

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

In the Matter of:

CLAIMANT

and

TRI-COUNTIES REGIONAL CENTER,

Service Agency.

DDS No. CS0032612

OAH No. 2025120831

PROPOSED DECISION

Erlinda Shrenger, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on May 14, 2026.

Brenda Hurtado, Services and Supports Manager, represented Tri-Counties Regional Center (Service Agency or TCRC). Mindy Vann, Federal Programs Manager, was also present at the hearing.

Marlene Lueck and Melissa Lander represented claimant as her non-attorney authorized representatives. Claimant's father (Father) and mother (Mother) were also

present at the hearing. Claimant and her family members are identified by titles to protect their privacy.

Oral and documentary evidence was received. The record closed and the matter was submitted for decision on May 14, 2026.

ISSUE

Should Service Agency be required to increase claimant's current Self-Determination Program (SDP) budget to include funding for adaptive skills training through Life Lab LA (Life Lab)?

EVIDENCE RELIED UPON

Documentary: Service Agency exhibits 1-29; claimant exhibits A and B.

Testimonial: Kathy Gomez-Rosetti, TCRC Service Coordinator; Vasti Mezquita, TCRC Transition Team Manager; Veronica Rodriguez-Torres, TCRC Self-Determination Manager; and Father.

Background

1. Claimant is a 16-year-old female who qualifies for regional center services based on a diagnosis of autism. Claimant is a participant in the SDP. She is currently in her second year in the SDP (Year 2). Claimant's budget and spending plan for Year 2 are effective August 1, 2025, to July 31, 2026.

2. On June 4, 2025, Service Agency prepared claimant's Year 2 budget by reviewing the previous 12 months of purchase of service authorizations for claimant.

(Exh. 8.) In the SDP, a consumer's individual budget is the total amount of the most recently available 12 months of purchase of service expenditures, with adjustments made to that amount due to a change in the consumer's circumstances, needs or resources, or when the IPP team identifies prior needs or resources that were unaddressed in the IPP. (Exh. 19, pp. A144-A145; Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A).)

June 17, 2025 IPP

3. On June 17, 2025, Service Agency held an Individual Program Plan (IPP) planning team meeting to review claimant's services to determine if she had any change in circumstances, needs, or resources, or any unmet needs, that would warrant an adjustment to claimant's Year 2 budget. The planning team's discussion at this meeting is summarized in claimant's IPP dated June 17, 2025. (Exh. 5.)

4. Claimant's service coordinator, Kathy Gomez-Rosetti, participated in the June 17, 2025 IPP planning team meeting. At hearing, Gomez-Rosetti testified the planning team identified claimant as having unmet needs requiring Personal Assistance services (PA services), which are noted in the IPP in the areas for Home Life and Community Participation.

5. TCRC Policy 09103 defines PA services as services that help a person with a developmental disability perform tasks and maintain their safety. (Exh. 23.) The primary focus of PA services is the completion of the task; PA services do not include teaching or training new skills. Under TCRC Policy 09103, PA services could include support with personal hygiene, such as bathing, grooming, dressing, and using the restroom; housekeeping, such as dusting, sweeping, mopping, vacuuming, and dishes; accessing the community for required activities, such as travel support, banking,

grocery shopping, medical appointments, and employment; and supervision for safety at home and in the community. (*Ibid.*)

6. Claimant's IPP goal in the area of Home Life is to "continue to live in a safe and supportive environment with the support she needs to become independent and prepare for her adulthood." (Exh. 5, p. A52.) The IPP states that claimant lives part time at each of her parents' homes. Both of her parents are actively involved in her daily care and decision-making. Claimant attends high school and receives special education services including speech therapy, occupational therapy, adaptive physical education, and transportation.

