things, that it was denying Claimant's request to use SDP funds to purchase a backup battery for his CPAP machine. (The NOA also denied Claimant's request to use SDP funds for a home health aide, but the parties resolved that dispute before the hearing.) The reason given for the denial was that SDP funds cannot be used to fund services to address an underlying health condition not connected to his developmental disability. The NOA also included an additional reason for denial (failure to exhaust generic resources), but at the hearing, ELARC conceded that this reason only applied to the denial of Claimant's request relating to the home health aide, which has since been resolved. (See Ex. 4.)

4. At the hearing, the parties were also prepared to discuss a request Claimant made to use his SDP budget to pay for personal protective equipment. However, because that request was not mentioned in the NOA as a proposed action and thus no reason was provided for that denial, the only issue this proposed decision addresses is Claimant's funding request for the backup CPAP battery.

5. By letter dated September 11, 2025, Claimant requested a fair hearing to appeal ELARC's decision prohibiting him from using SDP funds to pay for a backup CPAP battery. (Exs. 1, 3.) This hearing ensued.

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ELARC's Evidence

CLAIMANT'S INDIVIDUAL PROGRAM PLAN

6. Claimant's Individual Program Plan (IPP) acknowledges that Claimant "reports obstructive sleep apnea" and that he needs a CPAP "machine due to sleep issues." (Ex. 6, p. A60.) Claimant's IPP also notes that Claimant's Coordinated Family Services (CFS) staff has assisted him in obtaining a medical prescription for a CPAP backup battery, as well as helped him submit requests to local utilities and his health insurance for funding of a backup battery, without success. (*Id.* at pp. A50, A60.)

7. Claimant's IPP contains a goal that Claimant should feel safe at home, school, and in the community. (Ex. 6, p. A73.) In support of this goal, ELARC provided emergency preparedness planning resources to Claimant. (*Id.* at pp. A69, A74–A75, A80.) ELARC acknowledges in Claimant's IPP that he "experiences moments where he can be overwhelmed and react by wanting to run (escape the situation) or freeze. This can present an unsafe situation for him depending on what is occurring in his surroundings." (*Id.* at p. 81.)

BELINDA SALINAS

8. Belinda Salinas is a Case Management Supervisor for ELARC. In that role, she supervises Claimant's service coordinator. Salinas is aware of the reasons for ELARC's decision to deny Claimant's request to use SDP funds to purchase a backup CPAP battery. According to Salinas, ELARC staff forwarded medical records from Claimant's sleep medicine doctor substantiating his need for a CPAP machine, medical prescriptions from that doctor for a backup CPAP battery, and a letter from his health insurance provider denying his request to fund a backup battery, to ELARC's physician consultant to review Claimant's request. (See Exs. 10, 12–14.) That consultant, Doctor

Dolores Figueroa, recommended denying Claimant's request as "incomplete" and "not related to [Claimant's] developmental disability." (Ex. 15.)

9. Salinas added that ELARC's purchase of service guidelines for both medical equipment and medical supplies, which have been approved by DDS, require these items to be related to the claimant's developmental disability. For example, the medical equipment purchase of service guidelines note that ELARC may assist a client in purchasing medical equipment "related to the developmental disability when it is deemed necessary to maintain the consumer's health/physical status or allow the individual greater independence." (Ex. 8.)

10. Salinas conceded in her testimony that exhaustion of generic resources was not a basis for ELARC's denial of approval for Claimant to use his SDP funds to purchase a backup CPAP battery. Rather, the only bases for denial were that a backup CPAP battery was not related to his developmental disability and that there was not sufficient documentation from a medical provider to support his request. Salinas also conceded that Claimant has a medical condition that requires the use of a CPAP machine.

Claimant's Evidence

ADRIANA CHAIDEZ

11. Adriana Chaidez is Claimant's CFS provider. In that role, she assists Claimant and other members of his household to close any service gaps so that Claimant can keep his current living arrangement. Chaidez assisted Claimant with the creation of an emergency preparedness plan, as noted in his IPP, and provided updates to ELARC during the plan's creation. (Ex. 7, p. A83; Ex. AJ, pp. B607, B611; Ex. AK, p. B613; Ex. AO [the emergency preparedness plan].)

