

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

**DDS Nos. CS0034534, CS0035008, CS0035007,
CS0035311, CS0035313**

**OAH Nos. 2026030472, 2026031027, 2026031031,
2026040015, 2026040017**

PROPOSED DECISION

Administrative Law Judge Stephanie E. Haffner, State of California, Office of Administrative Hearings, served as the independent hearing officer and heard this matter on April 21, June 1, and June 3, 2026, in person at Regional Center of the East Bay, 500 Davis Street, San Leandro, California 94577.

Claimant's aunt, who is also his co-conservator (Aunt), represented claimant at the hearing. Claimant was not present.

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

The parties were asked to address additional items in writing and were given opportunities to respond to each others' submissions. The parties' post-hearing submissions were entered into the hearing record. The record closed, and the matter was submitted for decision on July 3, 2026.

ISSUES

1. In anticipation of a transition to the Self Determination Program (SDP), must RCEB continue to fund a Personal Assistant for 175 hours per month?
2. Must RCEB reimburse Aunt for personal vehicle mileage expenses incurred by claimant's Personal Assistant?
3. Must RCEB fund a trauma-based psychotherapy assessment for claimant?
4. Has RCEB improperly denied up to 21 days of out-of-home respite services for claimant in the current Individual Program Plan (IPP) update?
5. Has RCEB improperly refused social and recreational activities for claimant in the current IPP update?

FACTUAL FINDINGS

Introduction

1. This matter arises in the context of a November 2025 IPP update for claimant, a 27-year-old consumer of services from RCEB. Because the IPP update is intended to form the basis of a transition to the SDP, a proposed decision in this matter is submitted to the Department of Developmental Services (DDS). The record is extensive and was thoroughly reviewed and considered. Both parties' written advocacy statements contradict portions of their own testimony and documentary evidence, though likely unintentionally. Salient evidence and findings are summarized here.

2. Claimant is eligible under the Lanterman Developmental Disabilities Services Act (the Lanterman Act, Welf. & Inst. Code, § 4500 et seq.) for services from RCEB. (All further statutory references are to the Welfare and Institutions Code unless stated otherwise.) Claimant has been diagnosed with autism spectrum disorder and moderate intellectual disability. Since 2024, he additionally has been diagnosed with post-traumatic stress disorder (PTSD) and generalized anxiety. In March 2026, he received a diagnosis of chronic urticaria (hives), for which he carries an EpiPen.

3. Claimant needs supervision, verbal guidance, and some hands-on support with his personal care including cutting up food, feeding himself, toileting, tying shoelaces and fastening clothing, dispensing toothpaste, bathing, shaving his beard, grooming his nails, and applying lotions and sunscreen. He speaks in short, five-word sentences. He can express his wants and needs to people who are familiar with his speech, but can become frustrated when unfamiliar people do not understand him. He has difficulties with transitions or unplanned changes which may result in

emotional outbursts, and he needs supervision from elopement. He lacks safety awareness and needs constant, close supervision in the community.

4. Claimant is conserved by a team of four non-parent family members including Aunt and an uncle (Uncle). Uncle, who is Aunt's brother, also was present for the hearing in this matter.

5. Claimant lived in a group home for three years from 2021 to 2024. Aunt removed him from the home on an emergency basis after family members learned that he had experienced sexual assault and abuse from another resident. Since July 2024, claimant has lived with Aunt and her husband (Aunt's husband, who also was present for the hearing). Aunt and her husband have generally continued working while Aunt assumed the role of coordinating claimant's care, community integration, daily activities, and supervision. Claimant's conservators aim for claimant to have the opportunity to recover from traumatic experiences, increase his trust in external environments, and eventually return to an appropriate and safe community living setting.

6. Claimant currently receives 175 hours of Personal Assistance and 40 hours of in-home respite per month from a single provider. The 175 Personal Assistance hours were initially approved for one year through March 31, 2025, due to the lack of a day program and an anticipated surgery by Aunt who was then his primary caregiver. When a day program was found in April 2025, RCEB sought to convert the 175 Personal Assistance hours to a temporary service to allow claimant time to acclimate, with one-on-one support. RCEB sought to reassess the service after 30 days attending the new day program. RCEB extended the 175 Personal Assistance hours once, in July 2025, after claimant had behavioral episodes of physical aggression and eloping at day program. RCEB deferred further assessment pending the November

2025 IPP update at issue here. Aunt did not agree to convert Personal Assistance hours to a provisional service.

7. It took approximately one year from the time claimant left the group home to arrive at his current day program and provider, an arrangement that has functioned stably for the past year. Since July 2025, claimant's current Personal Assistant, M.L., attends to his personal care beginning at 7 a.m., drives him in a personal vehicle to his day program, attends to him at the day program or helps him participate from home in online classes when necessary, drives him home, and attends to him at home until 5 p.m. most weekdays. When claimant is not in the day program, M.L. takes him to the park, library, and some appointments. M.L. also provides in-home respite services (shopping, cooking). Aunt and her husband voluntarily care for claimant after 5 p.m. during the week and on weekends, subject to up to 21 days of out-of-home respite per year and certain social recreation requests.

8. In November 2025, claimant's IPP update was due, intended to form the basis for a transition to SDP. RCEB proposed, in place of 175 hours of Personal Assistance, that claimant's care should be funded by Day Care (an RCEB service that is less costly than Personal Assistance), Personal Assistance while claimant attends the day program, transportation by a vendored RCEB provider, and In-Home Supportive Services (IHSS) for personal care needs. Not all of these proposals are documented in a notice of action or letter, and the IPP remains in draft form. Aunt contested these proposals and also sought funding for a trauma-based psychotherapy assessment.