7. In the area of Home Life, the IPP states that claimant needs assistance, reminders, and prompts to complete some of her personal care. She requires multiple reminders to get out of bed and start her day. She receives guidance with choosing weather appropriate clothes, tempering water, showering thoroughly, brushing and flossing her teeth, shaving and personal hygiene, particularly during menses. If supervised, claimant can safely use the microwave oven and stove. Claimant requires supervision in the kitchen because she has a high tolerance for pain and may not be aware when appliances or dishes are hot. Claimant is never left at home alone, and she requires supervision at all times in the community to remain safe. Claimant does not recognize social dangers, strangers, and inappropriate behaviors. She requires assistance to reliably cross the street after looking both ways for cars. She has limited judgment and social awareness, which leaves her vulnerable to being taken advantage of by others. Claimant behavioral concerns include resistance to hygiene related tasks, crying when denied a preferred activity, and anxiety.

8. Claimant's IPP goal in the area of Community Participation is to "increase her social skills and engage with peers at camp and social recreational activities." (Exh.

5, p. A48.) In the area of Community Participation, the IPP states that claimant requires guidance to initiate and engage in social interaction with others. She communicates in few words and struggles to communicate her feelings. She requires time to process and is easily distracted, which requires prompting to return to task. Claimant will not engage in conversation if a topic is not of interest to her.

9. Based on claimant's unmet need for PA services, the planning team agreed to provide claimant with 142 hours per month of PA services, which equates to 33 hours per week. The PA services are intended to provide claimant with supervision, assistance, reminders, and prompts in all settings. The Year 2 budget was modified to include a total of 142 hours per month of PA services. (Exh. 8.)

10. Service Agency prepared a schedule of the services and supports that claimant receives each day during a seven-day week. (Exh. 17.) Service Agency contends claimant is receiving services that address all of her needs, and there is no room in her schedule to add any other services.

HOPE Assessment

11. In July 2025, Parents requested social skills services for claimant from Service Agency because they were concerned with claimant's skills deficits in the areas of socialization, communication, and making and maintaining friendships. Subsequently, Service Agency referred claimant for a social skills assessment with its vendor, Help Opportunity Prosperity Education (HOPE). HOPE assessed claimant on July 17, 2025, and prepared a written Social Skills Assessment Report containing its findings and recommendations. (Exh. 13.)

12. HOPE used the assessment tools and procedures specified in its written report, including the Social Skills Improvement System (SSIS). (Exh.13, pp. A75-A76.)

The results of the SSIS were based on Mother's rating of claimant's social emotional behavior using the SSIS SEL Edition Parent Form, which measures social-emotional skills in the following five competencies: Self-Awareness, Self-Management, Social Awareness, Relationship Skills, and Responsible Decision Making. Claimant's scores were in the Average interpretative range for the five competencies except Self-Management; claimant's scores for Self-Management were in the Above Average interpretative range. (*Ibid.*) Additionally, claimant's score on the SEL Composite scale, which represents an overall index of social-emotional functioning, was in the Average interpretative range. (*Id.* at p. A76.)

13. HOPE interviewed Father as part of the assessment. In his interview with HOPE, Father expressed his desire for claimant to increase her ability to socialize with same aged peers, create and maintain friendships, express herself, be flexible with change, and increase her community awareness. According to Father, claimant will not initiate conversations but she will join conversations of preferred topics, but she will not maintain the conversation unless she is prompted; she will refuse to participate in activities and take turns if the activity is non-preferred; and claimant is not fully aware of a variety of safety concerns.

14. HOPE's assessor interviewed and observed claimant at claimant's family home. Claimant's caregiver was present during the interview and observation. Claimant did not respond when the assessor arrived and greeted claimant. When the assessor introduced herself and described HOPE's services, claimant responded, "why are you here?" and "I don't care." (Exh. 13, p. A79.) When the assessor asked claimant if they could have a small conversation, claimant responded, "I don't want to answer questions." (*Ibid.*) When the caregiver prompted claimant to comply with the assessor, claimant remained quiet. The assessor noted claimant did not maintain appropriate

body language and refused to answer questions. Claimant did not ask any questions or maintain the conversation. Instead, claimant relied on the assessor and the caregiver to maintain the conversation. (*Ibid.*)

15. Based on its assessment, HOPE determined that claimant's deficits "have become a barrier to the quality of life." (Exh. 13, p. A79.) HOPE found that claimant "is in need of enhancement of her social skills, conversation skills, community integration, social interaction, community awareness, making and maintaining friendships." (*Ibid.*) HOPE recommended that claimant receive 12.5 hours per month of group services and four hours per month of individual services. (*Id.* at p. A82.)

