

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

In the Matter of:

CLAIMANT

and

CENTRAL VALLEY REGIONAL CENTER, Service Agency

DDS No. CS0031293

OAH No. 2025110099

DECISION

Wim van Rooyen, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, acting as a hearing officer, conducted an in-person fair hearing on January 22, 2026, in Fresno, California.

Claimant's mother (Mother) represented Claimant.

Perla Ibal Mora, Fair Hearing and Appeals Coordinator, represented Central Valley Regional Center (CVRC).

Evidence was received, the record closed, and the matter submitted for decision on January 22, 2026.

ISSUE

Did CVRC improperly deny Claimant's request to fund All Kids Are Perfect (AKAP), a physical therapy program in North Carolina?

FACTUAL FINDINGS

Jurisdiction

1. Claimant is eligible for Lanterman Act regional center services based on a qualifying diagnosis of intellectual disability. On October 7, 2025, CVRC issued a Notice of Action (NOA) denying Claimant's request to fund AKAP. CVRC reasoned that because AKAP is located in North Carolina, it is an out-of-state service ineligible for funding under the Lanterman Act. The NOA advised Claimant of his appeal rights. Mother timely filed an appeal request. Consequently, the matter was set for a fair hearing.

Undisputed Facts

2. The background facts are not in dispute. Claimant is three years old and lives with his parents and two older siblings in Fresno, California. He attends a special day preschool program and has an active Individualized Education Program through the local school district. He receives occupational therapy, physical therapy, speech therapy, in-home supportive services, respite services, and diaper assistance.

3. In addition to Claimant's qualifying diagnosis of intellectual disability, he was diagnosed with Lesch-Nyhan Syndrome (LNS). LNS is an extremely rare inherited metabolic disorder, affecting only approximately 1/380,000 people, that causes a

buildup of uric acid in the body. LNS causes brain and behavior problems, including severe arthritis, poor muscle control, and mental disability. A key symptom is uncontrollable self-injury, including lip and finger biting and/or head banging. The prognosis is poor, but early detection and treatment can improve quality of life.

4. The process to diagnose Claimant with LNS was long and frustrating. Because very few medical practitioners are familiar with LNS, Mother struggled to get answers. However, she is determined to pursue every treatment avenue and give Claimant the longest and best life possible.

5. In August 2025, Claimant underwent deep brain stimulation (DBS) surgery at Rady Children's Hospital in San Diego, California to address his self-injurious behavior stemming from LNS. He also had six teeth removed to prevent self-injury.

6. Both Claimant's pediatrician, Irene C. Murema., M.D., and physical therapist, Harneet Gill, D.P.T., recommended that Claimant participate in AKAP. AKAP is a three-week, twice-a-day, comprehensive, intensive physical therapy program using principles of dynamic movement intervention. It has experience with LNS and post-DBS care, reportedly with significant results. AKAP is located in North Carolina.

7. Mother has been unable to locate a similar program in California despite conducting significant research and calling lots of physical therapy clinics. Additionally, Claimant's health insurance is not an available generic resource because AKAP does not accept insurance. Before requesting CVRC to fund AKAP, Mother also unsuccessfully pursued funding through California Children's Services and Native Daughters.

Claimant's Position

8. Mother testified sincerely, credibly, and passionately at hearing. It is clear that Mother cares deeply for Claimant and only wants the best for him.

9. Mother does not understand why CVRC cannot fund AKAP. Claimant's treatment providers recommended it, it is unavailable in California, and Mother has exhausted other generic resources to fund it. LNS is extremely serious and causes symptoms very similar to autism and cerebral palsy. In Mother's view, it is arbitrary not to fund a necessary treatment for a condition with similar symptoms based on how that condition is technically classified. She implores CVRC to "make a difference" instead of "sticking behind rules and regulations."

CVRC's Position

10. Alicia Her, CVRC's Assistant Director for Intake and Early Childhood, testified at hearing. She is very sympathetic but explained that CVRC was legally precluded from funding AKAP for two reasons.

First, AKAP is located in North Carolina and is thus an out-of-state service. The Lanterman Act generally prohibits CVRC from purchasing any service outside the state unless it is included in the consumer's Individual Program Plan (IPP) and the Director of the Department of Developmental Services (DDS) approves it.

