

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

In the Matter of the Fair Hearing Requests of:

CLAIMANT,

and

WESTSIDE REGIONAL CENTER, Service Agency.

DDS No. CS0031772

OAH No. 2025110851 (Related)

DDS No. CS0032520

OAH No. 2025120798 (Related)

DDS No. CS0031774

OAH No. 2025110836 (Related)

DECISION

Eric Sawyer, Administrative Law Judge (hearing officer), Office of Administrative Hearings (OAH), State of California, heard these consolidated matters by videoconference on February 3, 2026.

Claimant represented himself. (Claimant's name is omitted to protect his privacy and maintain the confidentiality of this proceeding.)

Ron Lopez, IDEA Specialist, represented Westside Regional Center (service agency).

The record closed and the matter was submitted for decision at the conclusion of the hearing.

ISSUES

1. Shall service agency provide funding for claimant to receive Eye Movement Desensitization Reprocessing (EMDR) therapy, as well as an iPad 17 Pro Max, bump for the blind adhesive dots, and a computer for the blind with an appropriate screen reader? (OAH Case No. 2025110836.)

2. Shall service agency provide funding for claimant to reside at ETTA Village? (OAH Case No. 2025110851.)

3. Shall service agency fund claimant's monthly housing rent? (OAH Case No. 2025120798.)

EVIDENCE RELIED ON

In making this Decision, the hearing officer relied on service agency exhibits 1 through 7, claimant exhibits 101 through 144, as well as the testimony of Program Manager Ann Moore and claimant.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Service agency determines eligibility and provides funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act), among other entitlement programs. (Welf. & Inst. Code, § 4500 et seq.; subsequent undesignated statutory references are to this code.)

2. Claimant is 41 years old and a consumer of service agency under the eligible category of autism. (Ex. 3.)

FUNDING FOR EMDR THERAPY AND IMPAIRED-VISION EQUIPMENT (OAH CASE NUMBER 2025110836)

3. Claimant first requested service agency funding for the iPad, computer for the blind, and bump dots in July and September 2024. (Ex. 103, p. B9.) Service agency denied those requests in August and October 2024. However, in connection with a complaint claimant filed under section 4731, the Department of Developmental Services (DDS) found that service agency violated the Lanterman Act by not issuing notices of action at those times. (*Ibid.*) The record does not establish when claimant first requested funding for the EMDR therapy, but he did so no later than October 8, 2025. (Ex. 128, p. B108.)

4. On October 10, 2025, service agency issued claimant a notice of action (NOA) advising him that his requests for EMDR therapy and the impaired-vision equipment were denied because claimant had not exhausted available generic resources. (Ex. 1, p. A18.)

5. On November 10, 2025, claimant filed an appeal with DDS, requesting to mediate service agency's denial of funding. (Ex. 2.)

6. On December 9, 2025, claimant filed an amended appeal requesting a fair hearing to challenge service's agency denial of funding. (Ex. 2, p. A14.)

ETTA VILLAGE REFERRAL (OAH CASE NUMBER 2025110851)

7. On January 16, 2025, claimant requested service agency for a referral to ETTA Village for housing services. In connection with the above-described complaint claimant filed under section 4731, DDS found service agency denied the request on April 16, 2025, but violated the Lanterman Act by not timely issuing an NOA. (Ex. 103, p. B9.)

8. On October 10, 2025, service agency issued claimant a NOA advising him his request was denied because ETTA Village is not vendored with service agency. (Ex. 2, p. A12.)

9. On November 10, 2025, claimant filed an appeal with DDS, requesting to mediate service agency's denial of funding. (Ex. 2.)

10. On December 9, 2025, claimant filed an amended appeal requesting a fair hearing to challenge service's agency denial of funding. (Ex. 2, p. A10.)

HOUSING RENTAL SUBSIDY (OAH CASE NUMBER 2025120798)

11. The record does not establish when claimant first requested service agency to pay his monthly housing rent.

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12. On December 10, 2025, service agency issued claimant a NOA advising him that his request for independent housing funding was denied because claimant did not have a sustainable financial plan in place showing how his rent and other living expenses could be met independently, and thus the request was not cost-effective. (Ex. 2, p. A28.)