9. RCEB issued notices of action denying a portion of the 175 hours of Personal Assistance, reimbursement for personal vehicle mileage incurred by the Personal Assistant at Aunt's expense, and the trauma-based psychotherapy

assessment. Claimant timely appealed and added appeals asserting constructive denials of out-of-home respite services and social and recreational activities.

10. This consolidated hearing followed.

Background

GROUP HOME PLACEMENT

11. Claimant's biological parents are also regional center consumers. He previously lived with his grandmother, but his family sought alternative living options, and in 2018, RCEB conducted a level of placement assessment. RCEB's nurse consultant concluded that claimant's needs would best be met in a community care facility (group home). Due to a history of temper tantrums or emotional outbursts and running or wandering away, the nurse consultant noted that "additional 1:1 staffing may be necessary for behavioral reasons," to be assessed once claimant began living in a facility.

12. In July 2021, claimant began living in a group home classified as a Level 4I group home, which provided the highest level of support in a community care facility at that time.

13. In November 2022, claimant, his case manager at the time, and Aunt updated claimant's IPP, to be in effect through November 30, 2025. Claimant continued to live in the group home but was not attending a day program. "Because of concerns with him eloping, becoming physically aggressive, cursing at others, and being socially disruptive," his prior day program had shared that they are not a behavioral day program and did not have adequate staffing to accommodate his behaviors. Claimant needed ongoing supervision including "constant supervision" in

the community due to limited safety awareness and risk of eloping. RCEB committed to refer claimant to a behavioral day program, with the goal for claimant to reduce behaviors and work towards a non-behavioral day program.

REMOVAL FROM GROUP HOME; DEVELOPMENT OF INTERIM SERVICE PLANS

14. Claimant's Aunt, who testified sincerely and comprehensively at hearing, stated that claimant initially thrived in the group home and showed pride in his independent life. Claimant would communicate daily with family members, including Uncle, using a FaceTime child account on his tablet. Uncle testified sincerely and credibly at hearing that claimant's demeanor changed toward the end of his stay at the group home. Claimant became unusually confused, short-tempered, argumentative, and reported that he felt threatened.

15. A mental health safety plan was established for claimant on January 3, 2024, with his current treating psychiatrist referred to here as S.S., M.D.

16. On May 28, 2024, the group home's executive director notified co-conservators of an incident in which claimant was dropped off at the home from a San Leandro day program upset and screaming. It was reported that other clients in a transportation van became annoyed with claimant "being loud in the van." When dropped off from the van, claimant left the group home premises and staff followed him, persuaded him to go for a ride, went for a walk in a park, and returned to the group home with claimant by evening at which time he had become calm.

17. In July 2024, when family members learned that claimant had experienced sexual assault and abuse at the group home, Aunt removed claimant on an emergency and temporary basis. She and her husband took claimant into their home, and Aunt took over claimant's day-to-day care.

18. On August 12, 2024, RCEB and Aunt agreed to an IPP addendum for RCEB to fund up to 21 days of out-of-home respite and to fund in-home respite.

19. On September 12, 2024, the San Leandro day program gave claimant a 30-day notice to terminate services stating that they “determined that [claimant] requires 1:1 level of staffing” due to “frequent mood swings, triggering behavioral episodes” that included running/wandering away, and physical/verbal aggression such as destroying his own personal property.

20. In November 2024, RCEB completed an annual review of claimant’s IPP. Participants in the review included claimant, Aunt, claimant’s Case Manager Elaine Raymundo-Ruiz, and Case Manager Supervisor Jason Singh. Claimant had made progress in his behaviors. RCEB was working in conjunction with claimant’s family members to identify a day program that would allow him to return to a routine outside of the home, develop and strengthen life skills, increase social awareness, and increase independence with appropriate support.

21. The annual review notes claimant’s diagnoses of PTSD and anxiety as well as his history of having experienced trauma at the prior group home. The review reports that it was recommended that claimant seek “intensive and trauma informed psychotherapy for persons with disabilities such as autism and intellectual disabilities.” Neither Aunt nor La Familia (a community-based provider) had been able to locate a provider for such therapy that would accept claimant’s insurance. Aunt identified Schreiber Center as a potential resource and requested a referral.

22. Claimant would continue to receive out of home and in-home respite. A new outcome was added to increase participation in community activities, including social recreation and self-defense, to support his confidence and diminish behaviors

linked to boredom. It was also forecast that needs for care at home by an outside caregiver would increase “significantly” in light of: (1) two surgeries Aunt was anticipated to undergo in 2025, and (2) claimant’s need to increase engagement, avoid boredom, and have regularly scheduled outings.

2025: DAY PROGRAM, PERSONAL ASSISTANT, AND TRANSPORTATION

23. For months, Aunt searched for an appropriate day program and sought RCEB’s help with various options. She sought introductions to specific day programs with and without behavior management that could accommodate claimant’s needs. She sought to avoid behavioral programs where claimant would be exposed to aggression or where he would not have enough staff support, and sought programs where claimant would receive trauma-informed support. She asked for referrals to specific programs she had researched as well as to tailored day programs, and described programs she researched that were not a good fit and the reasons.

24. In December 2024, Aunt sought to increase in-home respite for claimant from 40 to 85 hours per month, and sought to hire the respite caregiver directly, rather than through an agency, in an effort to avoid last minute cancellations and staff changes. Aunt noted that the lack of staff consistency affected claimant “as he gets used to a person and then he has to start over again and again.” In January 2025, RCEB agreed to complete an exceptions request to increase In-Home Respite hours while no day program was in place, and to make referrals to day program providers.

