

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

In the Matter of:

CLAIMANT

and

SAN DIEGO REGIONAL CENTER, Service Agency

DDS No. CS0035009

OAH No. 2026031068

PROPOSED DECISION

Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 27, 2026.

Claimant's mother represented claimant.

Erik Peterson, Appeals and Resolutions Manager, represented San Diego Regional Center (SDRC).

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on April 27, 2026.

ISSUE

Is SDRC required to approve the movement of funds within claimant's Self Determination Program (SDP) Individual Program Budget to allow claimant to purchase the Champions for Our Children Masterclass in claimant's SDP Budget Plan?

FACTUAL FINDINGS

Background

1. Claimant is a 12-year-old child with a diagnosis of autism who receives consistent support from her family across multiple domains of daily functioning, including toileting.

2. On March 5, 2026, SDRC issued a Notice of Action (NOA) denying claimant's request to move funds for "The Champions for our Children" in claimant's SDP individual budget.¹ According to the website for this course, Michelle B. Rogers, "Autism Mom, Life Coach," offers programs and courses to parents of special needs children with the stated mission to "help Autism Parents of Toddlers who are Non-Verbal to start communicating and potty train - Guaranteed!" Ms. Rogers is based in New York State.

3. SDRC cited these reasons for denying claimant's request:

¹ The program is referred to as the "Masterclass."

The individual budget cannot exceed expenditures that would have occurred regardless of the individual's participation in SDP. Funds in the SDP budget are determined based on what SDRC would fund in traditional services. This program does not meet requirements to qualify as Individual and Family Training per SDRC's POS [Purchase of Services Standards] guidelines; SDP funds may not be used when generic resources are available to meet the need. The course identifies itself as helping parents teach their children 3 life skills: potty training, communication, and stopping problem behaviors. Applied Behavioral Analysis [ABA] therapy, speech therapy, and the school district are all generic resources to meet these needs. This provider is not qualified to provide this level of service. This provider is not a recognized individual and does not have any training or qualifications to be teaching these skills. ABA services can meet this need with qualified providers. This program does not meet the service code definition of 334 Individual Training Education and this provider does not meet waiver requirements to provide services under service code 334. This service provider is based outside of the state of California. This need can be met within the state.

4. In support of its action, SDRC cites Welfare and Institutions Code sections 4685.8, subdivision (m)(1)(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"]; 4685.8 (d)(3)(B) ["The participant shall utilize the services and supports available within the Self-Determination Program only when generic services and supports are not available"]; and 4685.8(c)(6) ["The Self-Determination Program shall only fund services and supports provided pursuant to this division that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation"]. SDRC also asserts that pursuant to the 1915(c) Self-Determination Home and Community Based Services Waiver, in accordance with section 4519, subdivision (a) "shall not expend funds for purchase outside of the state" Additionally, SDRC's POS Guidelines require that "The conference, workshop, seminar, or individual and family training is presented by a recognized organization or individual."

5. On March 5, 2026, claimant's mother appealed SDRC's service denial. Claimant's mother cited these reasons for her appeal: claimant's pediatrician highly recommended the course, the course is a specialized program with a proven track record and is overseen by licensed professionals; the course targets potty training specifically for special needs people of all ages and the course providers work with each person's abilities in areas of communication and behaviors.

6. This hearing followed claimant's mother's appeal.

Testimonial and Documentary Evidence

7. The following is a summary of the testimony of these witnesses SDRC called: SDRC Autism Coordinator, Alyssa Delagnes, Self-Determination Program Manager, Kathleen Sorensen, BCBA, LABA, and Theodora Nelson, M.D. Claimant called

Shannon Farley, BCBA, Ella Josforbes, who serves as claimant's full-time aide at school, Karen Allen, claimant's independent facilitator, and claimant's mother.

SDRC's WITNESSES

8. Ms. Delagnes testified there are several reasons SDRC did not approve funding of Ms. Rogers's services. In the first place Ms. Rogers does not possess the necessary license and/or certification to provide the service as required by the 1915(c) Home and Community-Based Services (HCBS) Waiver. Pursuant to Welfare and Institutions Code section 4685.8, subdivision (c)(6), the SDP "shall only fund services and supports provided. . . that the federal Centers for Medicare and Medicaid Services determine are eligible for federal financial participation." The HCBS waiver specifically requires that the service provider have necessary licensure and/or certification. SDRC follow this requirement in its POS. The POS states that "the conference, workshop, seminar, or individual and family training is presented by a recognized organization or individual." Ms. Rogers does not have this required licensure and/or certification to comply with the HCBS waiver mandate.