13. On December 9, 2025, claimant filed an appeal with DDS, requesting both mediation and a fair hearing to challenge the funding denial. (Ex. 2, p. A24.)

14. By order of OAH, all three of these matters were consolidated for hearing, without objection by claimant. Pursuant to section 4712.2, subdivision (b), only one decision is required since the consolidated matters involve the same claimant.

Claimant's Relevant Background Information

15. Claimant previously lived in his own home, supported by service agency funding for 150 hours per month of Supported Living Services (SLS) and 200 hours per month of Personal Assistance (PA). (Ex. 104, p. B16.) However, claimant testified he was evicted from that location, and now resides with a friend in a catchment area of another regional center.

16. Claimant's individual program plans (IPPs) executed in March 2024 and January 2025 document his vision is impaired due to an incident in the past with a neighbor during which he was pepper sprayed. (Exs. 3, 104.) Claimant testified that he is blind.

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17. According to a letter written by Dr. Daniel Duel in 2023, claimant has been diagnosed with Attention Deficit Disorder, Major Depressive Disorder, and Post-Traumatic Stress Disorder (PTSD), and has received mental health services from Alcott Center since 2018. (Ex. 132, p. B129.)

18. Claimant's 2024 IPP notes he has medical insurance coverage through Medi-Cal. (Ex. 108, p. B53.)

Claimant's Service Requests

EMDR THERAPY

19. EMDR is a specialized therapy designed to alleviate stress associated with traumatic memories, used mostly for those suffering from PTSD. In an e-mail claimant sent to his service coordinator in October 2025, he wrote that he needs EMDR therapy "to manage my PTSD." (Ex. 128, p. B108.)

20. Claimant testified he needs in-person EMDR therapy because he is blind and therefore cannot do it over Zoom or a like video platform.

21. When claimant requested EMDR therapy from his service coordinator in October 2025, he was advised to seek funding for it through his insurance. (Ex. 128, p. B108.)

22. Program Manager Ann Moore testified on behalf of service agency. Ms. Moore testified claimant should request funding for EMDR therapy from his medical insurance; if such a request is denied, he should provide a copy of the insurance denial to service agency. Ms. Moore advised that service agency would review and respond to such a funding request within 30 days.

IMPAIRED-VISION EQUIPMENT

23. Claimant testified he needs the computer equipment, and bumps for the blind adhesive dots that can be placed on computer equipment, to assist him with his vision impairment.

24. Claimant's 2025 IPP states, "It is important for [claimant] to continue using his communication lap top device as needed to communicate when needed. [Service agency] will provide resources to assist in this area as they become available and are requested." (Ex. 104, p. B16.)

25. Ms. Moore testified that she was unaware claimant is blind, and during the hearing she advised him to submit to service agency a medical note substantiating his blindness, which would assist service agency in determining the necessity of services and supports related to his impaired vision.

26. Ms. Moore further testified that claimant is required to exhaust available generic resources before service agency could consider this funding. In claimant's case, available generic resources are Medi-Cal (claimant's current health insurance); organizations that support people with visual impairments, such as the American Foundation for the Blind (AFB) and Wayfinder Family Services (Wayfinder); and the Department of Rehabilitation (DOR), which could help provide computers and other assistive technologies for the blind and visually impaired as part of a rehabilitation plan.

27. Ms. Moore testified that claimant should request funding for such equipment from these sources; if denied, he should provide service agency with proof of such denials, in which case service agency can re-assess the request.

28. Claimant testified that he contacted AFB and Wayfinder but was advised they do not provide computer equipment to individuals. Claimant testified that due to the IPP provision referencing computers, service agency should contact DOR on his behalf to inquire about such funding. Claimant also testified that, so far, service agency has not referred him to any source that will provide funding for this equipment. Ms. Moore testified service agency has not been provided with copies of any such denials from claimant.