25. On February 26, 2025, Case Manager Raymundo-Ruiz approved an addendum to the November 2022 IPP. By then, claimant still was not enrolled in a day program and Aunt’s total knee replacement surgery was scheduled for April 2025, followed by lengthy rehabilitation. The IPP addendum supported Aunt’s request to

fund 175 hours of Personal Assistance services per month. In a version of the addendum provided by RCEB, the hours were additionally justified by claimant's need for support with daily living tasks and managing appropriate behaviors. In a version signed by Aunt in September 2025, it was noted instead that claimant was "awaiting placement in a program that can provide additional support to help him manage anxiety related to past trauma as he reintegrates." Both versions state that "RCEB will fund 175 hours" for Personal Assistance services, "effective 04/01/2025-3/31/2026."

26. On March 26, 2025, Case Manager Raymundo-Ruiz approved another addendum to the November 2022 IPP, for up to 40 hours per month of in-home respite with Aunt as employer of record. Aunt signed the addendum in September 2025. Similarly to the February 2022 IPP amendment, two versions of the addendum in the hearing record describe different criteria for respite: behavioral support according to RCEB's version and recovery from trauma according to the version signed by Aunt.

27. On April 24, 2025, Case Manager Raymundo-Ruiz offered an additional IPP addendum which states:

This IPP Addendum supports the request to fund an appropriate day program and personal assistance (PA) from a third party vendor during day program hours for [claimant]. [Claimant] has attended a trial day/visit at [an Oakland day program.] The [interdisciplinary] team and staff at the day program believe [claimant] will be a good fit. [Claimant] has not attended a day program for a significant time period, he will require support and guidance in a new setting. The [interdisciplinary] team would like to see him transition in with trusted supports. Therefore, [the Oakland

day program] recommended that [claimant's] PA attend the day program with him three days per week for the first 30 days of attendance so that [claimant] can integrate with the group and programming. The PA will also help coach and redirect [claimant] should he display potential challenging behaviors. His individual program plan indicates that these behaviors were more frequent due to the trauma history and previous placements, which were highly stressful but have decreased over time at his aunt's house and with the current PA services. It is possible that the day program could represent a potentially stressful situation so having a trusted aide to help him learn to navigate the environment and generalize his coping skills will be advantageous. [Claimant] also has limited verbal skills so his aide can help ease communication as the day program staff get to know [claimant's] communication style.

According to the proposed addendum, RCEB would fund the Oakland day program for 15 days per month for two months and keep the 175 hours per month of Personal Assistance services in place. Aunt did not sign this addendum as she did not agree to only a trial period of Personal Assistance at the day program.

28. On July 9, 2025, Case Manager Raymundo-Ruiz offered another IPP addendum for claimant. Claimant had attended the day program for 30 days and was reportedly doing well overall and "slowly acclimating." However, two behavioral incidents occurred which resulted in a warning letter to claimant. RCEB's

“behavioral/clinical team” approved 30 more days of Personal Assistance at the day program. Aunt signed her agreement to this addendum on September 30, 2025.

29. The Oakland day program’s behavioral warning letter concerned two incidents in July 2025 during program hours. Claimant was removed from class for disruptive behavior and his Personal Assistant at the time (prior Personal Assistant) asked claimant to calm down. Claimant became upset and ran out of the building to a field without permission or supervision. About an hour later, claimant became upset with his prior Personal Assistant and pushed her, reportedly because he felt frustrated at being told what to do. The letter warned that physical aggression and leaving the building without staff permission are serious safety concerns, and further incidents could result in suspension from participation in the program. Uncle attributed this incident to the prior Personal Assistant’s lack of knowledge and skill in understanding how to work with claimant rather than tell him what to do.

30. Consistent with claimant’s 2022 IPP goals, the Oakland day program is not a behavioral program. Staff are available to support personal care needs but are not available to support concerns such as claimant’s risk of leaving the premises. Benefits of the current non-behavioral day program include that claimant is not exposed to aggression from other participants and that he has opportunities to take part in enriching classes including vocational-related classes.

31. Aunt signed the three IPP addenda in September 2025 after obtaining assurance from Case Manager Raymundo-Ruiz that claimant’s Personal Assistance hours would not be reassessed until his IPP update due in November 2025.

32. Also in September 2025, Aunt again raised with Case Manager Raymundo-Ruiz that claimant needs trauma-informed therapies, and still seeks a

referral to Schreiber Center. By letter dated November 18, 2025, Schreiber Center provided notice denying mental health services because claimant's "limited verbal communication and cognitive abilities indicate that talk-based psychotherapy" offered by the Center is not an appropriate or effective modality for addressing his needs. On an unknown date, Stanford Health Care also declined a referral for psychiatry and behavioral health services because they do not accept claimant's insurance. Stanford referred claimant to county mental health as the sole contracted provider for his Medi-Cal insurance.

Current Status

33. Currently, claimant receives 215 hours of direct support per month: 175 hours of Personal Assistance and 40 hours of in-home respite. Since July 2025, the same person, M.L., provides both services. She provides personal assistance and/or respite from 7 a.m. to 5 p.m. Mondays through Thursdays and from 7 a.m. to 4 p.m. on Fridays. On days that claimant has day program (three days per week, anticipated by both parties to increase to four days per week), M.L. assists with breakfast, personal care, travel to day program (arriving early to allow time for transition), day program, travel home, and "rest and exercises" for one to two hours at home. On days that claimant is not in day program, M.L. takes claimant to the park and library and provides lunch. When claimant is unable to attend day program in person, M.L. helps him to participate in day program online classes. M.L. transports claimant in her own vehicle, and Aunt reimburses M.L. for mileage.

34. Uncle and Aunt report that claimant does very well with M.L. He appears happy and reports that he is happy. He expresses excitement and pleasure at going to day program or to the library with M.L. Unlike his prior Personal Assistant, M.L. seems to know how to manage claimant and is able to persuade him when necessary without

causing him to become “triggered.” As a Personal Assistant, M.L. supports claimant to safely attend the day program, navigate transitions between activities, manage frustration and sensory challenges, access community activities such as library visits and walks in the park, and return home safely when needed due to distress or illness.