12. Claimant's emergency preparedness plan notes that Claimant needs a backup battery for his CPAP machine to ensure it works during power outages—the plan explains that his "emergency supply kit" is ready if an emergency occurs, save for his lack of a backup CPAP battery. (Ex. AO, pp. B654; B669.)

13. Chaidez has assisted Claimant with attempting to exhaust generic resources to obtain a backup CPAP battery, such as through Medi-Cal and local utilities, but for various reasons, Claimant was denied or otherwise not eligible to receive one from those sources. (See Exs. Y–AB.)

CLAIMANT'S TESTIMONY

14. Claimant participates in the SDP. (Exs. F, G.) Claimant has exhibited troubling behaviors in the past attributable to his ASD diagnosis, such as psychiatric hospitalizations due to rigidity and "significant regulatory behavioral difficulty, which has resulted in self-harm," as well as being placed on a "5150 Hold" in the past. (Ex. 5, p. A11.) Claimant testified that having an emergency preparedness plan—and being prepared to implement that plan should an emergency arise—decreases his stress and anxiety, making self-regulation less difficult for him.

15. Claimant testified about instances where a power outage occurred while he was sleeping and using his CPAP machine. Claimant explained that, during these times, the CPAP's failure due to a lack of power immediately woke him up. The unexpected power outage and lack of functioning CPAP machine caused him to become dysregulated, and it took hours before he was able to re-regulate himself with assistance from his father. Claimant knows that, when he is placed in unfamiliar and stressful situations, he elopes and becomes unaware of his surroundings, causing him to engage in dangerous behaviors such as unknowingly walking into traffic.

16. Claimant believes that having a backup CPAP battery will prevent these instances of dysregulation and decrease his fear and anxiety of power outages and other natural disasters that may cause power outages. Claimant disagrees with ELARC's characterization of a CPAP backup battery as a medical device subject to ELARC's purchase of service guidelines governing medical equipment or supplies. Rather, Claimant contends that a CPAP backup battery is instead subject to a DDS guidance document entitled "Self-Determination Program: Updated Goods and Services," dated July 8, 2024. (Ex. Q.)

17. DDS defines "Participant Directed Goods and Services" as

> services, equipment or supplies not otherwise provided through the SDP Waiver or through the Medicaid State plan that address an identified need in the IPP (including accommodating, improving and maintaining the participant's opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; promote interdependence, and inclusion in the community; and increase the person's safety in the home environment; and the participant does not have the personal funds to purchase the item or service and the item or service is not available through another funding source. The participant-directed goods and services must be documented in the participant's Individual Program Plan and purchased from the participant's Individual Budget. Experimental or prohibited treatments are excluded.

(Ex. P; pp. B478–B479; see also Ex. Q, p. B491.)

18. The July 8, 2024 directive notes SDP is part of a federal government Medicaid waiver. SDP funds can only be used for goods and services that have been approved by the Federal Centers for Medicare and Medicaid Services, and are not available through other funding sources (e.g., Medi-Cal, In-Home Supportive Services, schools, etc.). (Ex. Q, p. B488.) The directive attaches several enclosures. Enclosure A provides a framework for analysis of whether a good or service should be included in the SDP budget. Enclosure B provides details of goods and services for which funding is prohibited. Enclosure C provides a flow chart to determine when a participant may be allowed to fund goods or services through "Participant-Directed Goods and Services (Service Code 333)."

19. The flow chart in Enclosure C begins with the question: "Is the need or goal identified in the IPP?" Here, Claimant argues that a backup CPAP battery is identified as a need in his IPP because his IPP contains a goal that he should feel safe at home and having an emergency preparedness plan supports that goal, and, in turn, having the battery is key to implementing the plan. Next, the flow chart asks, "Will the good or service directly link to an identified IPP need or goal?" Claimant contends, again, that a backup battery is linked to his IPP goal of feeling safe at home in the event of an emergency or power failure. (Ex. Q, p. B498.)

