

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

**In the Matter of:**

**CLAIMANT,**

**and**

**REGIONAL CENTER OF THE EAST BAY, Service Agency.**

**DDS No. CS0031882**

**OAH No. 2025110752**

**PROPOSED DECISION**

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on December 10, 2025, by videoconference.

Jenifer Castañeda represented service agency Regional Center of the East Bay (RCEB).

Claimant's conservator represented claimant, who was not present for the hearing.

Connie Parra, an employee in the Department of Developmental Services (DDS), observed the hearing with claimant's consent.

The matter was submitted for decision on December 10, 2025.

## **ISSUE**

1. Must RCEB increase claimant's Self-Determination Program (SDP) budget for the service year between October 1, 2024, and September 30, 2025, by \$66,652.95, to reflect an increase in the maximum hourly rate that DDS has approved for procurement of specialized therapeutic services?

2. Must RCEB amend claimant's SDP spending plan for the service year between October 1, 2024, and September 30, 2025, to permit claimant to spend additional funds, up to \$66,652.95, on communication assistance services?

## **FACTUAL FINDINGS**

1. Claimant was born in May 2004. She lives with her conservator, who also is her mother, and siblings. Claimant is an RCEB consumer because she is substantially disabled by Rett Syndrome, a developmental disorder that impairs her mobility, including hand use, and communication.

### **SDP Budget Through September 30, 2025**

2. During summer 2024, claimant and RCEB developed an SDP budget for claimant for the 12 months beginning October 1, 2024, and ending September 30, 2025. They agreed on a total budget amount of \$1,099,964.45. This total included funds that could pay for 35 hours per week of specialized therapeutic services, at \$112.73 per hour.

3. Effective December 1, 2024, claimant began using a new Financial Management Services (FMS) provider, FACT Family FMS. Claimant and RCEB agreed

that the remaining funds in claimant's SDP budget for the period between December 1, 2024, and September 30, 2025, totaled \$917,960.25.

4. When RCEB and claimant agreed on claimant's SDP budget for the 2024–2025 year, \$112.73 per hour was the maximum hourly pay rate that DDS had approved for vendors of specialized therapeutic services. Effective January 1, 2025, DDS raised the maximum hourly rate for these services to \$161.56.

5. If RCEB and claimant had calculated claimant's SDP budget for the 2024–2025 year using \$161.56 per hour as the maximum hourly rate for specialized therapeutic services on and after January 1, 2025, rather than \$112.73 per hour, this rate increase would have increased the total budget by \$66,652.95. All of this additional budget would have been for services on and after January 1, 2025.

### **SDP Spending Plan Through September 30, 2025**

6. Claimant and RCEB also agreed on an SDP spending plan for claimant for the 12 months beginning October 1, 2024, and ending September 30, 2025. This plan stated that claimant would spend her entire SDP budget. Among the services claimant planned to procure, this SDP spending plan stated that she would pay vendor Assistive Tech 4 ALL (AT4A) to provide 1,172.62 total hours of communication support to claimant, at this vendor's usual hourly rate of \$175 per hour.

7. When claimant began using FACT Family FMS, she and RCEB agreed that the remaining total she would spend on all services between December 1, 2024, and September 30, 2025, was \$917,960.25, including \$161,457.81 for services from AT4A.

8. At \$175 per hour, \$161,457.81 represents 922.62 service hours from AT4A, or about 92 hours per month. This total also implies that claimant already had

paid for 250 service hours from AT4A, or 125 hours per month, between October 1 and November 30, 2024.

### **Actual SDP Spending Through September 30, 2025**

9. As of the hearing date, the total amount that claimant had paid to all service providers for services she received between December 1, 2024, and September 30, 2025, was \$833,658.28. Claimant's service providers other than AT4A had received \$672,220.78 during this period.

10. As of the hearing date, AT4A had received payment for services rendered to claimant between December 1, 2024, and September 8, 2025, in the total amount of \$161,437.50. The monthly amounts were:

- December 2024, \$7,350 for 42 service hours;
- January 2025, \$10,500 for 60 service hours;
- February 2025, \$14,000 for 80 service hours;
- March 2025, \$16,800 for 96 service hours;
- April 2025, \$16,450 for 94 service hours;
- May 2025, \$5,512.50 for 31.5 service hours;
- June 2025, \$30,712.50 for 175.5 service hours;
- July 2025, \$30,975 for 177 service hours;
- August 2025, \$24,675 for 141 service hours; and
- September 1 through 8, 2025, \$4,462.50 for 25.5 service hours.

11. As of the hearing date, claimant had spent \$84,301.97 less, overall, for services between December 1, 2024, and September 30, 2025, than she had planned to spend. The chief reason for this budget surplus is that claimant had planned to spend more than \$86,000 to procure nursing services, but did not procure any. With respect to services from AT4A, she spent only \$20.31 less over this period than she had planned to spend.

### **Matters in Dispute**

12. Claimant contends that she needed additional services from AT4A between September 9 and September 30, 2025, but could not pay for them because the \$20.31 remaining in her spending plan for these services in this period was inadequate. The evidence does not establish the exact amount of this shortfall, but claimant states that it is approximately \$26,000. At \$175 per hour, \$26,000 represents about 150 hours for these three weeks.

13. At the hearing, claimant's conservator insisted in testimony and oral argument that the sole request at issue is to increase claimant's SDP budget for the period between October 1, 2024, and September 30, 2025, by \$66,652.95, to reflect the rate increase described in Findings 4 and 5. An increase in claimant's overall budget without any corresponding change in her spending plan would not make additional funds available for her to spend on anything, however. Rather, in light of the matters stated in Finding 11, a budget increase without a corresponding spending plan increase simply would leave claimant with a bigger budget surplus as of September 30, 2025.

14. Claimant's written position statement says that she asks both for an increase of \$66,652.95 in her SDP budget for October 1, 2024, through September 30,

2025, and for “this increase to be reflected in the spending plan” for services she has procured from AT4A. Moreover, claimant also has requested, in the alternative, that RCEB approve a change in her SDP spending plan that does not require an increase in her overall budget, by permitting her to repurpose funds that she had planned to spend on nursing care to procure services instead from AT4A. RCEB staff members working with claimant construed respondent’s request as one to increase the funds available in claimant’s SDP spending plan for January 1, 2025, through September 30, 2025, for AT4A, and this construction is reasonable.

15. RCEB denied claimant’s request, and claimant timely requested this hearing.

16. Claimant presented no evidence establishing: (a) the number of service hours she needed from AT4A between September 9 and September 30, 2025; (b) whether she received these services (and paid from other funds) or went without them; (c) why her overall need for service hours from AT4A between October 1, 2024, and September 30, 2025, exceeded the 1,172.62 hours she had planned to procure; (d) when and how she realized that she might need more than 1,172.62 service hours in total during this period from AT4A; or (e) what steps she took, if any, and when, to address the possibility that she would lack sufficient funds in her spending plan to pay for all service hours she expected to need from AT4A between October 1, 2024, and September 30, 2025.

## LEGAL CONCLUSIONS

1. As a participant in SDP, claimant has significant personal discretion about how she uses public funds to pay for services and supports that she needs because of her developmental disability. (Welf. & Inst. Code, § 4685.8, subd. (a).)

2. Because claimant uses public funds that are available to her for specific reasons and purposes, however, her discretion even in SDP is not limitless. In particular, as is relevant to the issue in dispute between claimant and RCEB in this hearing, a regional center must exercise supervisory control over both the overall budget available to an SDP participant and how the SDP participant spends those funds. (Welf. & Inst. Code, § 4685.8, subds. (c)(3), (c)(7), (j), (m), (r)(6).)

3. Claimant bears the burden in this matter of establishing that the law requires RCEB to amend her SDP budget or SDP spending plan in the manner she requests.

4. The matters stated in Findings 2 through 5 and 11 do not establish that RCEB must increase claimant's overall SDP budget for the period between October 1, 2024, and September 30, 2025.

5. The matters stated in Findings 6 through 8, 10, 12, and 16 do not establish that RCEB must allow claimant to add service hours from AT4A to her SDP spending plan for the period between October 1, 2024, and September 30, 2025.

6. All other issues discussed at the hearing either are not ripe for decision, or are not within the limited jurisdiction established for the Office of Administrative Hearings and the Department of Developmental Services by Welfare and Institutions Code section 4712.

## **ORDER**

Claimant's appeal is denied.

DATE:

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110752

Vs.

**DECISION BY THE DIRECTOR**

Regional Center East Bay

Respondent.

ORDER OF DECISION

On December 15, 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 \_\_\_\_\_.

"Original signed by"

Katie Hornberger, Deputy Director  
Community Assistance and Resolutions Division (CARD)

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110752

vs.

Regional Center of The East Bay,

Respondent.

RECONSIDERATION ORDER

On January 22, 2026, the Department of Developmental Services (Department) received claimant's application for reconsideration of a Final Decision issued by the Director on January 5, 2026.