16. HOPE recommended goals for claimant in the following areas: Communication (staying on topic, body language); Cooperation (turn taking, group play, following directives); Empathy (expressing emotions); Engagement (greeting, recalling and sharing, initiating and joining a conversation, introducing herself, social interactions); Self-Control (staying calm under stress, anxiety or anger); Problem Behaviors (flexible with change, transitions); and Community Skills (making a purchase, community awareness, street safety). (Exh. 13, pp. A80-A81.)

September 17, 2025 IPP Amendment

17. Pursuant to an IPP Amendment dated September 17, 2025, Service Agency agreed to "add 12 months of social skills services through HOPE in the SDP budget." (Exh. 7.) Claimant's Year 2 budget was amended to include funding for the 12.5 hours per month of group services and four hours per month of individual services recommended by HOPE. (Exh. 9.) The services are listed on claimant's Year 2 budget as "Adaptive Skills" under service code 605, even though the IPP Amendment and HOPE's written report refers to "social skills services." (Exhs. 7, 13.) At hearing,

Veronica Rodriguez-Torres, TCRC's Self-Determination Manager, explained that, in TCRC's computer system, social skills is under the same service code as adaptive skills. Thus, HOPE's social skills services are shown in claimant's Year 2 budget as "Adaptive Skills" under service code 605.

Life Lab Assessment

18. During the planning process for claimant's Year 2 budget, Parents requested funding for adaptive skills services for claimant. Parents felt adaptive skills services were appropriate to teach claimant skills to become independent and assist her transition to adulthood. When Service Agency notified Parents it did not have an adaptive skills provider to conduct an assessment, Parents offered to locate a provider and privately fund the assessment, which they did. Parents obtained an adaptive skills assessment of claimant through Life Lab, a non-vendored provider.

19. In September 2025, Life Lab completed an adaptive skills assessment of claimant to address her deficits in communication, self-advocacy, safety awareness, and social reciprocity that limit her independence at home and in community settings. Life Lab prepared an Initial Assessment report dated September 15, 2025, which summarized its findings and recommendations. (Exh. 14.)

20. For the assessment, Life Lab administered the Indirect Adaptive Skills Questionnaire to Parents on August 22, 2025, to obtain background information. (Exh. 14, p. A84.) Then, on September 5, 2025, Life Lab administered the Essential for Living (EFL) assessment of functional skills to claimant. (*Id.* at pp. A84-A85.) The purpose of the EFL assessment is to identify functional skills that will "prevent or help alleviate problem behavior" and "promote individual levels of independence. (*Id.* at p. A85.)

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21. Based on its assessment, Life Lab recommended claimant receive adaptive skills training of 104 hours per month, consisting of approximately 20 hours per week of 1:1 direct service and four to five hours per week of Board Certified Behavior Analyst (BCBA) support. (Exh. 14, p. A83.) Life Lab developed goals and a treatment plan, which are set forth in its written report. (*Id.* at pp. A88-A90.) The Life Lab goals cover the areas of Communication and Self-Advocacy (increase ability to communicate internal state and specific needs); Socialization (practice reciprocal social interactions); Self-Regulation (use coping strategies when experiencing frustration or anxiety); Community Integration (increase independence in community activities, such as ordering food, paying at a store, and participating in recreation); and Safety Awareness (follow staff redirection in potentially unsafe scenarios). (*Ibid.*)

Service Agency Denial

22. Parents provided the September 15, 2025 Life Lab assessment report to Service Agency in support of their request to increase claimant's Year 2 budget to include funding for adaptive skills services (104 hours per month) through Life Lab.

23. On November 13, 2025, Service Agency notified Parents, in writing, that it was unable to approve their request to "[add] additional services to the current budget beyond those already approved." (Exh. 2.) The letter explained the basis for denial as follows:

At this time, there is no documented change in circumstances or identified unmet need that would warrant a revision to [claimant's] current budget. Therefore, TCRC will not be moving forward with the request to expand services beyond what is currently authorized.