20. Next, the flow chart asks, "Is the good or service included in another service definition?" Here, what Claimant requests does not appear to be included in another service, and ELARC has not suggested otherwise. The flow chart then asks, "Is there a generic community resource available to provide the good or service?" Here, ELARC acknowledged that there are no other generic resources available to Claimant to fund his request for a backup CPAP battery. Finally, the flow chart asks, among

other things, "Does the good or service promote independence and inclusion in the community?" or "Does the good or service increase the person's safety in the home environment?" If the answer to either question is "Yes," then the flow chart states that the good or service qualifies as a "Participant-Directed Good or Service" that can be paid for out of a regional center client's SDP funds. (Ex. Q, p. B498.)

LEGAL CONCLUSIONS

The Lanterman Act

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) (All further undesignated statutory references are to the Welfare and Institutions Code.) The Legislature enacted the Lanterman Act 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.)

2. DDS is the state agency charged with implementing the Lanterman Act; DDS, in turn, contracts with private, non-profit community agencies called "regional centers" to provide developmentally disabled persons with access to the services and supports best suited to them throughout their lifetime. (§§ 4416, 4620.)

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3. Under the Lanterman Act, an administrative proceeding, also known as a "fair hearing," is available to determine the rights and obligations of regional centers and claimants when claimants disagree with a regional center decision. (§§ 4700-4717.)

4. Claimant requested a fair hearing under the Lanterman Act, and thus, jurisdiction for this case was established. (Factual Findings 1–5.)

Standard and Burden of Proof

5. The party proposing a change in existing services or asserting a new claim holds the burden of proof in administrative proceedings. (See, e.g., *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388 [the law has "a built-in bias in favor of the status quo," and the party seeking to change the status quo has the burden "to present evidence sufficient to overcome the state of affairs that would exist if the court did nothing"].) The standard of proof for these proceedings is the preponderance of the evidence because no other law or statute, including the Lanterman Act, provides otherwise. (Evid. Code, § 115.) This standard is met when the party bearing the burden of proof presents 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.)

6. Here, Claimant bears the burden of proving by a preponderance of the evidence that ELARC should allow him to use his SDP budget to purchase a backup battery for his CPAP machine.

Individual Program Plan Process

7. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center.

(§ 4512, subd. (b).) This 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 [IPP] participants, the effectiveness of each option in meeting the goals stated in the [IPP], and the cost-effectiveness of each option." (*Ibid.*; § 4646, subds. (a), (b) [noting that the IPP is developed through an "individualized needs determination" that includes the client as well as their parents, guardians, or authorized representatives, and should reflect "the needs and preferences of the consumer, and, as appropriate, their family"].)

8. The IPP process includes "[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities" and should include a review of the "needs of the child and the family unit as a whole." (§ 4646.5, subd. (a)(1).) This information gathering process allows the regional center to "identify and pursue all possible sources of funding for consumers receiving regional center services." (§ 4659.)

9. When providing services and supports to its clients, regional centers must: (1) ensure they have conformed with their purchase of service policies (which are approved by DDS); (2) utilize generic services when appropriate; and (3) utilize other sources of funding as listed in section 4659. (§ 4646.4, subd. (a).)

The Self-Determination Program

10. The SDP allows participants and their families to have an annual budget for services and supports to meet the objectives of the participant's IPP. (See § 4685.8.) SDP is an alternative to the regional center's traditional IPP planning and service provision process, and it requires the client's opt-in to participate. (*Id.*, subd. (d).)

"'Self-determination' means a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP. Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion." (*Id.*, subd (c)(6).)

DDS Directives

11. Pursuant to section 4685.8, subdivision (p)(2), DDS may issue program directives or similar instructions until regulations are adopted. DDS's July 8, 2024 directive regarding purchases of goods and services is one such directive.