29. Claimant testified that in the past he has not been required by service agency to submit evidence of his vision impairment. He testified the service agency already knows of his vision impairment, as demonstrated by the references to it in his last two IPPs. (Ex. 3.)

ETTA VILLAGE

30. ETTA, formerly known as ETTA Israel, has been a provider of services for people with intellectual and developmental disabilities since 1963. (Ex. 131, p. B126.) Among the many services offered by ETTA are SLS and community integration. ETTA also is completing construction on an apartment complex, known as ETTA Village, which will house disabled persons. (Test. of Moore, claimant.)

31. In 2024, claimant requested SLS from ETTA, but was put on a wait list. (Ex. 116, p. B72.) He was unhappy about that because ETTA is aligned with his Jewish faith. Another SLS provider was found for him. (Exs. 116, 3.)

32. In January 2025, claimant requested housing at ETTA Village. Claimant's goal is to receive SLS from ETTA while living in ETTA Village. (Test. of claimant; Exs. 116, 133.)

33. In early 2025, claimant's service coordinator was able to get claimant on the wait list for ETTA Village, which was not yet accepting applications because the apartment complex was still being constructed. (Test. of Moore.)

34. Construction of ETTA Village was recently completed. ETTA Village decides who from its wait list it will accept an application for housing. (Test. of Moore.) No evidence presented indicates ETTA Village has invited claimant to apply.

35. While ETTA is vendored with service agency as an SLS provider and for community integration, the ETTA Village apartment complex is not. Service agency learned ETTA Village is not vendored with any regional center. The apartment complex is privately funded. (Test. of Moore; Ex. 131.)

36. Thus, Ms. Moore testified that even if claimant is selected by ETTA Village to live there, service agency could not pay for claimant's housing at ETTA Village because it is not a vendor of service agency.

37. Claimant testified that ETTA Village should be considered vendored by service agency because ETTA is vendored to provide SLS and community integration. While claimant testified he is dubious that ETTA Village is solely funded by private sources, the only evidence presented on this issue indicates that it is.

38. Claimant testified that his request for ETTA Village funding was denied because he is being retaliated against for his prior complaints to DDS about service agency and his prior SLS provider.

39. Because ETTA Village is aligned with his faith, claimant believes his rights to practice his faith are being violated by service agency denying his request for funding to live at ETTA Village.

HOUSING RENTAL SUBSIDY

40. The earliest documented request by claimant for housing subsidy in the record is e-mail correspondence between claimant and Ms. Moore in April 2025. By that time, claimant had been evicted from his prior home, and also advised he was on the ETTA Village wait list. Thus, claimant requested service agency to issue him hotel vouchers. (Test. of claimant; Ex. 131.)

41. Ms. Moore referred claimant to 211 LA, an organization that provides emergency hotel/motel vouchers for individuals in Los Angeles County experiencing homelessness. Ms. Moore also referred claimant to Shared Housing, a program that assists individuals to find shared housing in the community. (Ex. 133, pp. B131-132.) Claimant testified that when he contacted 211 LA, he was advised that he was not eligible for vouchers because he is a regional center consumer. He also testified that he is not opposed to shared housing.

42. Claimant testified he needs service agency funding for housing because he cannot afford fair market rents out of his limited Social Security Income (SSI), and currently he is on the wait list for Section 8 housing vouchers.

43. Claimant would like his service coordinator to assist him with developing a budget and spending plan he can use to apply to apartments for housing. (Test. of claimant.)

44. On dates not established, claimant has provided service agency with information about various apartment complexes throughout West Los Angeles where he would like to live, ranging in monthly rents from \$2,425 to \$3,400 for a one bedroom apartment. (Exs. 118-122.)

45. Ms. Moore testified that service agency cannot use its funds to pay for a consumer's general rent. She opined that while the Lanterman Act allows service agency to provide funding for SLS in a consumer's independent home, the consumer is responsible for paying the rent. Similarly, while service agency can assist with funding for a group home, the consumer is still responsible for paying the "board and care" portion of the expense.