Please note, this decision does not constitute a denial of Adaptive Skills Training. TCRC has approved services through HOPE Social Skills to address [claimant's] socialization and community integration needs. Adding Life Labs would be considered a duplication of services because both are under the same service code, and HOPE is the local agency vendor contracted with our regional center. As such, it is the vendor we are required to utilize.

(Exh. 2, p. A8.)

24. In the November 13, 2025 letter, Service Agency also reminded Parents that under the SDP, "you are welcome to reallocate existing funds to access services of your choice. Please keep in mind that selecting higher-cost services may reduce the overall number of hours or activities available within the current budget. [¶] As discussed, TCRC fully supports [claimant's] participation in community-based activities through services currently included in her budget and [IPP], such as a personal assistant, social recreation activities, and camp." (Exh. 2, p. A8.)

25. Parents appealed Service Agency's denial of their request to increase claimant's Year 2 budget to fund adaptive skills services through Life Lab. Service Agency held an informal meeting with Parents on January 15, 2026, which did not resolve the matter. (See Exh. 3.)

February 13, 2026 Revision to Year 2 Budget

26. In February 2026, claimant's Year 2 budget was adjusted to reflect revised rates for certain services implemented by the California Department of Developmental Services (DDS). (Exh. 20.) DDS increased the rates for certain services, including

Adaptive Skills Training under service code 605. (*Ibid.*) Accordingly, on February 13, 2026, claimant's Year 2 budget was adjusted by adding \$47,629.08 to the budget as the revised rate for 12 months of adaptive skills services for claimant. (See Exh. 10.)

27. On May 8, 2026, claimant's Year 2 spending plan was revised to include the \$47,629.08 funding for 12 months of adaptive skills services. (Exh. 12, p. A73.)

28. At hearing, Rodriguez-Torres explained how the \$47,629.08 funding could be used for claimant's adaptive skills services in Year 2. The Year 2 spending plan identifies Life Lab as the provider because Parents chose to use Life Lab as the provider of the adaptive skills services for the last three three months of claimant's Year 2 spending plan, i.e., for May, June, and July of 2026. The \$47,629.08, which is an annual amount, was allocated over three months, which equates to \$15,876.36 per month. Thus, \$15,876.36 is available in each of the months of May, June, and July 2026, to fund adaptive skills services in those months.

29. Rodriguez-Torres explained that \$47,629.08 is the total funding for 12 months of adaptive skills services for claimant. As such, that amount will be carried forward into claimant's third year (Year 3) SDP budget as the funding for adaptive skills services. That amount may be adjusted for Year 3 if there a change in circumstances, needs or resources.

Testimony of Dr. De Conza

30. Dr. Mellissa De Conza is claimant's independent facilitator. She holds a Ph.D. in general psychology. She is a BCBA and was previously the clinical director for a company that provided Applied Behavior Analysis (ABA) and adaptive skills services. Dr. De Conza has worked with claimant and her family for four years.

31. As an independent facilitator, Dr. De Conza assists families with obtaining services from regional centers. In the SDP, an independent facilitator is a person who is selected by the participant but who is not otherwise providing services to the participant pursuant to their IPP and not employed by a person providing services to the participant. (Welf. & Inst. Code, § 4685.8, subd. (c)(2).) The independent facilitator may assist the participant in making informed decisions about the individual budget, and in locating, accessing, and coordinating services and supports consistent with the participant's IPP. (*Ibid.*)

32. Dr. De Conza assisted Parents with their request to Service Agency to include adaptive skills services in claimant's SDP budget and spending plan. According to Dr. De Conza, when Parents requested adaptive skills services, Service Agency responded that they did not have a vendor to do an adaptive skills assessment. Parents then offered to fund an assessment privately, and Service Agency agreed. Parents interviewed different companies and ultimately chose Life Lab. Parents provided Service Agency with the Life Lab assessment report. Service Agency then came back and told Parents that it did have an adaptive skills vendor, and HOPE performed an assessment of claimant.