9. In addition, generic resources are available to claimant that would meet claimant's needs, specifically, ABA services.

10. Ms. Sorensen's testimony is summarized as follows: Ms. Sorensen is a Board Certified Behavioral Analyst (BCBA). She holds a bachelor's degree in psychology and a master's degree in behavioral analysis. She has been a BCBA for over five years and has applied ABA services for children in the clinical, residential and school settings.

11. Ms. Sorensen looked at everything she could find about Ms. Rogers's Masterclass. An SDRC psychologist also looked at the Masterclass.

12. Ms. Sorensen testified that ABA providers are trained to assist children who have autism with toilet training. She cited extensive studies in the ABA literature teaching these toileting skills from a behavioral point of view. Ms. Sorensen also identified research in the area of rapid toilet training as ABA training. Rapid toilet training simply means toilet training at a quicker speed. She commented that the Masterclass seems to be using this ABA rapid toilet training protocol. She cited claimant's recent progress her ABA therapist Shannon Farley documented. Claimant has received BCBA services from Ms. Farley and she wrote a letter of support on claimant's behalf.

13. Ms. Sorensen spoke to Ms. Farley about the letter she submitted on claimant's behalf. She wanted to talk to Ms. Farley to coordinate supports for claimant. Also, Ms. Sorensen wanted to clarify whether Ms. Farley was recommending the Masterclass course for claimant specifically or for more toilet training support in general. Ms. Farley told Ms. Sorensen that she was recommending more toilet training support in general and she was not specifically recommending the Masterclass. Ms. Farley also told Ms. Sorensen she was consulting with other BCBAs at the provider where she works. Ms. Sorensen added that Ms. Farley was acting within the BCBA Code of Ethics which requires BCBAs to act within their scope of competence to work on socially significant behaviors.

14. Based on her discussion with Ms. Farley, Ms. Sorensen opined that she believes that the Masterclass is not necessary to meet claimant's needs. Claimant's needs can be met within the services she is currently receiving.

15. SDRC called Dr. Nelson to testify regarding a letter from claimant's pediatrician. Dr. Nelson has been practicing in the field of pediatrics for over 30 years.

She is also licensed in developmental and behavioral pediatrics. She has been at SDRC since 2023 and is part of the clinical team.

16. In this letter, claimant's pediatrician states that she strongly supports claimant's participation in the Masterclass based on her progress during the three-week trial period. Claimant's pediatrician writes that the Masterclass intervention is necessary to support claimant in her physical and emotional development.

17. Dr. Nelson testified that the letter from claimant's pediatrician does not demonstrate medical necessity for the requested service to support claimant's continued participation in the Masterclass. Under California law, the service is not considered a matter of medical necessity.

CLAIMANT'S WITNESSES

18. Ms. Farley, in her testimony, did not dispute Ms. Sorensen's summary of the conversation she had with Ms. Sorensen. Ms. Farley, it is noted, was present during Ms. Sorensen's testimony. Ms. Farley testified consistent with the letter she wrote that claimant has made significant progress through the service she received at Masterclass that she had not received through her ABA intervention alone and she believes the intervention is medically necessary in light of this progress. Claimant is now able to remain dry on a one-hour schedule, she consistently wears underwear, and initiates bathroom use. In response to questions on cross-examination, Ms. Farley agreed that the Masterclass does not constitute ABA services.

19. Ms. Jossforbes testified that she has been working with claimant since 2023. Since September 2025, she has been claimant's full-time aide at her school and sees her daily. Ms. Jossforbes has seen progress in claimant's toileting since she began

with the Masterclass. Ms. Jossforbes noted specifically that claimant has had no accidents the last two months, which she considered to be significant progress.

20. Ms. Allen, in her testimony as claimant's independent facilitator, urged that SDRC allow Masterclass to be authorized within claimant's SDP.

21. Claimant's mother's testimony is summarized as follows:

Claimant has been receiving generic resources for 10 years with four different ABA providers. Their services did not work. Claimant is 12 and still in diapers. She had to be changed five times a day, which is really hard. Claimant's mother came across this program and was doing this trial with the hope that claimant can get out of diapers. There are four trainings throughout the week. The Masterclass has given her a lot of hope claimant will not need to wear diapers.

22. In her view, Ms. Rogers's program just works better. Claimant's mother said that Ms. Rogers has a team of qualified people and they all have certifications.

23. Claimant is not asking for extra funds. SDP can always have exceptions. She feels the funds are already there. Claimant's mother added that she does not see how there cannot be a workaround to fund the Masterclass.