35. Claimant has changed since he first came into Aunt’s home. In about September 2024, Uncle cared for claimant in Aunt’s home for two weeks while Aunt and her husband were away. Uncle testified credibly that he had not previously experienced from claimant his level of anger at that time.

36. In September 2025, Uncle again stayed with claimant. By then, claimant trusted Uncle more, would listen to him, and caring for him was “easy.” What changed, in Uncle’s opinion, is the current structure that is in place. This time, claimant knew his routine: when to exercise, when to eat, and when to shower. He is much less fearful than he has been historically; for example, he has a fear of heights but because he has changed is now able to enter a family member’s home even though it is on a second story. Uncle expressed concern that if claimant’s current caregiver were removed, he could lose the opportunity to attend his current day program which has been very beneficial for him.

37. Although claimant is doing much better, he needs someone whom he can trust to guide him during the day. It takes claimant a long time to feel secure with new people. When claimant was in the group home, family members were called “many times” when claimant argued with others on the transport van and the home had to stop the van and call a family member to intervene. Even one-on-one, a person transporting claimant must understand how to work with him.

38. When the current Personal Assistant started, claimant initially did not listen to her. It took ten days to two weeks to acclimate, but M.L. “knew how to back off,” according to Uncle. She does not try to change how claimant is, and Uncle has not received any calls to intervene since M.L. started as claimant’s Personal Assistant.

November 2025 IPP Update

39. An IPP meeting occurred on November 20, 2025, with claimant, Aunt, the Director of Programs for the Oakland day program, an anticipated Independent Facilitator for SDP, and Case Manager Raymundo-Ruiz. Before the IPP was completed, however, claimant was transferred to a new Case Manager, Jessica Billy, and a new Case Manager Supervisor, Cristie Raynor. The new participants, including the anticipated Independent Facilitator, held further IPP discussions on December 19 and 22, 2025. There were many disagreements about what plan RCEB would support that would form the basis for claimant’s SDP budget.

PERSONAL ASSISTANT

40. RCEB seeks to discontinue the 175 monthly hours of Personal Assistance. By denial letter dated February 11, 2026, RCEB offered Personal Assistance only while claimant attended day program, and offered Day Care services during the hours that claimant was at home and a primary care provider (i.e., Aunt) was working. By Notice of Action dated February 13, 2026, RCEB stated that it denies funding for Personal Assistance during the time that claimant is at home and his primary caregiver is at work.

41. At hearing, RCEB proposed a combination of IHSS for personal care, Day Care for supervision outside day program while Aunt is working, transportation to day program by a regional center vendor, 40 hours per month of in-home respite, and any

one-on-one support to be provided directly to the day program, if requested and supported, as an Additional Support Person. RCEB posits that the same person could theoretically provide all services from the different funding streams. However, RCEB personnel stated that a representative of the Oakland day program communicated that the program currently does not request an Additional Support Person for claimant. Correspondence on this point was not provided for the hearing record. RCEB has not taken official action to withhold Personal Assistance at day program, including transportation.

42. Aunt objects that RCEB's plan is unduly fragmented and will not meet claimant's needs. It took considerable time and effort to put claimant's current plan in place: a day program that he enjoys, Personal Assistant who is consistent and reliable and works well with him, consistent and reliable transportation that does not impose stress on claimant, and no need to suddenly rearrange care on days that claimant is unable to attend the day program in person or has a personal appointment.

43. Aunt objects further that it is not realistic to expect the same person to provide all of claimant's care under different funding streams, and in any event, claimant would not be able to continue to work with his current Personal Assistant under RCEB's proposal. Aunt stated that M.L. has informed Aunt that she does not wish to work for a lower IHSS or Day Care wage. M.L. also wishes to continue to be employed by her current employer, Maxim, rather than to have multiple employers through Maxim, IHSS, and the Oakland day program.

44. Aunt stated that RCEB's fragmented plan risks claimant being unable to continue attending the day program that he enjoys if his trauma-related behaviors are not managed with one-on-one support, risks turnover with less skilled and lesser paid assistants, risks instability scheduling transportation with yet another vendor as well as

claimant having difficulty adjusting to different drivers, and is untenable as to the coordination required. Aunt objects further that the plan requires too many transitions for claimant, who benefits from routine in his interpersonal relationships and takes time to adjust to new people.

Day Care

45. RCEB's February 13, 2026, Notice of Action states, "Because appropriate Day Care services are available to meet the identified needs during daytime hours, Regional Center funding for Personal Assistance during the same hours is not authorized." Subject to confirmation of Aunt's employment hours, RCEB proposed to provide Day Care on weekday afternoons after day program, and on weekdays when claimant is not engaged in the day program, until Aunt's workday concludes.

46. Day Care Services, according to RCEB's Purchase of Service Policy No. 3405.2, are for adolescents and adults with developmental disabilities who require care and supervision after the conclusion of the school day or day program and whose "parent/parents/care givers" are engaged in employment or vocational training that can only occur beyond the consumers' regular day program. Day Care Services do not include transportation and do not include educational or therapeutic services. Among other criteria, Day Care may only be purchased when "[t]he parent of a single parent household or both parents of a two parent household" are engaged in employment, education leading to employment, or vocational training.

47. To calculate Day Care hours, RCEB requested that Aunt complete a form detailing the hours that she is at work. Aunt has not provided this information to RCEB.

48. In addition to her concerns about fragmentation of care and the loss of claimant's current, stable Personal Assistant, Aunt contends that Day Care is not

appropriate because her working hours are not relevant to claimant's need for care and supervision during the day. Aunt is claimant's co-conservator empowered to make legal decisions on claimant's behalf, but she is not his parent, and he is an adult. Aunt does not have a legal obligation to provide direct care to claimant. She and her husband voluntarily attend to his care and supervision from 5 p.m. to 7 a.m. on weekdays, and on Saturdays and Sundays, subject to up to 21 days of out-of-home respite and social recreation activities discussed below.

49. By definition, Day Care would not include assisting claimant with his day program from home when required. Aunt stated that, moreover, one reason Personal Assistance was selected in 2025 as the level of service, as opposed to Day Care which is a lower level of care, was that a Personal Assistant would be funded to provide transportation, which would not be available under Day Care. Maxim employs Day Care providers in addition to Personal Assistance providers. However, RCEB reimburses Day Care at a lower rate than the rate for a Personal Assistant.

One-to-One Assistance During the Day Program

50. RCEB has not taken action to deny Personal Assistance at the day program, for transportation to and from the day program, or for personal care that M.L. provides beginning at 7 a.m. A February 6, 2026, email from Case Manager Billy proposes Personal Assistance at the day program and appears to accommodate Personal Assistance time for travel to and from the day program.

51. Aunt stated that, in November 2025, a representative of the Oakland day program stated claimant continues to require a one-on-one assistant to participate successfully and would not be able to attend without that support. There have been fewer behavioral incidents since July 2025, but Aunt asserts that this stability is "largely

due to the proactive coaching and support” that M.L. provides. In a credible declaration, M.L. gave an example: in August 2025, claimant became upset at the Oakland day program when he was asked to stop reading his book during a break and transition back to class. He walked away onto a field which is not an approved area, a situation that “could have been considered elopement if staff had observed it.” M.L. supported claimant “by helping him reflect,” and he successfully returned to his next class.

52. M.L. stated that claimant needs consistent one-on-one support throughout the day to safely participate in activities and remain engaged in structured settings. She described claimant’s sensory sensitivities such as when people sit too close to him. In another incident at his day program, he became very upset by music that he perceived as too loud. As a result of his distress, he asked to leave the program and return home. M.L. also observed that claimant appeared unwell during travel to the day program, his mood changed, and he asked to return home. His lips were swollen, and he ultimately received the chronic urticaria diagnosis.

IHSS

53. On behalf of claimant, Aunt applied for IHSS in April 2026, shortly before the hearing in this matter. Aunt stated that IHSS is not an appropriate program for claimant. In her experience when her mother relied on the program, the County provides a list of providers, most of whom do not reply. Reliable caregivers are generally family members; otherwise, there is a high level of instability because the pay and skill level are so low. M.L. has stated that she would not work as an IHSS provider. In the opinion of Aunt and Uncle, claimant needs the care of a professional with the knowledge to handle individuals like him, and IHSS providers generally would not have that expertise. RCEB has not taken formal action requiring claimant to secure IHSS.

TRANSPORTATION

54. By Notice of Action dated January 20, 2026, RCEB denied claimant's request to fund reimbursements to claimant's Personal Assistant for "transportation," referring to Aunt's request for reimbursement for mileage costs she paid to claimant's Personal Assistant. RCEB provided two rationales: (1) transportation reimbursement for a Personal Assistant is not an allowable expense because Personal Assistants are not vendored transportation providers as required by RCEB policy, and (2) RCEB must fund the most cost-effective transportation option that meets the consumer's assessed needs, as required by section 4648.35, subdivision (c).

55. Claimant requests \$3,063.24 in mileage reimbursement expenses to his Personal Assistant, calculated at 67 cents per mile, for personal vehicle mileage from May 2025 through May 2026. Examples of transportation provided include transporting him to his day program, to the library and park, and to medical-related appointments. Aunt asserts that this mode of transportation provides continuity of care given that claimant's Personal Assistant cares for him at home, transports him to day program, and assists him at his day program. Moreover, claimant's day program does not provide transportation and claimant has had difficult experiences in shared vans.

56. RCEB stated that claimant's transportation is provided through the Personal Assistant's employer, Maxim, whose rate includes mileage. RCEB asserted that any mileage reimbursement is the responsibility of the employer. RCEB also offered to fund a transportation-specific vendor to transport claimant to and from day program. Upon a transition to SDP, claimant could still pay the same person to drive claimant to the day program and attend to him there, and would not be required to use the RCEB

vendor. RCEB does not require claimant to use public transportation including East Bay Paratransit.

57. Aunt provided a chart showing total monthly expenses adding up to \$3,063.24 for May 2025 through May 2026. RCEB does not appear to have requested, and claimant did not provide for this hearing, a breakdown justifying the monthly mileage requests such as the specific date, purpose, starting location, ending location, and total miles traveled by claimant's Personal Assistant in a personal vehicle.

TRAUMA-BASED PSYCHOTHERAPY ASSESSMENT

58. Aunt requested help locating services to assist claimant with trauma since 2024 as stated in Factual Findings 21 and 32. By Notice of Action dated January 20, 2026, RCEB denied Aunt's request to provide and fund a trauma-based psychotherapy assessment for claimant; however, RCEB interpreted Aunt's request as one for RCEB staff to provide the assessment.

59. A February 17, 2026, letter from claimant's treating psychiatrist, S.S., M.D., strongly recommends that claimant "engage in therapy with a clinician who specializes in trauma-focused treatment that will be beneficial long term because it will help with coping skills and maybe reduce medication if therapy is successful."

60. RCEB's Purchase of Service Policy No. 3407 provides that, if recommended and justified by a case manager and interdisciplinary team, RCEB will consider funding counseling and psychotherapy services for a consumer if no other resources are available for this purpose.

61. At the April 2026 hearing in this matter, Case Manager Supervisor Cristie Raynor testified that RCEB would approve funding for a trauma-based psychotherapy

assessment. Client Services Manager Amanda Verbrugge stated that claimant's case management team has identified a vendor who works with developmentally disabled populations and is willing to assess claimant for therapy as to trauma. RCEB provided the name of the vendor, M.C., to Aunt.

