BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF ORANGE COUNTY, Service Agency

DDS No. CS0035043

OAH No. 2026030854

DECISION

Jennevee H. de Guzman, Administrative Law Judge, Office of Administrative Hearings, State of California, serving as a hearing officer, conducted a fair hearing on July 29, 2026, by videoconference from Sacramento, California.

Ublester Penaloza, Manager, Fair Hearings and Mediations, represented the service agency, Regional Center of Orange County (RCOC).

Claimant's mother (Mother) represented Claimant, who was not present.

Evidence was received. The record was held open for Claimant to upload additional exhibits and for RCOC to upload written objections, if any, to Case Center. Claimant uploaded five exhibits, which have been marked as Exhibits H through L.

Exhibit H is entitled “Supplemental Exhibit Index” and contains an index of exhibits, Mother’s supplemental declaration, and various documents pertaining to medical records, correspondence, and bank records. Exhibit I is a collection of emails and letters between Mother, RCOC, and other parties. Exhibit J is a collection of emails between Mother and RCOC, Mother’s written statements, Mother’s medical records, and financial records. Exhibit K is duplicative of Exhibit H. Exhibit L is illegible but appears duplicative of Exhibit I. RCOC did not file any objection to Exhibits H through L. Exhibits H through J are admitted for all purposes. Exhibit K is excluded because it is duplicative of Exhibit H. Exhibit L is excluded because it is duplicative of Exhibit I and illegible. The record was closed and the matter submitted for decision on August 7, 2026.

ISSUE

Whether RCOC was required to issue a Notice of Action (NOA) following Claimant’s vendor’s independent decision to terminate its respite care and personal assistance services.

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is a 21-year-old man found eligible for RCOC services and supports under the Lanterman Developmental Disabilities Services Act (Lanterman Act) (Welf. & Inst. Code, § 4500 et seq.) based on his diagnosis of unspecified intellectual disability and autism. Claimant resides with his mother, maternal aunt, and grandmother in their family home in Cypress, California.

2. Claimant's 2024 individual program plan (IPP) provides he "requires constant care, supervision, and support to continue living in the family home." 24 Hour Home Care (24 HHC) was claimant's designated vendor for providing in-home respite care and personal assistance services.

3. On December 4, 2025, 24 HHC emailed a 90-day notice of termination of services (90-day notice) to Mother. 24 HHC terminated its services because it had "become aware that [its] meetings [with Mother] were recorded without [its] consent," thus resulting in "distrust," and its inability to meet "further demands and unrealistic requests." Subsequently, Mother requested RCOC to provide an NOA based on 24 HHC's termination of services. RCOC declined because the termination was initiated by 24 HHC, rather than by RCOC, and was thus not an appealable action under the Lanterman Act.

4. On March 16, 2026, RCOC received Claimant's appeal from its refusal to issue the requested NOA.

Regional Center's Evidence

JENNIFER KENNEDY'S TESTIMONY

5. Ms. Kennedy, West Area Manager, has worked at RCOC for 15 years. She is familiar with Claimant. She explained Claimant's last IPP meeting date was October 16, 2024, and RCOC has been unable to prepare a more recent IPP due to, among other reasons, Mother's unavailability. Nevertheless, RCOC continues to authorize funding for the services and supports identified in Claimant's 2024 IPP, including respite care and personal assistance services.

6. Ms. Kennedy explained a regional center client may choose their own respite care and personal assistance providers. Mother initially selected 24 HHC as Claimant's provider. However, on December 4, 2025, 24 HHC provided Mother with their 90-day notice. Ms. Kennedy explained 24 HHC independently initiated the termination and provided greater notice than the typical 30 days required of regional center vendors to allow Mother extra time to onboard a new provider and avoid disruption of services.

7. Ms. Kennedy explained RCOC immediately began contacting other vendors upon learning about 24 HHC's termination of services. In December 2025, RCOC identified Aveanna Healthcare (Aveanna) as an available replacement vendor. Mother did not approve Aveanna and instead requested an NOA based on 24 HHC's termination of services. RCOC informed Mother that it could not compel a vendor to provide services to a client. In March 2026, RCOC emailed Mother five additional service provider options for respite care and personal assistance services. To date, RCOC's 2024 authorizations for respite care and personal assistance services have remained in place and have not been reduced, suspended, modified, or terminated. The authorized hours, however, have yet to be transferred to another vendor.

Carie Otto's Testimony

8. Ms. Otto has worked at RCOC since 1999, and she is currently RCOC's associate director. She explained the Lanterman Act requires regional centers to coordinate with outside vendors to deliver services to regional center consumers. Such vendors are not employed by the regional center. Rather, they are private and independent entities that retain the right to terminate services with a regional center consumer upon proper notice. Upon notification of a vendor's termination of services,

a regional center must ensure the continuation of services and agreements by transitioning the affected services to another vendor upon the client's approval.

9. Ms. Otto explained the Lanterman Act requires a regional center to issue an NOA when it has taken an action, such as modifying or changing a service, without a client's agreement. An NOA was unwarranted here because RCOC did not initiate 24 HHC's termination of services. Ms. Otto further explained that RCOC recognized the urgency of claimant's continuity of care but nevertheless lacked the authority to compel 24 HHC to continue providing its services to Claimant. Consequently, RCOC provided alternative vendors in an effort to preserve Claimant's continuity of care. RCOC presently continues to authorize the services and supports identified in Claimant's 2024 IPP.