33. Dr. De Conza testified, although HOPE provides services under the service code for adaptive skills service, it is not a traditional adaptive skills provider. HOPE focuses on social interaction and community integration. Dr. De Conza explained that social skills are just one component of adaptive skills training, which she defined as addressing the areas of communication, socialization, life skills (activities of daily living (ADLs)), and community integration. Dr. De Conza found that the goals recommended by HOPE are "good goals," but they are not enough. The 12.5 hours per month HOPE recommends for group services addresses social interaction, but the

remaining four hours per month are insufficient to address claimant's deficits in other areas. Dr. De Conza testified that adaptive skills services will help claimant with her independence. For example, claimant does not independently interact with others or attend to her ADLs. Adaptive skills services will create and teach strategies and a routine to help claimant develop skill sets so she can complete tasks and activities independently.

34. Based on her review of the respective assessment reports by HOPE and Life Lab, Dr. De Conza opined that the goals and treatment recommended by Life Lab, at 104 hours per month, are appropriate and align with claimant's needs and IPP goals better than HOPE's recommended program.

Testimony of Father

35. At hearing, Father testified regarding claimant's lack of independence and need for prompts and reminders to complete various tasks and activities, as described in her IPP. (See Findings 6-8, above.)

36. Father testified that the schedule of activities compiled by Service Agency (Exhibit 17), discussed in Finding 10, above, contains incorrect information. Father testified he did not create this document. He notes, for example, that the schedule does not show the correct hours that claimant is in school; it incorrectly shows claimant receiving IHSS hours in the morning when the IHSS hours are used primarily for supervision at night; and it incorrectly shows PA services provided later in the day instead of in the morning. Father contends that adding adaptive skills training, as recommended by Life Lab, will not create an overlap of claimant's services. He explained that the purpose of adaptive skills services is to teach claimant new skills,

which her other services will support. He noted that PA services are for supporting claimant with skills she already has and not for teaching her new skills.

37. Father testified that adaptive skills services are not a covered benefit under claimant's health insurance. (Exh. A, p. B157.)

Other Findings

38. At hearing, Parents presented an undated letter by claimant's pediatrician stating that she was prescribing adaptive skills therapy for claimant, based on medical necessity, "to remediate identified skill deficits in order to increase independence, improve daily functioning, and support community participation." (Exh. A, p. B8.) The pediatrician's letter was presented to Service Agency on or about May 8, 2026, along with other information regarding claimant's IHSS services, claimant's health insurance, and background information on Life Lab. The additional information Parents provided to Service Agency did not lead to a resolution of their appeal. (See Exh. 4.)

Parties' Contentions

39. Service Agency's contentions, as stated in its Position Statement, were considered. Service Agency contends that claimant's Year 2 budget cannot be increased to include funding for adaptive skills services through Life Lab because: (1) the current IPP goals are addressing claimant's current and unmet needs agreed upon by the planning team; (2) increasing the budget to include services through Life Lab will create a duplication of services and supplant generic services; and (3) the SDP allows reallocation of funds from an approved budget. (Exh. 1.)

40. Parents' contentions, as stated in claimant's Position Statement, were considered. Parents contend claimant's Year 2 budget should be increased to include

funding for adaptive skills services through Life Lab because (1) claimant's IPP identifies substantial adaptive functioning needs; (2) Service Agency identified adaptive skills as an unmet need; (3) the Life Lab assessment establishes medical and functional necessity; (4) Life Lab's services directly align with claimant's existing IPP goals; (5) HOPE's services are not duplicative of Life Lab's services; (6) generic resources are not available or sufficient; and (7) existing services do not sufficiently address claimant's needs. (Exh. A, pp. B1-B4.)

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The Lanterman Act, Welfare and Institutions Code section 4500 et seq., governs this case. (All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.)

2. When an individual seeks government benefits or services, the burden of proof is on the individual. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) 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. In this case, claimant bears the burden of proving by a preponderance of the evidence she is entitled to the requested increase in her SDP budget to fund adaptive skills services through Life Labs. (Evid. Code, § 500.)