62. Aunt reported that when they assessed claimant, Schreiber Center "recommended trauma specialized therapies such as EMDR [Eye Movement Desensitization and Reprocessing], TF-CBT [Trauma Focused Cognitive Behavioral Therapy], and DBT [Dialectal Behavior Therapy]." At hearing, Aunt stated that EMDR, in particular, was recommended given claimant's verbal communication and intellectual abilities. Aunt contacted M.C. independently and received an email dated May 2, 2026, from the Program Director stating, "After careful review, we do not believe our services align with what you are looking for. Additionally, we are not yet EMDR certified."

63. By email dated May 25, 2026, Aunt asked that RCEB approve a different provider, Licensed Clinical Social Worker H.D., who is reported to be certified in EMDR therapy, levels I, II, and III, and to have experience providing services to individuals, children, teens, young adults, families and groups with a wide range of diagnoses. H.D. does not report experience with developmentally disabled populations and is not an RCEB vendor. Based on H.D.'s proposal, Aunt requested that RCEB fund an intake, initial treatment, and ten follow-up EMDR sessions, for an estimated total of \$3,125.

64. Aunt has contacted some 20 other potential providers, most of whom did not respond. She stated that the need for this care is "overdue" and is something that claimant's psychiatrist has been raising due to concern that, absent intervention, claimant's behaviors due to trauma may become ingrained.

65. Verbrugge stated that typically, RCEB's case manager consults with its clinical staff and obtains one to two potential vendors to explore and make referrals. There are a limited number of qualified vendors in this circumstance. The proposed provider, M.C., has experience providing services to clients with developmental disabilities, and was aware of claimant's history of trauma. RCEB's clinicians continue to think that they can make an effective referral for claimant to M.C. To effectuate such a referral, RCEB would submit a referral packet to M.C. that includes RCEB reports and assessments; M.C. would review the packet and determine whether it would be appropriate to provide services to claimant.

66. RCEB did not act on claimant's request to approve funding for H.D.'s services prior to a further day of hearing in this matter. Verbrugge testified that RCEB's clinical staff questions the appropriateness of a community provider such as H.D., given claimant's intellectual disability. Verbrugge stated RCEB's policy that if an appropriate provider were found who is not an RCEB vendor, RCEB could, as an exception, approve Aunt to be reimbursed directly. However, clinical staff would need to agree that an RCEB vendor would not be suitable.

OUT OF HOME RESPITE; SOCIAL AND RECREATIONAL SERVICES

67. Claimant's March 30, 2026, appeal challenges RCEB's "failure to include and/or authorize Out-of-Home Respite services (including camping)" from the draft IPP.

68. The November 2024 IPP annual review discusses the desired outcome for claimant to be presented and receptive to opportunities to participate in social and recreational activities of his choice while being supported in decreasing instances of behaviors, at program and at home, through October 31, 2025. His progress was

described as "deferred" at that time. The November 2025 and March 2026 drafts of the 2025 IPP update do not mention out of home respite or social and recreational services.

Overnight Camp

69. At hearing in April 2026, RCEB representatives stated that that RCEB approves up to 21 days of out of home respite for claimant, and that camp is approved as a social recreation activity with no effect on respite. RCEB requested to be informed once camp enrollment is confirmed, typically by the camp. Once enrollment is confirmed, RCEB would "put in" a purchase of service request.

70. Aunt informed RCEB that claimant was on the waiting list for several day camp programs. RCEB did not take further action, but has not denied a request to enroll in camp.

Equestrian Day Program

71. Aunt additionally requested for claimant to attend a social recreation activity one Saturday per month, four hours per session, at an equestrian day program located on the coast south of San Francisco. The equestrian day program provider is an RCEB vendor. In her emailed request on March 31, 2026, Aunt stated, "Depending on their staffing available, they may provide 1:1 support there, or [claimant] will need to come with his own personal assistant for 1:1 support." Claimant would also need transportation.

72. Aunt testified that if a driver were to transport claimant, an additional person may be necessary to attend to him, who has the skills to assist him if he becomes upset. During the course of the hearing, Aunt refined the request and asked

that claimant's Personal Assistance hours be increased by eight hours per month to transport claimant and accompany him to the equestrian day program.

73. RCEB supports the request for claimant to attend the equestrian day program but reserved the right to "determine how many sessions claimant will be attending." RCEB has identified a vendor that "may provide" a driver and attendant.

LEGAL CONCLUSIONS

Legal Background

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act.

2. The Lanterman Act mandates that "[a]n 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 twofold: (1) to prevent or minimize the institutionalization of persons with developmental disabilities and their dislocation from family and community, and (2) to enable persons with developmental disabilities to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives. (§§ 4501, 4685.)

3. Lanterman Act services are provided through a statewide network of private, nonprofit regional centers, including RCEB. (§ 4620.) The Lanterman Act entitles claimant to an administrative fair hearing to review RCEB's decisions. (§ 4710 et seq.) RCEB bears the burden of proof by a preponderance of the evidence to terminate

a current service or support to claimant set forth in the IPP. (Evid. Code, §§ 115, 500.) Claimant bears the burden of proof by a preponderance of the evidence to establish eligibility for new services. (*Ibid.*)

Lanterman Act Services

4. To determine how a consumer is to be served, a regional center conducts a planning process that results in the development of an IPP. (§ 4646.) The IPP is developed by an interdisciplinary team with participation by the consumer and/or the consumer's representative. The IPP must state the consumer's goals and objectives, and state the services and supports that will be purchased by the regional center or obtained from generic resources. (§§ 4646, 4646.5 & 4648.) The determination of which services and supports are necessary is made after analyzing the needs and preferences of the consumer, the range of service options available, the effectiveness of each option in meeting the IPP goals, and the cost of each option. (*Ibid.*)

5. "'Services and supports for persons with developmental disabilities' 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. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer . . . and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option." (§ 4512, subd. (b).) Services and supports that an

IPP identifies for a regional center to purchase must conform to the regional center's purchase of service policies, as approved by DDS. (§ 4646.4, subd. (a)(1).)