Second, CVRC did not seek approval from the DDS Director for AKAP because it is not a service related to Claimant's qualifying developmental disability, intellectual disability. Instead, AKAP is sought to address Claimant's diagnosis of LNS, which is not a developmental disability covered by the Lanterman Act.

LEGAL CONCLUSIONS

1. As the party requesting CVRC to fund a particular service, Claimant bears the burden of proving by a preponderance of the evidence that he is entitled to funding for that service. (See Evid. Code, §§ 500 [“Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting”] & 115 [“Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.”].) The term “preponderance of the evidence” means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387–1388.)

2. Under the Lanterman Act, regional centers are responsible for providing or coordinating services and supports for persons with developmental disabilities. Under Welfare and Institutions Code section 4512, a developmental disability is defined as:

a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but

shall not include other handicapping conditions that are solely physical in nature.

(Welf. & Inst. Code, § 4512, subd. (a)(1).) "Services and supports for persons with developmental disabilities" are defined as:

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.

(Welf. & Inst. Code, § 4512, subd. (b).)

3. Additionally, Welfare and Institutions Code section 4519 provides, in part:

The department shall not expend funds, and a regional center shall not expend funds allocated to it by the department, for the purchase of any service outside the state unless the Director of Developmental Services or the director's designee has received, reviewed, and approved a plan for out-of-state service in the consumer's individual program plan developed pursuant to Sections 4646 to 4648, inclusive. Prior to submitting a request for out-of-state services, the regional center shall conduct a comprehensive assessment and convene an individual program plan meeting to determine the services and supports needed for

the consumer to receive services in California and shall request assistance from the department's statewide specialized resource service in identifying options to serve the consumer in California. The request shall include details regarding all options considered and an explanation of why these options cannot meet the consumer's needs. The department shall authorize for no more than six months the purchase of out-of-state services when the director determines the proposed service or an appropriate alternative, as determined by the director, is not available from resources and facilities within the state. Any extension beyond six months shall be based on a new and complete comprehensive assessment of the consumer's needs, review of available options, and determination that the consumer's needs cannot be met in California. An extension shall not exceed six months.

(Welf. & Inst. Code, § 4519, subd. (a).)

4. There is no dispute that Claimant is eligible for regional center services under the Lanterman Act based on a qualifying diagnosis of intellectual disability. There is also no dispute that Claimant is diagnosed with LNS, a very serious condition, and that his treatment providers have recommended he participate in AKAP. The only question is whether CVRC is required to fund AKAP.

5. Welfare and Institutions Code section 4519, subdivision (a), prohibits funding an out-of-state service unless included in a consumer's IPP and approved by the DDS Director or designee. Here, AKAP is located in North Carolina and thus an

out-of-state service. Because it has not been approved by the DDS Director or designee, it cannot be funded by CVRC.

6. Additionally, CVRC reasonably declined to pursue approval from the DDS Director because such an attempt would have been futile. Under Welfare and Institutions Code section 4512, subdivision (b), CVRC and DDS may only fund services, whether located in-state or out-of-state, that are directed towards alleviating or supporting a covered developmental disability. AKAP is not directed to treating Claimant's qualifying diagnosis of intellectual disability, but instead his LNS. Although a very serious disease and having similar or overlapping symptoms, LNS is not a covered developmental disability outlined in Welfare and Institutions Code section 4512, subdivision (a). It is not cerebral palsy, epilepsy, autism, or intellectual disability, nor is it a disabling condition closely related to intellectual disability or requiring treatment similar to that required for individuals with an intellectual disability. Instead, it is an extremely rare inherited metabolic disorder.

7. For policy reasons, the Legislature has limited services eligible for funding to those directed to alleviating and supporting only certain covered developmental disabilities. Although very sympathetic to Mother's difficult circumstances and frustration, the undersigned, like CVRC and DDS, is constrained to apply the law as enacted by the Legislature. As such, Claimant's appeal must, reluctantly, be denied.

ORDER

Claimant's appeal is DENIED. Central Valley Regional Center's denial of Claimant's request to fund All Kids Are Perfect, a physical therapy program in North Carolina, is AFFIRMED.

DATE: February 3, 2026

WIM VAN ROOYEN
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.