

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

In the Matter of:

CLAIMANT,

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency

DDS No. CS0032541

OAH No. 2025120651

DECISION

Sandy Yu, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on January 27, 2026.

Claimant's mother (Mother) represented Claimant as his authorized representative. Claimant did not appear at the hearing. The names of Claimant and his mother are not used in this decision to protect their privacy.

Tami Summerville, Fair Hearings and Governmental Affairs Manager, represented South Central Los Angeles Regional Center (SCLARC).

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

ISSUE

1. Whether Claimant's fair hearing appeal regarding his challenges with receiving services from SCLARC is more appropriately addressed using the complaint process under Welfare and Institutions Code section 4731?

EVIDENCE RELIED UPON

Exhibits: SCLARC Exhibits 1 through 5; Claimant's Exhibits A and B.

Testimony: SCLARC Program Manager Saul Lopez; SCLARC Chief of Case Management Ayana Shepherd; and Mother.

FACTUAL FINDINGS

Background

2. The Department of Developmental Services (Department) administers the Lanterman Developmental Disabilities Services Act (the Lanterman Act) to ensure that necessary services and supports are provided to persons with developmental disabilities to help them lead more independent, productive, and normal lives. (Welf. & Inst. Code, § 4500.) SCLARC is one of 21 nonprofit regional centers established by the Lanterman Act to "evaluate the developmentally disabled persons (whom the [Lanterman] Act calls 'consumers'), develop individually tailored plans for their care, enter into contracts with direct service providers to provide the services and support

set forth in the plans, and monitor the implementation of those contracts and the consumers' plans. [Citations.]" (*Shalghoun v. North Los Angeles County Regional Center, Inc.* (2024) 99 Cal.App.5th 929, 937.) Each regional center serves consumers within a particular geographic area of the state known as a "service catchment area," as specified in a contract with the Department. (Welf. & Inst. Code, §§ 4620, subd. (a), 4640, subd. (a); Cal. Code Regs., tit. 17, § 54302, subd. (a)(58).)

3. Claimant is a 6-year-old child who receives Lanterman Act services and supports from SCLARC based on a qualifying diagnosis of autism spectrum disorder. He lives within SCLARC's service catchment area.

4. On July 30, 2025, Mother met with SCLARC Service Coordinators Lela Hanh and Cassandra Espinoza to develop Claimant's Individual Program Plan (IPP). During the IPP meeting, Mother inquired about funding for In-Home Supportive Services (IHSS) and transportation to and from Claimant's school. Ms. Hanh and Ms. Espinoza informed Mother that SCLARC does not fund IHSS but does offer in-home respite services and personal assistance services. They also informed Mother that SCLARC does not fund transportation for school-aged children. Following the IPP meeting, Ms. Hanh prepared an IPP report based on her discussions with Mother.

5. On October 20, 2025, Mother emailed Ms. Hanh requesting corrections to the IPP report. A few days later, on October 24, 2025, Mother sent another email requesting that Claimant's transportation needs and SCLARC's denial of IHSS be added to the IPP report.

6. On November 20, 2025, Ms. Hanh's supervisor, Saul Lopez, responded to Mother's emails, stating that he and Ms. Hanh had added the requested items to the

IPP report and that they would send her an updated IPP report and the Notices of Action (NOAs) regarding the denial of transportation services and IHSS.

7. On December 2, 2025, Mother filed a complaint with the Department's Office of the Ombudsperson alleging that SCLARC failed to provide the required documents, including NOAs, and include her requested corrections to Claimant's IPP. The Department's Office of the Ombudsperson responded to Mother by providing information regarding the fair hearing appeal process with OAH. On the same day, Mother also emailed Mr. Lopez requesting the contact information of his supervisor, Ms. Shepherd, and the following documents: 1) an updated IPP report; (2) all case notes; (3) all purchase of service information; (4) an NOA regarding Claimant's request for transportation services; and (5) an NOA regarding Claimant's request for IHSS. According to Mother, the updated IPP report included information she did not request and did not correctly incorporate the edits she had requested.

8. On December 10, 2025, Mother submitted a fair hearing appeal on behalf of Claimant, contending that "SCLARC and its providers have violated my son's rights under the Lanterman Act by failing to timely authorize and initiate services, delaying corrections and rewriting IPP documents without my informed consent, withholding records, failing to issue proper NOAs, and failing to ensure the timely implementation of medically necessary services needed to protect my son's health and safety." (Exh. 1, p. A3.)

9. On December 15, 2025, SCLARC issued an NOA denying Claimant's request for transportation services. The reason for the proposed denial was that generic resources, including school and family contribution are responsible for providing support. On the same date, SCLARC also issued an NOA denying Claimant's request for SCLARC to provide funding for IHSS. The proposed denial was based on

SCLARC not providing funding for IHSS, which is an in-home assistance program administered by the California Department of Social Services.

10. On December 15, 2025, Mother filed a complaint against SCLARC under Welfare and Institutions Code section 4731, contending that she “made multiple written requests for assistance and timely action regarding [Claimant’s] services and safety needs. These requests were delayed, not properly addressed, or left without resolution, resulting in service delays and [a] lack of appropriate support.” (Exh. 1, p. A7.)