Analysis

12. Claimant's claim that a backup CPAP battery is not a medical device or medical equipment subject to ELARC's purchase of service rules, and instead is governed by DDS's July 8, 2024 directive, is persuasive. That directive does not limit SDP expenditures solely to those directly relating to a client's developmental disability, and instead notes that SDP funds can be used to purchase items that address an identified need in the IPP, such as accommodating, improving, and maintaining the participant's opportunities for membership in the community or increasing the participant's safety at home. This is perhaps because the Lanterman Act defines "services and supports" to include not only services that alleviate a developmental disability, but also services that enhance "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." (§ 4512, subd. (b).)

13. Following the flow chart in Enclosure C of the July 8, 2024 directive shows that Claimant meets all the criteria to fund a backup CPAP battery from his budget as a Participant Directed Good under Service Code 333. A backup CPAP battery is linked to an identified IPP goal or need, in this case, Claimant's emergency preparedness goals. There appears to be no other generic resource that can provide Claimant with a backup CPAP battery, and the CPAP battery increases Claimant's safety at home, specifically in the event of unanticipated power outages or natural disasters. Claimant's unrebutted testimony about his dysregulation when his CPAP fails due to lack of power is also corroborated by Claimant's IPP and his psychological assessment results. Purchase of a backup CPAP battery also does not appear to be prohibited in Enclosure B, and ELARC has not suggested that it could be subject to another service definition or identified what that service definition would be.

14. Under these circumstances, Claimant has met his burden to show by a preponderance of the evidence that ELARC should allow him to purchase a backup CPAP battery using his SDP funds.

ORDER

Claimant's appeal is granted. Claimant may use SDP funds, under Service Code 333 "Participant Directed Goods or Services," to purchase a backup CPAP battery.

DATE:

TAYLOR STEINBACHER
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025090750

Vs.

DECISION BY THE DIRECTOR

Eastern Los Angeles Regional Center

Respondent.

ORDER OF DECISION

On June 1, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter. Given the unique circumstances of the case, after reviewing the record the Department ADOPTS the Proposed Decision but MODIFIES as follows:

1. The language on page 12, paragraph 12 of the Proposed Decision that states, "that directive does not limit SDP expenditures solely to those directly relating to a client's developmental disability, and instead notes that SDP funds can be used to purchase items that address an identified need in the IPP, such as accommodating, improving, and maintaining the participant's opportunities for membership in the community or increasing the participant's safety at home. This is perhaps because the Lanterman Act defines "services and supports" to include not only services that alleviate a developmental disability, but also services that enhance "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 (§ 4512, subd. (b).)" is stricken as unnecessary dicta and speculation.

2. The record established that the backup CPAP battery is a service and support that is directed toward the alleviation of claimant's developmental disability pursuant to Welfare and Institutions Code section 4512, subdivision (b).

3. The record established that the backup CPAP battery is specified in claimant's Individual Program Plan (IPP) and is necessary to address claimant's IPP goals and needs, particularly claimant's emergency preparedness goals, pursuant to Welfare and Institutions Code sections 4646, 4648, subdivision (a), and 4685.8, subdivision (b)(2)(H)(i).

4. The record established that pursuant to Welfare and Institutions Code sections 4644, 4646.4, subdivision (a)(2), 4648, subdivision (a)(8), and 4659, subdivision (a)(1) and (2), a backup Continuous Positive Airway Pressure (CPAP) battery should be purchased through generic resources, claimant, through the support of East Los Angeles Regional Center, attempted to identify and utilize generic resources to obtain a backup CPAP battery, and claimant exhausted the use of generic resources to obtain a backup CPAP battery.

ORDER

Claimant's appeal is ADOPTED but MODIFIED as outlined above. Claimant may use Self Determination Program (SDP) funds through their spending plan, under Service Code 333 "Participant Directed Goods or Services," to purchase a backup CPAP battery.

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 July 1, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions