

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

DDS No. CS0032057

OAH No. 2025120277

DECISION

Administrative Law Judge Frances M. Valdez, State of California, Office of Administrative Hearings, heard this matter on January 6, 2026, by videoconference.

Claimant was represented by his mother. Claimant was not present at the hearing.

Denise Underwood, Appeals Specialist, represented Regional Center of the East Bay (RCEB), the service agency.

The record was held open to allow claimant's representative to submit additional documents; RCEB waived response. Additional documents were submitted

and marked as exhibits M, N, and O. The record closed and the matter was submitted for decision on January 9, 2026.

ISSUE

Did RCEB err in denying claimant's request for funding an electric tandem quadracycle?¹

FACTUAL FINDINGS

1. Claimant is a 21-year-old client of RCEB who resides at his family home with his mother, who is also his conservator. Claimant is eligible under the Lanterman Developmental Disability Services Act (the Lanterman Act, Welf. & Inst. Code, § 4500 et seq.)² for services from RCEB based on his diagnosis of Autism Spectrum Disorder.

2. Claimant's most recent Individual Program Plan (IPP), dated April 4, 2025, describes claimant as a smart young adult who is "set in his ways." Claimant does not like to leave his home and is homeschooled. Since the COVID-19 pandemic, claimant experiences difficulty being around new people and needs time to get comfortable

¹ The notice of action refers to an electric tandem bicycle, however, claimant's request is for an electric tandem quadracycle. At hearing, the parties and witnesses used the terms bicycle, tricycle, and quadracycle interchangeably.

² All statutory references are to the Welfare and Institutions Code, unless otherwise stated.

with strangers. Claimant enjoys going on walks in his neighborhood and to the park. He does not have any gross motor limitations and is able to run, walk, and jump without supports; he has some fine motor limitations. Claimant is verbal but uses only one-word vocalizations. He requires supervision at all times to ensure he is safe.

3. On April 8, 2025, claimant's mother sent an email to claimant's RCEB Case Manager, Jaquelline Verdoza, in which she wrote that claimant is gaining weight and she hoped to find some sort of exercise for him. Claimant's mother requested exploring the possibility of a "side-by-side seated tandem tricycle" because he would not ride a bicycle by himself anymore, but perhaps he would with his mother.

4 On July 22, 2025, claimant's mother sent a follow-up email to Verdoza asking why her request for a tricycle had not been answered. She wrote, "Can you please request a[n] OT bike fitting for [claimant] ASAP? We need a special needs Tricycle to fit 2 large adults. He needs more exercise ASAP. He's getting fat! Thanks."

5. On August 5, 2025, Daniel Lin, RCEB Occupational Therapist, emailed claimant's mother to arrange a telephone call so that RCEB "can determine the next steps, including whether an in person evaluation is needed and what information we'll need to move forward."

6. On August 21, 2025, claimant's mother wrote an email to Verdoza expressing frustration with a lack of communication from Lin. She wrote, "All I want is for [claimant] to get some exercise. He's stuck in the house or the backyard with no way to get the activity he needs."

7. Lin determined he needed an in-person assessment of claimant. Claimant's mother raised concerns regarding the modality of the assessment, "specifically, a stranger entering [claimant's] home either in-person or via live Zoom."

Claimant's mother expressed at hearing that an in-person assessment would trigger distress and cause an inaccurate and flawed assessment of claimant's true abilities.

8. On November 25, 2025, RCEB sent claimant and his mother a letter and notice of action declining to fund an electric tandem bicycle. RCEB wrote that an in-person evaluation by an occupational therapist "is required to determine whether the client can effectively and safely use any adaptive equipment prior to funding." Without such an evaluation, RCEB "is unable to verify the client's ability to benefit from and safely utilize the requested equipment."

9. RCEB Purchase of Service Policy number 3402 addresses assistive technology, which is defined as "items designed to facilitate mobility, communication, community access or environmental control to maintain or maximize function and independence." Items are generally prescribed by a physician "in consultation with a physical, occupational, or speech therapist or other health care professional." The policy provides that an RCEB occupational therapist (OT) assists "with the selection of the right equipment to meet the consumer's needs as well as provides the necessary support to use and care for the equipment so that the individual will benefit fully from such technology." When there is a possible need for assistive technology, the case manager "consults with the RCEB OT to obtain an appropriate source for an assessment or the RCEB OT may complete an assessment, as needed."

10. Lin has been employed by RCEB as an occupational therapist for more than nine years. He reviewed claimant's request and testified credibly at hearing. When Lin assesses a client for an assistive device or technology, he determines the need or goal for the equipment, ensures the client can safely utilize the equipment, and then determines what equipment would best meet that need. Lin testified that RCEB has funded tricycles and tandem tricycles for other RCEB clients. After receiving claimant's

request, Lin spoke with claimant's mother and watched videos she submitted, which show claimant riding a bicycle before 2020 and that he is currently able independently to propel a stationary bicycle. Lin determined he needed to complete a comprehensive in-person assessment of claimant to authorize a purchase of service. As part of the comprehensive assessment, Lin would measure claimant and analyze his ability to propel the equipment independently. Lin would use this information to determine whether the equipment would meet claimant's goals and then obtain or adapt the proper equipment.

For cycling equipment, Lin typically meets a client at a vendor to try various equipment. Lin offered to meet claimant and his mother at a vendor and stand several hundred feet away to observe and assess whether claimant can safely and appropriately use a quadracycle. Lin testified that a video assessment would be inadequate because he would be unable to see the terrain or environment, whether there is a slight downhill or uphill, and whether there are distractions. Lin testified that to be confident that the quadracycle would be beneficial, he would need to see that claimant is able to leave his home and confirm that he wants to use cycling equipment to access the community. Lin expressed concern that approving the purchase of the quadracycle would be "jumping ahead" because claimant has never used a quadracycle.

11. Verdoza testified at hearing. She has been an RCEB case manager for over two years, and claimant's case manager for approximately two years. Verdoza spoke with claimant's mother about his need to go into the community more, and possibly funding swimming classes to address this need. Claimant's mother was going to research private swimming classes because of claimant's difficulties around new

people. Verdoza acknowledged that claimant needs time to acclimate to new people who might work with him.

12. Claimant's mother testified at hearing. She reported that claimant previously enjoyed riding his bicycle, but since the COVID-19 pandemic he becomes anxious in new social situations. Claimant's mother feels an in-person occupational therapy assessment would be a "setup to fail" given claimant's difficulties around strangers. Claimant's mother is trying to bridge the gap between his previous love of cycling and his current state of mind. Claimant watches bicycle riding videos, and smiles when watching others ride bicycles. Claimant's mother had hoped that claimant could obtain cycling equipment and start riding in summer 2025, and expressed disappointment that equipment was not approved by then. If approved, claimant's mother would like to ride with claimant on bike paths and in bike lanes, and ride with claimant to use basketball courts.

13. Claimant's mother reports that he is overweight despite eating a healthy diet. Laboratory test results confirm that claimant has high cholesterol and glucose levels. Claimant's mother is concerned that given his family history of cardiovascular disease, claimant is at risk of developing similar health issues.

14. Claimant's mother researched equipment she feels would best meet claimant's needs and presented an image of a "3-Way Hybrid Tandem" quadracycle that she requests RCEB fund. At hearing, she submitted an estimate from ParBikes for the quadracycle in the amount of \$8,585.

15. Claimant's mother testified regarding a plan for slowly acclimating claimant to the tandem quadracycle: she would park it in the garage for a few days, then claimant might touch the wheel, then claimant's mother would sit in it, and then

claimant would sit in it, eventually working up to claimant riding the quadracycle. Claimant's mother estimates this process would take approximately one month.

16. Julie Singh is claimant's dental hygienist. In an email, Singh described the gradual process of building a relationship with claimant to establish trust so that she could eventually perform dental cleanings on claimant. Singh reported that building a relationship with claimant took several months and required repeated positive interactions.

17. On January 7, 2026, Amina M. Mohammad, N.D., wrote a letter to "document the medical necessity of an adaptive motorized tandem bike." Claimant is a patient of Dr. Mohammad. She wrote that there are medical and safety considerations that prevent claimant from using a standard bicycle. Dr. Mohammad wrote that claimant currently has elevated cholesterol and abnormal glucose levels, along with a family history of cardiovascular disease. She opined that structured cardiovascular exercise is a medical imperative to reduce claimant's risk of cardiovascular complications based on his weight, medical history, and laboratory findings. Dr. Mohammad wrote that the tandem bicycle is a safe and effective means for claimant to engage in supervised exercise that would otherwise be inaccessible.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. The Lanterman Act provides that an "array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community." (§ 4501.) The purpose of the

Lanterman Act is to prevent or minimize the institutionalization of persons with developmental disabilities and their dislocation from family and community; and to enable persons with developmental disabilities to approximate the pattern of everyday living of nondisabled persons of the same age and lead more independent and productive lives. (§§ 4501, 4685; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388 [the term “intellectual disability” has now replaced the formerly used term “mental retardation”].)

2. The Department of Developmental Services is the state agency charged with implementing the Lanterman Act. It contracts with regional centers that are responsible for providing persons who have developmental disabilities with access to services and supports best suited for them. (§ 4620, subd. (a).)

3. While regional centers have a duty to provide a wide array of services to consumers, they are also directed by the Legislature to provide the services in a manner that reflects the cost-effective use of public resources. (§§ 4646, subd. (a), 4640.7, subd. (b).) Each regional center is also required to comply with the purchase of service policies established for the regional center and approved by the Department. (§ 4646.4, subd. (a).)

4. The Lanterman Act entitles claimant to an administrative fair hearing to review RCEB’s service decisions. (§ 4710 et seq.) Claimant bears the burden in this matter to prove that the Lanterman Act requires RCEB to deliver the services he requests.

5. It has not been established that RCEB erred in denying funding for an electric tandem quadracycle. Claimant established that exercise would be beneficial for his health, and it appears he engages in some exercise through walks in his

neighborhood. Claimant's mother is understandably concerned that an occupational therapy assessment would be unsuccessful given claimant's difficulties with new people. However, under RCEB's purchase of service policy for assistive technology, RCEB may conduct an assessment to ensure the selected equipment is accessible to claimant and meets his needs. RCEB established that before purchasing cycling equipment, a comprehensive in-person assessment is needed to select the correct equipment, and assess claimant and his ability to safely and effectively utilize the equipment. (Factual Finding 10.) RCEB also offered an accommodation to take into account claimant's limitations with new people. Claimant has not established that RCEB failed to provide needed services; at this time, it is unclear if claimant would benefit from the proposed electric tandem quadracycle because he will not ride a bicycle; he has never used a quadracycle; and he has not had any assessment.

ORDER

Claimant's appeal is denied.

DATE:

FRANCES M. VALDEZ
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.