11. On January 22, 2026, SCLARC reviewed the following allegations listed in her complaint: 1) she has made multiple requests for services to support Claimant’s safety needs and there have been delays which have violated Claimant’s rights; 2) there were delays in receiving NOAs regarding SCLARC’s denial of school transportation services and IHSS hours to include protective supervision; 3) there have been delays in multiple requests for corrections to Claimant’s IPP report and it was revised without Mother’s consent; 4) SCLARC has unauthorized Purchases of Services agreements in Claimant’s chart; and 5) Mother is unable to access emails when the emails are sent encrypted, yet SCLARC continues to send them in this format. After investigating, SCLARC concluded that they found no evidence of a violation of Claimant’s rights, but acknowledged that there were delays in issuing NOAs.

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Fair Hearing Appeal

SCLARC'S CASE

Saul Lopez

12. Mr. Lopez, SCLARC's Program Manager, testified that Mother requested changes to be made to the IPP report. Mr. Lopez explained that the service coordinators prepared the IPP report based on what they observed and heard during the IPP meeting.

Ayana Shepherd

13. Ms. Shepherd, SCLARC's Chief of Client Services, testified that on December 9, 2025, she emailed Mother, requesting a phone call with Mother to discuss Mother's concerns. She explained that Mother declined to speak with her over the phone. Ms. Shepherd testified that she reviewed the IPP report issue and proposed two options: 1) Mother reviews the current IPP report and writes on the existing document where she is suggesting revisions; or 2) Mother requests a new IPP to reflect Claimant's current status. Ms. Shepherd explained that without an approved IPP report, SCLARC cannot process services.

14. SCLARC contends that considering Claimant's issues are related to challenges with receiving services, the appropriate procedure to follow is the complaint process under Welfare and Institutions section 4731 rather than a fair hearing appeal.

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CLAIMANT'S CASE

15. Mother testified that she asked SCLARC to make corrections to the IPP report, to issue the NOAs for transportation services and IHSS, and to provide billing and case record documentation. Mother explained that although she received an updated IPP report, it did not reflect the corrections she requested, and it also included information that she did not request. Mother contended that SCLARC violated Claimant's rights under the Lanterman Act because the delays with the IPP report have caused harm to Claimant, as he has not been provided the services he needs.

16. Mother testified that she is not disputing SCLARC's denials of the transportation services and IHSS. Mother stated that she understands that SCLARC cannot pay for transportation and IHSS. However, Mother contended that SCLARC is required to issue NOAs within five business days of her request, which was not done in Claimant's case.

LEGAL CONCLUSIONS

1. "Any applicant for or recipient of services, or authorized representative of the applicant or recipient, who is dissatisfied with a decision or action of the regional center . . . shall, upon filing a request within 60 days after notification of that decision or action, be afforded an opportunity for an informal meeting, a mediation, and a fair hearing." (Welf. & Inst. Code, § 4710.5.) The fair hearing procedures in the Lanterman Act describe two types of notifications that a regional center must provide a consumer about a decision or action from which a request for a fair hearing can result. First, a regional center must provide a notification when it proposes to "reduce, terminate, or

change services set forth in an . . . [IPP]" or when a consumer is determined to be no longer eligible for services. (Welf. & Inst. Code, § 4710, subd. (a)(1)-(2).) Second, a regional center must provide a notification when it decides "to deny the initiation of a service or support requested for inclusion in the [IPP]." (*Id.*, subd. (b).) Specifically, if a person requests regional center services and is found to be ineligible for these services, the regional center shall give adequate notice within five business days of the time limits set forth in Welfare and Institutions Code sections 4642 and 4643. (Welf. & Inst. Code, § 4710, subd. (e).)

2. The Lanterman Act also establishes a separate complaint process for a consumer or authorized representative "who believes that any right to which a consumer is entitled has been abused, punitively withheld, or improperly or unreasonably denied by a regional center . . . or service provider. . . ." (Welf. & Inst. Code, § 4731, subd. (a).) The complaint is first submitted to the involved regional center's director, who shall investigate and send a written proposed resolution. (*Id.*, subd. (b).) If the complainant is not satisfied with the proposed resolution, the complaint can be elevated to the Department. (*Id.*, subd. (c).)

Disposition

3. In this case, Claimant's fair hearing appeal does not involve a proposed reduction, termination, or change of service set forth in Claimant's IPP, or a denial of the initiation of a service or support. (Welf. & Inst. Code, § 4710, subds. (a), (b).) At the hearing and in Claimant's fair hearing appeal, Mother alleges that SCLARC violated Claimant's rights under the Lanterman Act in a variety of respects, but she does not challenge the proposed reduction, termination, or change of a service. Furthermore, while SCLARC issued NOAs with respect to the denial of transportation and IHSS services, Mother testified she only challenges the timing of the denials, not their

substance. Therefore, this appeal also does not involve a dispute about a denial of the initiation of a service or support.

4. Given these considerations, the complaint procedure in Welfare and Institutions Code section 4731 is the appropriate process to address Mother's concerns, not this fair hearing appeal. While the Department's Office of the Ombudsperson provided information to Mother about the fair hearing appeal process, the details of the dispute do not fit that process. Therefore, dismissal of this appeal is warranted.

ORDER

Claimant's appeal is dismissed.

DATE:

SANDY YU

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.