Traditional Service Delivery

4. A regional center is required to secure services and supports that meet the needs of the consumer, as determined in the consumer's IPP. (§ 4646, subd. (a)(1).) The determination of which services and supports are necessary for each consumer shall be made through the IPP process. (§ 4512, subd. (b).) The determination shall be based on the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by IPP participants, the effectiveness of each option in meeting the goals stated in the IPP, and the cost-effectiveness of each option. (§ 4512, subd. (b).)

5. The Lanterman Act contemplates that the provision of services shall be a mutual effort by and between regional centers and the consumer and their family. The foundation of this mutual effort is the development of a consumer's IPP. As explained in section 4646, subdivision (d):

Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

6. Thus, the Lanterman Act contemplates cooperation between the parties and the sharing of information in determining services and supports for a consumer

and their family. The preferences of the consumer and their family are an important factor, but not the only factor, to be considered in the IPP process.

7. A regional center may purchase services or supports for a consumer from an individual or agency pursuant to vendorization or a contract. (§ 4648, subd. (a)(3).) "Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service." (§ 4648, subd. (a)(3)(A).)

8. When purchasing services and supports for a consumer, a regional center shall ensure conformance with its purchase of services policies, utilization of generic services and supports when appropriate, utilization of other sources of funding as contained in section 4659, and consideration of the family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs. (§ 4646.4, subd. (a).)

9. Under section 4659, regional centers are required to identify and pursue all possible sources of funding for consumers receiving regional center services. Such sources of funding include governmental entities or programs required to provide or pay for the cost of providing services, such as school districts, and private entities, to the extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

10. Regional center funds "shall not be used to supplant the budget of any agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services." (§ 4648, subd. (a)(8).)

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Self-Determination Program (SDP)

11. The SDP is an alternative model of service delivery provided under section 4685.8. A regional center consumer who has been deemed eligible for, and has voluntarily agreed to participate in, the SDP is referred to as a "participant." (§ 4685.8, subd. (c)(5).) "A participant may choose to participate in, and may choose to leave, the Self-Determination Program at any time." (§ 4685.8, subd. (d).)

12. "Self-determination" means "a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP." (§ 4685.8, subd. (c)(6).) The SDP "shall only fund services and supports . . . that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation." (§ 4685.8, subd. (c)(6).)

13. Under section 4685.8, subdivision (d)(1)-(3), participation in the SDP is available to any regional center consumer who meets the following eligibility requirements:

- (1) The participant has a developmental disability, as defined in Section 4512, and is receiving services pursuant to this division.
- (2) The consumer does not live in a licensed long-term health care facility . . .
- (3) The participant agrees to all of the . . . terms and conditions [set forth in subparagraphs (A) through (G)].

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14. The terms and conditions set forth in section 4685.8, subdivision (d)(3), subparagraphs (A) through (G), to which an SDP participant must agree, state, in pertinent part, as follows:

(A) The participant shall receive an orientation that meets the standards set or developed by the [Department of Developmental Services] to the Self-Determination Program prior to enrollment. . . .

(B) The participant shall utilize the services and supports available within the Self-Determination Program only when generic services and supports are not available.

(C) The participant shall only purchase services and supports necessary to implement their IPP and shall comply with any and all other terms and conditions for participation in the Self-Determination Program described in this section.

(D) The participant shall manage Self-Determination Program services and supports within the participant's individual budget.

(E) The participant shall utilize the services of a financial management services provider of their own choosing and who is vendored by a regional center and who meets the qualifications in paragraph (1) of subdivision (c).

(F) The participant may utilize the services of an independent facilitator of their own choosing . . . [or] may

use their regional center service coordinator[,] to provide the services and functions described in paragraph (2) of subdivision (c).

(G) If eligible, with the assistance of the regional center, if needed, timely apply for Medi-Cal in order to maximize federal funding. The participant may consider institutional deeming in order to qualify for Medi-Cal services.

15. The IPP team shall use the person-centered planning process to develop an IPP for the SDP participant. (§ 4685.8, subd. (j).) "The IPP shall detail the goals and objectives of the participant that are to be met through the purchase of participant-selected services and supports. The IPP team shall determine the individual budget to ensure the budget assists the participant to achieve the outcomes set forth in the participant's IPP and ensures their health and safety. The completed individual budget shall be attached to the IPP." (§ 4685.8, subd. (j).) "The participant shall implement their IPP, including choosing and purchasing the services and supports allowable under this section necessary to implement the plan." (§ 4685.8, subd. (k).)