6. The IPP must be prepared jointly by the planning team, and decisions about the consumer's goals, objectives, and services and supports to be included in the IPP, purchased by the regional center, or obtained from generic resources, "shall be made by agreement between the regional center and the consumer or, if appropriate, the . . . conservator" at the program plan meeting. (§ 4646, subd. (d).) At the conclusion of the IPP meeting, an authorized representative of the regional center "shall provide to the consumer, in written or electronic format, a list of the agreed-upon services and supports, and, if known, the projected start date, the frequency and duration of the services and supports, and the provider." (*Id.*, subd. (g).)

7. If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the consumer's request. (§ 4646, subd. (h).) A regional center representative and the consumer's conservator shall sign the IPP and the list of agreed-upon services and supports. (§ 4646, subd. (i).) If the consumer's conservator does not agree with the plan, they may indicate their disagreement, but disagreement with specific plan components shall not prohibit the implementation of agreed-to services and supports. (*Ibid.*)

8. 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).) Accordingly, regional centers may not fund duplicate services that are available through another public agency that has a legal responsibility to serve the general public. This prohibition against "supplanting generic resources" is contained in

section 4648, subdivision (a)(8). Regional centers must identify and pursue all possible sources of funding for services, including generic services (§ 4646.4, subd. (a)(2)), governmental entities or programs that are required to pay the cost of providing services (§ 4659, subd. (a)(1)), and private entities that may be liable for the cost of services to the consumer (§ 4659, subd. (a)(2)).

9. Regional centers are also responsible to consider services and supports in natural community, home, work, and recreational settings. (§ 4648, subd. (a)(2).) Services and supports must be "flexible and individually tailored to the consumer and, if appropriate, the consumer's family." (*Ibid.*)

Purchase of Services/Vendorization

10. A regional center "may, pursuant to vendorization or a contract, purchase services or supports for a consumer." (§ 4648, subd. (a)(3).) Vendorization is the "process for identification, selection, and utilization of service vendors . . . based on the qualifications and other requirements necessary in order to provide the service." (*Id.*, subd. (a)(3)(A).) A regional center may reimburse an individual for providing services to a consumer if the individual has completed the vendorization procedures. (*Id.*, subd. (a)(3)(B).) The Lanterman Act has a goal of encouraging regional centers to use innovative and economical service delivery mechanisms to achieve the IPP objectives of persons with developmental disabilities. (§ 4651.) If there is no vendor available to meet a legitimate IPP goal, in some circumstances a regional center client may purchase it from a non-vendored source and seek reimbursement. (See, e.g., § 4648, subd. (a)(4).)

Transportation

11. In developing, reviewing, or modifying a consumer's IPP, a regional center must fund the least expensive transportation modality that meets the consumer's needs, as set forth in the IPP. (§ 4648.35, subd. (b).) A regional center "shall fund transportation, when required, from the consumer's residence to the lowest-cost vendor that provides the service that meets the consumer's needs" as set forth in the IPP. (*Id.*, subd. (c).) The cost of a vendor "shall be determined by combining the vendor's program costs and the costs to transport a consumer from the consumer's residence to the vendor." (*Ibid.*)

12. In implementing an IPP, the regional center shall consider the costs of "providing services or supports of comparable quality by different providers, if available, . . . and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected." (§4648, subd. (a)(6)(D)(i).) However, a consumer "shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports." (*Ibid.*)

Social Recreation Services

13. The Legislature intends for social recreation services, camping services, and nonmedical therapies including specialized recreation, art, dance, and music, to be among the services and supports made available to consumers, "not only for socialization, but to lead the lives that they want in the community." (§ 4688.22, subd. (a)(2).) Further, the Legislature intends that purchase-of-service polices and

related procedures reduce administrative barriers to consumers' utilization of such services "to the fullest possible extent." (*Ibid.*)

Self-Determination Program

14. The Legislature added the SDP to the Lanterman Act "to provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP." (§ 4685.8, subd. (a).) The SDP program is established under the Medicaid Home and Community-Based Services waiver.

15. An IPP for an SDP participant is subject to the same requirements as for Lanterman Act consumers who do not participate in the SDP. (§ 4685.8, subd. (c)(4).) Just as for Lanterman Act consumers who do not participate in the SDP, the SDP consumer's IPP identifies the consumer's needs and goals, and describes services the regional center will provide or fund to meet those needs and goals. (§§ 4646, 4685.8, subd. (b)(2)(H)(i).)

16. In the SDP, the consumer directs spending from an "individual budget," representing "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).) The SDP consumer directs spending from this individual budget according to an approved "spending plan," which must "identify the cost of each good, service, and support that will be purchased with regional center funds." (§ 4685.8, subd. (c)(6).) All such goods, services, and supports must be "necessary to implement" the consumer's IPP. (*Id.*, subds. (c)(6), (d)(3)(C).)

Discussion

PERSONAL ASSISTANCE HOURS

17. Claimant requests an order that RCEB continue to fund a Personal Assistant for 175 hours per month for one year from the date of the order, anticipating transition into the SDP program, for one-on-one assistance to claimant at home and in the community.

18. It is determined that substituting Day Care for a portion of claimant's current Personal Assistance hours at this time introduces the risk that claimant will be required to rely on multiple providers in a fragmented manner, jeopardizing his stability and current program. (Factual Findings 29-30, 33-38, 41-44.) Aunt's voluntary care is a natural support that is not required for claimant during the ordinary workday. (Factual Findings 45-48.) RCEB's action to deny Personal Assistance and require claimant to obtain Day Care instead is not sustained. (Legal Conclusions 4, 5, 9.)