46. Ms. Moore testified that because claimant has low income, service agency can help him look for low income housing in its catchment area. She also testified that claimant's SLS provider can help him look for and apply to a suitable housing arrangement.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. An administrative hearing to determine the rights and obligations of the parties is available under the Lanterman Act to appeal a contrary regional center decision. (§§ 4700-4717.) Claimant timely appealed service agency's various NOAs denying his funding requests. Therefore, jurisdiction exists for this appeal. (Factual Findings 1-14.)

2. The standard of proof in this case is the preponderance of the evidence because no law or statute, including the Lanterman Act, requires 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.)

3. When one seeks government benefits or services, the burden of proof is on him. (See, e.g., *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefits].) Since service agency has not before agreed to provide any of the requested funding, claimant bears the burden of proving by a preponderance of the evidence that he is entitled to the funding.

Governing Law

4. The Lanterman Act acknowledges the state's responsibility to provide services and supports for developmentally disabled individuals and their families. (§ 4501.)

5. However, the Lanterman Act makes a distinction between those services which address a consumer's developmental disability and the services that are common to everyone, disabled or not. Section 4512, subdivision (b), defines services and supports that can be funded under the Lanterman Act 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."

6. Although regional centers are mandated to provide a wide range of services to facilitate implementation of an IPP, they must do so in a cost-effective manner. (§§ 4640.7, subd. (b); 4646, subd. (a); 4648, subd. (a)(8).)

7. Regional centers are prohibited from funding duplicate services that are available through another publicly funded agency or other "generic resources." Regional centers are required to "identify and pursue all possible sources of funding."

(§ 4659, subd. (a).) Examples of generic resources include Medi-Cal, private insurance, school districts, and federal security income. (§ 4659, subd. (a)(1) & (2).) Regional centers shall not purchase any service that would otherwise be available through Medi-Cal, Medicare, In-Home Support Services, or private insurance. (§ 4659, subd. (c).)

8. Under the Lanterman Act, regional centers are required to fund services through vendored service providers. (§ 4648, subd. (a)(3)(A).) Service providers must complete a detailed application process in order to be approved as a vendored provider. (Cal. Code Regs., tit. 17, § 54310.)

Disposition

EMDR THERAPY

9. Claimant requests this service to address his PTSD, a mental health disorder. Aside from claimant presenting no evidence showing a medical necessity for this service, he failed to explain how this therapy will address his autism. As section 4512, subdivision (b), limits funding under the Lanterman Act to services and supports addressing a developmental disability, and claimant has failed to establish such a connection, this service request falls outside the scope of services regional centers are authorized to fund. (Factual Findings 15-22; Legal Conclusion 5.)

10. In addition, claimant's current health insurance, Medi-Cal, may provide funding for this therapy, assuming a medical necessity. Medi-Cal is a generic resource from which regional center is required to seek funding before deciding whether to do so itself. In this case, claimant presented no evidence indicating whether he has requested Medi-Cal to fund this therapy. As service agency is required to identify and pursue available generic resources, it shall assist claimant in determining whether Medi-Cal can fund this therapy. (Factual Findings 15-22; Legal Conclusion 7.)

IMPAIRED-VISION ASSISTANCE DEVICES

11. Claimant requests this equipment to address his vision impairment. He presented no evidence or explanation for how this equipment will address his autism. While it is clear service agency knows his vision is impaired, it is not clear service agency understands the extent of claimant's impairment. Thus, Ms. Moore's request for medical documentation substantiating the level of claimant's vision impairment is reasonable.

12. As section 4512, subdivision (b), limits funding under the Lanterman Act to services and supports addressing a developmental disability, and claimant has not demonstrated such a connection, this funding request falls outside the scope of supports regional centers are authorized to fund. (Factual Findings 15-29; Legal Conclusion 5.)