10. Ms. Otto explained the Department of Developmental Services (Department) has strict rules regarding client confidentiality. In compliance with these rules, RCOC's information technology (IT) department has installed an encryption screening tool that automatically encrypts content it deems confidential. Neither service coordinators nor supervisors have manual control over this tool. Ms. Otto explained RCOC aids families experiencing difficulties with this tool. In addition, RCOC offers other means of communication such as telephone calls, in-person meetings, and mail service. These alternate means of communication were utilized because Mother had difficulty accessing RCOC's emails due to the encryption tool.

Claimant's Evidence

11. Mother testified at hearing and stated Claimant has had continuity of care issues since June 2025, when his employed caregivers first began experiencing a variety of payroll issues caused by 24 HHC. Claimant's continuity of care faced further

uncertainty after 24 HHC provided its 90-day notice in December 2025. At this time, Mother was unable to coordinate claimant's services and perform her daily caregiving responsibilities due to her own medical conditions and chronic pain. Her prescribed medications caused severe fatigue, impaired concentration, and reduced cognitive endurance. In addition, Mother was unable to effectively communicate with RCOC about the transition of Claimant's services due to their encrypted emails.

12. Mother had back surgery and was hospitalized on March 24, 2026. The hospital was located approximately one and one-half hours away from Claimant and their family home. Following her hospitalization, Mother was transferred to various rehabilitation facilities which were located approximately one hour away from the family home. Mother was away from Claimant and their home for a total of six weeks, causing her additional stress because she was unable to care for Claimant and coordinate his services. She was also unable to receive any mail while she was away. Mother's sister provided emergency, around-the-clock care for Claimant. Although Mother's sister cared for Claimant during her absence, Mother knew her sister was "worn out."

13. Mother understands RCOC lacks the authority to compel 24 HHC to continue providing its services, but she had hoped RCOC would have advocated on Claimant's behalf by requesting "more time" until she got home from the hospital. Mother presently feels exhausted and experiences physical limitations in caring for Claimant. She is scheduled for knee replacement surgery on August 10, 2026, and wants to ensure Claimant will be okay while she is away.

Documentary Evidence

14. Mother submitted documentary evidence in support of her testimony. She submitted the following: written statements that were consistent with her testimony; email exchanges with RCOC regarding her inability to open and access RCOC's encrypted messages, matters related to Claimant's continuity of care, and other issues unrelated to this appeal; Claimant's medical records demonstrating his continued need for care; Mother's medical records demonstrating her medical condition and limited ability to coordinate Claimant's services; and financial records establishing her out-of-pocket payments to caregivers to preserve Claimant's continuity of care.

Analysis

15. A regional center must provide a notification when it proposes to "reduce, terminate, or change services set forth in an . . . [IPP]" or when a consumer is determined to be no longer eligible for services. (Welf. & Inst. Code, § 4710, subd. (a)(1)-(2).) The persuasive evidence established that 24 HHC, and not RCOC, initiated the termination of its respite care and personal assistance services to Claimant. The persuasive evidence further established RCOC has not reduced, terminated, or changed the services set forth in Claimant's 2024 IPP. Accordingly, RCOC was not required to issue an NOA pursuant to Welfare and Institutions Code section 4710, subdivision (a)(1)-(2). Although Mother persuasively testified about the many hardships she experienced in preserving Claimant's continuity of care since June 2025, she also acknowledged RCOC's inability to compel 24 HHC to continue providing services to Claimant. Accordingly, Claimant's appeal must be dismissed.

LEGAL CONCLUSIONS

1. The party seeking government benefits or services has the burden of proof. (*Lindsay v. San Diego County Retirement Bd*. (1964) 231 Cal.App.2d 156, 161.) In this case, Claimant bears the burden of proving, by a preponderance of the evidence, that RCOC was required to issue an NOA following 24 HHC's termination of its respite care and personal assistance services to Claimant. The term preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

2. The Department is the state agency charged with providing services to California residents with developmental disabilities (consumers). The Lanterman Act, along with its implementing regulations (Cal. Code Regs., tit. 17, § 50201 et seq.), is a comprehensive statutory scheme requiring the fiscally responsible delivery of services and supports to consumers.

3. Under the Lanterman Act, the Department contracts with regional centers to facilitate the delivery of direct services and supports to consumers within designated geographical areas. (Welf. & Inst. Code, §§ 4620–4622 & 4269.) In turn, regional centers contract with qualified vendors, authorizing the provision of direct care to eligible consumers. (Welf. & Inst. Code, § 4648, subd. (a)(3)(A); Cal. Code Regs., tit. 17, §§ 54302, subd. (a)(78), & 54320.)

4. A regional center must provide a notification when it proposes to "reduce, terminate, or change services set forth in an . . . [IPP]" or when a consumer is determined to be no longer eligible for services. (Welf. & Inst. Code, § 4710, subd. (a)(1)-(2).) The notice shall be sent at least 30 days prior to the proposed action. (*Ibid*.)

5. Considering the Factual Findings and Legal Conclusions as a whole, the action for which Claimant seeks an NOA does not involve a proposed reduction, termination, or change of service, as set forth in Claimant's IPP, by RCOC. Rather, the termination of services was initiated directly by 24 HHC. RCOC continues to authorize the services and supports identified in Claimant's 2024 IPP and has expressed its commitment to transfer Claimant's respite care and personal assistance services to an alternate vendor upon Mother's approval. Accordingly, Claimant's appeal must be DISMISSED.

ORDER

Claimant's appeal is DISMISSED.

DATE: August 11, 2026

JENNEVEE H. DE GUZMAN

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.