

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0033064

OAH No. 2026010082

DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, served as the hearing officer for this matter on February 24, 2026, over videoconference.

Claimant was represented by his parents. Claimant was not present.

Executive Director's Designee James Elliott represented service agency San Andreas Regional Center.

The record closed and the matter was submitted for decision on February 24, 2026.

ISSUE

May claimant's parents, who are his limited co-conservators, serve as paid personal assistants to claimant through Participant-Directed Services?

FACTUAL FINDINGS

Introduction

1. Claimant is a 21-year-old SARC consumer who has autism spectrum disorder. Claimant lives with his parents, who are both his limited conservators. Claimant attends a non-public school. His educational services will end in July 2026. Claimant is non-verbal, and communicates by typing into a communication device and with some sign language.

2. Claimant and SARC are parties to an Individual Program Plan (IPP), which was not offered into evidence. Pursuant to the IPP, SARC funds personal assistant services through Participant-Directed Services. As of January 2026, SARC funds 403 hours of personal assistant services per quarter, to be provided at a ratio of 2:1. The amount of personal assistant services to be funded is reassessed quarterly. Claimant uses personal assistant services to access the community safely.

3. Claimant's parents request that SARC permit them to serve as claimant's paid personal assistants. SARC declined this request in a Notice of Action dated December 19, 2025. Claimant's parents submitted a timely appeal on January 5, 2026.

4. Claimant's parents seek to serve as personal assistants to claimant on a temporary basis while he transitions to adulthood. Their hope is that he will adjust well

over time and that others can then take over serving as his personal assistants. They noted that there is no specific statute or regulation that prohibits parents or conservators from serving as personal assistants for adult consumers.

5. SARC does not dispute that claimant requires personal assistant services to access the community. SARC argues that because claimant's parents are his conservators and serve as co-employers for Participant-Directed Services, there is a conflict of interest for them to serve as both employers and employees. SARC believes that parents who are not a consumer's conservators may serve as paid personal assistants, because they would not be both employer and employee. SARC's representative noted that SARC has sought clarification from the Department of Developmental Services on this issue, but has not received clear guidance. SARC also contends that serving as claimant's personal assistants conflicts with claimant's parents' obligation as limited conservators to help him develop self-reliance and independence.¹

6. Claimant's parents contend that there is no conflict between their obligation as limited conservators and their desire to serve as claimant's personal assistants. To the contrary, they view serving in the personal assistant role as furthering claimant's independence. Claimant's difficulty communicating is the biggest obstacle to his ability to access the community. Because of their intimate relationship with claimant, they are able to communicate with him better than anyone else. They

¹ In the Notice of Action, SARC also based its denial on the grounds that claimant's parents are natural supports for claimant. This argument was not raised at hearing.

can help him engage in the community with the goal that he will learn skills that he will eventually be able to use without them present. They noted that it is difficult to find a personal assistant who is able to communicate with claimant and serve as a bridge to the outside world.

LEGAL CONCLUSIONS

1. Pursuant to the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities. (Welf. & Inst. Code, § 4500 et seq.) The purpose of the Lanterman Act is to rectify the problem of inadequate treatment and services for the developmentally disabled, and to enable developmentally disabled individuals to lead independent and productive lives in the least restrictive setting possible. (Welf. & Inst. Code, §§ 4501, 4502; *Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384.) Because the Act is a remedial statute, it must be interpreted broadly. (*California State Restaurant Assn. v. Whitlow* (1976) 58 Cal.App.3d 340, 347.)

2. The Lanterman Act mandates 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.” (Welf. & Inst. Code, § 4501.) Regional centers have the responsibility of carrying out the state’s responsibilities to the developmentally disabled under the Lanterman Act. (Welf. & Inst. Code, § 4620, subd. (a).)

3. “Services and supports” means “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.” (Welf. & Inst. Code, § 4512, subd (b).) The Lanterman Act directs regional centers to develop and implement an IPP for each individual who is eligible for services, setting forth the services and supports needed by the consumer to meet his or her goals and objectives. (Welf. & Inst. Code, § 4646.)

4. The standard of proof in this matter is a preponderance of the evidence. (Evid. Code, § 115.)

5. California Code of Regulations, title 17, section 58886, subdivision (a), entitled “General Requirements for Participant-Directed Services,” states:

Effective October 1, 2011, for consumers and family members of consumers receiving the services in California Code of Regulations, Title 17, Section 54355 (g) (1), (3), (4), and (5), when these services are funded with federal financial participation through Medicaid programs, the regional center may offer Participant-Directed Services to allow the adult consumer and/or family member to procure their own community-based training service, day care, nursing, respite, and/or transportation services. Effective September 16, 2022, personal assistance, independent living services, and supported employment are included in the list of Participant-Directed Services.

6. When a consumer uses Participant-Directed Services, the consumer is the co-employer, along with a Financial Management Service, of employees providing the services, including personal assistant services.

7. California Code of Regulations, title 17, section 58886, subdivision (e), provides that:

The regional center shall vendor the Employer and Co-Employer in accordance with vendor requirements contained in California Code of Regulations, Title 17, Sections 54310 and 54326, in addition to the following requirements:

¶ . . . ¶

(6) Participant-Directed Personal Assistance -- Service Code 456 is a Personal Assistance service that assists the consumer with personal assistance and support to help the consumer be successful in their own home and in the community.

(A) A regional center shall classify a vendor as a Participant-Directed Personal Assistance Service if the vendor:

1. Is an adult consumer, family member, or conservator;
2. Selects an individual who is at least 18 years of age;

3. Ensures that the individual selected will possess the skill, training, or education necessary to provide the service in accordance with the IPP; and

4. Ensures that the individual is familiar with the consumer's daily routines and needs and is trained in any specialized supports necessary for the consumer.

8. Section 58886(e)(6) does not explicitly prohibit a parent or a conservator from serving as a personal assistant. In contrast, other provisions of section 58886, subdivision (e), specifically provide whether a family member can serve in a particular position providing other Participant-Directed Services. Section 58886, subdivision (e)(4)(A), provides that, "The family member or adult consumer may either provide the transportation service or secure an individual to provide the transportation services identified in the consumer's IPP[.]" Section 58886, subdivision (e)(2)(B), provides that, "The family member may be the direct provider of the nursing service if the service is not intended to provide respite to the family member." And section 58886, subdivision (e)(5)(A)(2), provides that, "A parent or conservator shall not be the direct support worker employed by the community-based training vendor[.]"

9. Because section 58886(e)(6) does not explicitly prohibit family members or conservators from serving as personal assistants, and because it explicitly does allow family members to serve in other Participant-Directed Services roles, SARC's conflict of interest argument is rejected. Furthermore, as co-employer, claimant's Financial Management Service provides independent oversight over claimant's use of personal assistant services.

10. Pursuant to Probate Code section 2351.5, subdivision (a)(2), limited conservators shall assist the conservatee "in the development of maximum self-reliance and independence." SARC has not shown that serving as claimant's personal assistants in the community conflicts with this obligation. SARC also has the obligation to further claimant's independence, and has determined claimant requires personal assistants to lead an independent and productive life. Claimant's parents' assertion that personal assistance in the community increases, rather than decreases, claimant's independence, is persuasive.

11. Because there is no statutory or regulatory prohibition preventing a parent or limited conservator from serving as a personal assistant through Participant-Directed Services, claimant's appeal is granted.

ORDER

Claimant's appeal is granted. Claimant's parents may serve as paid personal assistants to claimant under Participant-Directed Services, as authorized in claimant's IPP.

DATE:

KAREN REICHMANN
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.