13. Claimant indicates that AFB and Wayfinder do not provide this kind of equipment. It is doubtful Medi-Cal would provide this equipment either. There is not enough information in the record to determine if DOR is a viable option, and it appears neither party has requested DOR to provide it. Thus, even if this equipment is related to claimant's developmental disability for purposes of section 4512, subdivision (b), both parties are required to pursue DOR for funding before service agency considers whether to do so itself. (Factual Findings 15-29; Legal Conclusion 7.)

ETTA VILLAGE AND HOUSING SUBSIDY

14. As a threshold matter, service agency cannot pay for claimant to live at ETTA Village because ETTA is not vendored with service agency to provide that service. The Lanterman Act is clear that a regional center may only expend funds to an entity that has gone through the vetting process of vendorization, with whom the regional

center has a vendor agreement or contract. The vendorization process ensures that the provider is qualified to provide the service or support in question, and that the amount it is paid is in line with the statutory and regulatory guidelines. While ETTA is vendored to provide SLS and community integration services, it is not vendored with service agency to provide housing. (Factual Findings 30-39; Legal Conclusion 8.)

15. Perhaps one reason ETTA Village is not vendored with service agency is that the Lanterman Act generally does not support regional center funding for housing. Section 4512, subdivision (b), lists numerous examples of fundable services and supports, which, pertinent to housing, "may include, but are not limited to, . . . special living arrangements, . . . information and referral services, . . . assistance in locating a home, . . . emergency and crisis intervention, . . . supported living arrangements, . . . [and] vouchers."

16. Although the phrase "including, but not limited to" indicates enlargement of the list of items specifically noted, the use of this phrase does not mean the Legislature intended a category without limits. (*People v. Giordano* (2007) 42 Cal.4th 644, 660.) Statutes are to be given a reasonable and commonsense interpretation consistent with the apparent legislative purpose and intent "and which, when applied, will result in wise policy rather than mischief or absurdity." (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1392.)

17. It is significant that while section 4512 specifically lists housing-related services, such as assistance in locating a home, special living arrangements, or supported living services, it does not include paying rent or a mortgage. This indicates the Legislature did not contemplate indefinite funding for housing as an available service. This determination is consistent with the general definition of fundable

services and supports contained in section 4512, subdivision (b), in that funding for housing is not directed toward the alleviation of a developmental disability.

18. In fact, the only mention of funding for housing contained in the Lanterman Act is at section 4689, subdivision (h)(1), which allows a regional center to make rent, mortgage, or lease payments related to an adult consumer's supported living service arrangement, but only for six months or less, and when required because of a consumer's demonstrated risk of homelessness, or a medical, behavioral, or psychiatric condition, which presents a health and safety risk to the consumer or another. In this case, it was not established that claimant is suffering from any such health and safety risk, or that he otherwise is homeless; in any event, claimant is requesting an indefinite housing subsidy, not short-term help for six months or less.

19. Claimant's arguments are not persuasive that service agency's denial of his request to live at ETTA Village was retaliatory or a violation of his right to practice his faith. Aside from his arguments being based on conjecture, it is clear service agency denied the request because ETTA Village is not a vendored provider. Anecdotally, service agency expressed no problem with funding ETTA for SLS; it has not been funded because ETTA currently is not available to provide claimant SLS and has put him on its wait list. ETTA Village also put claimant on its wait lists for housing and has not yet asked him to submit an application. Thus, claimant ultimately has not received services from ETTA due to its unavailability, not efforts by service agency to deprive claimant of its services.

20. Based on the above, service agency is prohibited from providing funding either for claimant to live at ETTA Village, or to provide indefinite housing subsidy elsewhere. However, service agency should assist claimant to develop a budget and

spending plan, and otherwise provide housing information, referrals, and assistance in locating a home. (Factual Findings 30-46; Legal Conclusion 5.)

ORDER

Service agency shall not provide funding for claimant to receive EMDR therapy, an iPad 17 Pro Max, bump for the blind adhesive dots, or a computer for the blind with an appropriate screen reader.

Service agency shall not provide funding for claimant to reside at ETTA Village.

Service agency shall not pay claimant's monthly housing rent.

DATE:

ERIC SAWYER

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.