16. The IPP team shall determine the initial and any revised individual budget for the participant using the methodology specified in section 4685.8, subdivision (m). "'Individual budget' means the amount of regional center purchase of service funding available to the participant for the purchase of services and supports necessary to implement the IPP." (§ 4685.8, subd. (c)(3).) For a participant who is a current consumer of the regional center, their individual budget shall be the total amount of the most recently available 12 months of purchase of service expenditures for the participant. (§ 4685.8, subd. (m)(1)(A)(i).)

17. Pursuant to section 4685.8, subdivision (m)(1)(A)(ii), an adjustment may be made to the individual budget if both of the following requirements, designated herein as Requirement I and Requirement II, occur:

(I) The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures, or the IPP team identifies prior needs or resources that were unaddressed in the IPP, which would have resulted in an increase or decrease in purchase of service expenditures. When adjusting the budget, the IPP team shall document the specific reason for the adjustment in the IPP.

(II) The regional center certifies on the individual budget document that regional center expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program.

Analysis

18. The preponderance of the evidence does not support requiring Service Agency to increase claimant's Year 2 budget to include funding for adaptive skills services recommended by Life Lab of 104 hours per month. Service Agency is not permitted to add funding to claimant's SDP budget to purchase adaptive skills services from Life Lab because Life Lab is a non-vendored provider. Service Agency would not

be permitted to fund services through Life Lab under the traditional service delivery model, i.e., outside of the SDP.

19. Additionally, adding adaptive skills services with Life Labs to claimant's Year 2 budget and spending plan would result in a duplication of services with the existing adaptive skills services with HOPE. Social skills services necessarily overlap with adaptive skills services because social skills are a component or subset of adaptive skills.

20. The preponderance of the evidence established that claimant's adaptive skills deficits are being sufficiently addressed by her current services. According to her IPP, claimant requires assistance, reminders, and prompts to complete various tasks and to ensure her safety. PA services provide support for claimant with tasks that she already knows how to do, but has difficulty completing, such as showering, brushing teeth, and personal hygiene. All of claimant's services identified in her IPP, in combination, provide support for her IPP goals. In developing claimant's Year 2 budget, Service Agency reviewed claimant's services, her identified needs, and revised the budget to address any unmet needs. The SDP allows Parents the flexibility to use Life Lab as the provider of adaptive skills services, within the approved budgeted amount for those services.

21. Based on the foregoing, Service Agency is not required to increase claimant's current Year 2 budget to include funding for adaptive skills training through Life Labs. (Factual Findings 1-40; Legal Conclusions 1-20.)

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ORDER

Claimant's appeal is denied. Service Agency is not required to increase claimant's current SDP budget to add funding for adaptive skills training through Life Labs.

DATE:

ERLINDA SHRENGER

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025120831

Vs.

DECISION BY THE DIRECTOR

Tri-Counties Regional Center

Respondent.

ORDER OF DECISION

On May 27, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services (Department) takes the following action on the attached Proposed Decision of the ALJ:

The Proposed Decision is adopted by the Department 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 4713, subdivision (b), 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 June 23, 2026.

Original Signed by
Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025120831

Vs.

**RECONSIDERATION ORDER,
DECISION BY THE DIRECTOR**

Tri-Counties Regional Center,

Respondent.

RECONSIDERATION ORDER

On July 9, 2026, the Department of Developmental Services (Department) received claimant's application for reconsideration of a Final Decision issued by the Director on June 23, 2026.

The application for reconsideration is denied. A review of the Final Decision and record does not support a finding of factual or legal error that would change the Final Decision. The Final Decision remains effective as of June 23, 2026. All parties are bound by this Reconsideration Order and Final Decision.

Each party has the right to appeal the Final Decision to a court of competent jurisdiction within 180 days of receiving the Final Decision.

IT IS SO ORDERED on this day July 14, 2026.

Original signed by

Katie Hornberger
Deputy Director, Division of Community Assistance
and Resolutions