Pursuant to Welfare and Institutions Code section 4713, subdivision (d), the application for reconsideration is granted in part and rejected in part. Upon re-review of the record, the Department's January 5, 2026, Final Decision is modified as follows:

1. Claimant's request that his specialized therapeutic service provider hourly rate of pay be increased from \$112.73 to \$161.56 per hour to reflect the third installment of rate reform hourly pay increases the Department approved for procurement for specialized therapeutic services effective January 1, 2025, is GRANTED. Both parties shall have an Individual Program Plan (IPP) meeting within 30 calendar days from date of this Reconsideration Order to evaluate and discuss claimant's request to increase his Self Determination Program (SDP) budget to reflect the third installment of rate reform increases for specialized therapeutic services. Regional Center of the East Bay (RCEB) shall document any further approval for specialized therapeutic services made at the IPP meeting. Any rate increase of specialized therapeutic services in claimant's SDP budget shall be effective January 1, 2025, as previously documented in communications by RCEB.
2. Claimant's request that RCEB amend claimant's SDP spending plan for the service year between October 1, 2024 and September 30, 2025, to permit claimant to spend additional funds, up to \$66,652.95, on communication assistance services is REJECTED. Claimant

failed to prove by the preponderance of the evidence that he was entitled to additional SDP funds, up to \$66,652.95, to purchase communication assistance services.

All parties are bound by this Reconsideration Order. The Department will issue a Corrected Final Decision and serve upon each party pursuant to Welfare and Institutions Code section 4713.5, subdivision (e). Each party has the right to appeal this Reconsideration Order and the Corrected Final Decision to a court of competent jurisdiction within 180 days of receiving the Corrected Final Decision.

IT IS SO ORDERED on this day: February 4, 2026.

Original signed by  
Katie Hornberger, Deputy Director  
Community Assistance and Resolutions Division (CARD)

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110752

vs.

Regional Center of the East Bay,

Respondent.

CORRECTED RECONSIDERATION ORDER

On January 22, 2026, the Department of Developmental Services (Department) received claimant's application for reconsideration of a Final Decision issued by the Director on January 5, 2026.

Pursuant to Welfare and Institutions Code section 4713, subdivision (d), the application for reconsideration is granted in part and rejected in part. Upon re-review of the record, the Department's January 5, 2026, Final Decision is modified as follows:

1. Claimant's request that their specialized therapeutic service provider hourly rate of pay be increased from \$112.73 to \$161.56 per hour to reflect the third installment of rate reform hourly pay increases the Department approved for procurement for specialized therapeutic services effective January 1, 2025, is GRANTED. Both parties shall have an Individual Program Plan (IPP) meeting within 30 calendar days from date of this Corrected Reconsideration Order to evaluate and discuss claimant's request to increase claimant's Self Determination Program (SDP) budget to reflect the third installment of rate reform increases for specialized therapeutic services. Regional Center of the East Bay (RCEB) shall document any further approval for specialized therapeutic services made at the IPP meeting. Any rate increase of specialized therapeutic services in claimant's SDP budget shall be effective January 1, 2025, as previously documented in communications by RCEB.

2. Claimant's request that RCEB amend claimant's SDP spending plan for the service year between October 1, 2024 and September 30, 2025, to permit claimant to spend additional funds, up to \$66,652.95, on communication assistance services is REJECTED. Claimant failed to prove by the preponderance of the evidence that they are entitled to additional SDP funds, up to \$66,652.95, to purchase communication assistance services.

All parties are bound by this Corrected Reconsideration Order. The Department will issue a Corrected Final Decision and serve upon each party pursuant to Welfare and Institutions Code section 4713.5, subdivision (e). Each party has the right to appeal this Corrected Reconsideration Order and the Corrected Final Decision to a court of competent jurisdiction within 180 days of receiving the Corrected Final Decision.

IT IS SO ORDERED on this day: February 6, 2026

Original signed by

Katie Hornberger, Deputy Director  
Community Assistance and Resolutions Division (CARD)

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110752

vs.

**DECISION BY THE DIRECTOR**

Regional Center of The East Bay,

Respondent.

CORRECTED ORDER OF DECISION

On December 15, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services' January 5, 2026, Decision is corrected to REJECT in part and ADOPT in part the December 15, 2025, ALJ's Proposed Decision as follows:

Claimant's request that their specialized therapeutic service provider hourly rate of pay be increased from \$112.73 to \$161.56 per hour to reflect the third installment of rate reform hourly pay increases the Department approved for procurement for specialized therapeutic services effective January 1, 2025, is GRANTED. Both parties shall have an Individual Program Plan (IPP) meeting within 30 calendar days from February 4, 2026, Reconsideration Order to evaluate and discuss claimant's request to increase claimant's Self Determination Program (SDP) budget to reflect the third installment of rate reform increases for specialized therapeutic services. Regional Center of the East Bay (RCEB) shall document any further approval for specialized therapeutic services made at the IPP meeting. Any rate increase of specialized therapeutic services in claimant's SDP budget shall be effective January 1, 2025, as previously documented in communications by RCEB.

The Corrected 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 this Decision or appeal the Decision to a court of competent jurisdiction within 180 days of receiving this Decision.

IT IS SO ORDERED on this day February 9, 2026.

Original signed by

Katie Hornberger, Deputy Director  
Community Assistance and Resolutions Division (CARD)