19. As RCEB has not taken official action to deny Personal Assistance for the day program, including transportation, and has not taken official action concerning claimant's potential eligibility for IHSS, there is no jurisdiction to decide these matters.

REIMBURSEMENT OF PERSONAL ASSISTANT PERSONAL VEHICLE MILEAGE

20. Given that the Personal Assistant's rate includes mileage (Factual Finding 56), RCEB is not required to additionally reimburse Aunt for mileage for May 2025 to May 2026. (Legal Conclusions 11-12.) RCEB should, however, ensure that its vendor covers personal vehicle mileage as contracted.

TRAUMA-BASED PSYCHOTHERAPY ASSESSMENT

21. Claimant has not received trauma-focused therapy for two years since traumatic events at his former group home, and Aunt has requested RCEB's support to obtain therapy. (Factual Findings 21, 32, 58-59, 62-64.) Generic services are not available, and RCEB agrees to identify vendored providers who may provide such care. (Factual Findings 21, 32, 61, 64-66.)

22. Although RCEB agrees to fund a service and make referrals to vendored providers, the parties have not agreed upon the service. RCEB must ensure that service providers are qualified to provide the service and further must determine which services and supports are necessary after analyzing the consumer's needs and preferences, the range of service options available, and the effectiveness of the option in meeting the IPP goals. (Legal Conclusions 4, 5.)

23. RCEB has found a potentially qualified provider, M.C., who is already an RCEB vendor, but has not made a referral. If Aunt approves the referral, RCEB should proceed to make the referral, and RCEB, Aunt, and claimant should consider the result.

24. It is not reasonable, however, to ask claimant to continue to defer this care. (Legal Conclusion 10.) RCEB, through the appropriate staff member, should also contact claimant's requested provider, H.D., evaluate H.D.'s capacity to provide effective services towards trauma recovery for claimant, fund the request as an exception if justified, and provide a notice of action if not.

25. RCEB's action to deny a trauma-based psychotherapy assessment is not sustained.

OUT OF HOME RESPITE; SOCIAL AND RECREATIONAL ACTIVITIES

Respite

26. RCEB has not denied out-of-home respite and will authorize up to 21 days per year of out-of-home respite. (Factual Finding 69.) However, out-of-home respite has not been addressed in the draft IPP and RCEB has not provided an IPP as required. (Factual Finding 68.) RCEB should provide an IPP that confirms its commitment to fund up to 21 days per year of out-of-home respite. (Legal Conclusions 6, 7.)

Camp & Equestrian Day Program

27. RCEB has not required claimant to use out-of-home respite services for camp and intends to fund camp for claimant upon confirmation that claimant is enrolled in camp. (Factual Findings 69, 70.) RCEB also intends to fund the equestrian day program and has not denied transportation to the program. (Factual Findings 71-73.) As RCEB has not denied camp or the equestrian day program, including transportation, there is no action or lack of action to review and no jurisdiction for a decision.

28. However, the draft IPP omits social recreation activities, and it has not been finalized. RCEB should provide an IPP that confirms the parties' intent for claimant to engage in specific social recreation activities with RCEB support. (Legal Conclusions 5-7.)

ORDER

Claimant's appeal is granted in part, denied in part, and dismissed in part.

1. Claimant's appeal of RCEB's action to deny Personal Assistance during daytime hours that claimant is not in his day program is granted. RCEB shall not reduce the 175 monthly Personal Assistance hours on this basis.

2. Claimant's appeal of RCEB's action to deny reimbursement for mileage incurred by the Personal Assistant is granted in part. RCEB is not required to reimburse claimant for mileage for May 2025 to May 2026; however, RCEB shall ensure that the Personal Assistant vendor is complying with its contractual obligation to pay mileage for claimant's Personal Assistant.

3. Claimant's appeal of RCEB's action to deny a trauma-based psychotherapy assessment is granted. Further, if authorized by Aunt, RCEB shall make a referral to M.C. so that RCEB, Aunt, and claimant may consider the result. RCEB shall also evaluate H.D.'s capacity to provide effective services towards trauma recovery for claimant, fund the request as an exception if justified, and provide a notice of action if not.

4. Claimant's appeal of RCEB's action to deny up to 21 days of out of home respite is granted in part. RCEB's agreement to provide up to 21 days of out of home respite shall be stated in an IPP for the current period.

5. Claimant's appeal of RCEB's action to deny social and recreational activities is granted in part. RCEB's agreement to fund specific social recreation activities shall be stated in an IPP for the current period.

6. As to all other matters, claimant's appeal is dismissed without prejudice.

DATE:

STEPHANIE E. HAFFNER

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. **2026030472, 2026031027, 2026031031,
2026040015, 2026040017**

Vs.

DECISION BY THE DIRECTOR

Regional Center of the East Bay

Respondent.

ORDER OF DECISION

On July 10, 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 July 16, 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. 2026030472, 2026031027,
2026031031, 2026040015, 2026040017

Vs.

**RECONSIDERATION ORDER, DECISION
BY THE DIRECTOR**

Regional Center of East Bay,

Respondent.

RECONSIDERATION ORDER

On July 31, 2026, the Department of Developmental Services (Department) received claimant's application for reconsideration of a Final Decision issued by the Director on July 16, 2026.

The application for reconsideration is denied. A review of the Final Decision and record does not support a finding of factual, legal or clerical error that would change the Final Decision. The Final Decision remains effective as of July 16, 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 August 11, 2026.

Original signed by

Katie Hornberger
Deputy Director, Division of Community Assistance
and Resolutions