LEGAL CONCLUSIONS

Purpose of the Lanterman Act

1. The purpose of the Lanterman Developmental Disabilities Act (Lanterman Act) is to provide a "pattern of facilities and services . . . sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree

of handicap, and at each stage of life.” (Welf. & Inst. Code § 4501; *Association of Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

Burden and Standard of Proof

2. Each party asserting a claim or defense has the burden of proof for establishing the facts essential to that specific claim or defense. (Evid. Code, §§ 110, 115, 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051, fn. 5.) In this case, claimant bears the burden to prove her SDP spending plan should fund the service claimant seeks. The standard by which each party must prove those matters is the “preponderance of the evidence” standard. (Evid. Code, § 115.)

Evaluation and Disposition

3. Claimant did not prove by a preponderance of the evidence that SDRC is required to approve the funding of Ms. Rogers’s Masterclass. There are several reasons for this conclusion: First, pursuant to Welfare and Institutions Code section 4685.8, subdivisions (d)(3)(B) and (m)(1)(II), SDRC is prohibited from funding services where generic resources are available. A regional center is required, in turn, to certify that the SDP budget expenditures would have occurred regardless of the individual’s participation in SDP. Ms. Sorensen testified persuasively that claimant can receive accelerated toileting services through her BCBA provider, Ms. Farley. In her testimony, Ms. Farley did not disagree with Ms. Sorensen.

4. In addition, pursuant to Welfare and Institutions Code section 4685.8, subdivision (c)(6), the SDP will only fund services and supports that are approved under the 1915(c) HCBS Self-Determination Waiver. Under this Waiver, entities are required to have a professional license or certification recognized by a nationally- or state-recognized entity to provide the service. No evidence was offered that Ms.

Rogers has such a license or certification. As a further basis to deny claimant's request, SDRC's POS Guidelines require that: "The conference, workshop, seminar, or individual and family training is presented by a recognized organization or individual." Again, there is no evidence that Ms. Rogers has such licensure or certification.

5. Also, under Welfare and Institutions Code section 4519, out of state services can only be approved when the Department of Developmental Services determines that the provided service is not available from resources within the state. As noted above, Ms. Farley is able to provide the requested services to claimant as her BCBA. There is, thus, no need for claimant to obtain these services from an out-of-state provider.

6. Based on all the above, SDRC's decision to deny claimant's request to fund Champions for Our Children Masterclass through claimant's SDP spending plan is upheld.

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ORDER

Claimant's appeal of San Diego Regional Center's decision denying claimant's request to fund Champions for Our Children Masterclass through claimant's Self-Determination Program is denied. San Diego Regional Center may not fund these services for claimant.

DATE: May 5, 2026

ABRAHAM M. LEVY

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026031068

Vs.

DECISION BY THE DIRECTOR

San Diego Regional Center

Respondent.

ORDER OF DECISION

On May 5, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services 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 4712.5, subdivision (a)(1), 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 1, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026031068

Vs.

**RECONSIDERATION ORDER,
DECISION BY THE DIRECTOR**

San Diego Regional Center,

Respondent.

RECONSIDERATION ORDER

On June 19, 2026, the Department of Developmental Services (Department) received San Diego Regional Center's (SDRC) "Request for Clerical Correction" of a Final Decision issued by the Director on June 1, 2026. SDRC's "Request for Clerical Correction" shall be deemed an application for reconsideration pursuant to Welfare and Institutions Code section 4713, subdivision (b).

After review of the Final Decision and the record, the Department grants the application for reconsideration based on clerical errors pursuant to Welfare and Institutions Code Section 4713, subdivision (d). In the Office of Administrative Hearing (OAH) Proposed Decision issued on May 5, 2026, the Administrative Law Judge on page 4, paragraph 7 of the Proposed Decision mistakenly identifies Alyssa Delagnes as the Autism Services Coordinator, when in fact Alyssa Delagnes is the Program Manager. In addition, Katherine Sorenson is mistakenly identified as Kathleen Sorenson, Program Manager, when in fact Katherine Sorenson is the Autism Coordinator. Thus, the Decision shall be corrected as follows:

On Page 4, paragraph 7 of the Proposed Decision, the language that states "SDRC Autism Coordinator, Alyssa Delagnes, Self Determination Program Manager, Kathleen Sorensen, BCBA, LABA" shall be stricken and instead read "SDRC Autism Coordinator, Katherine Sorenson, Program Manager, Alyssa Delagnes." With these clerical changes, the Proposed Decision remains adopted by the Department.

The Final Decision remains effective as of June 1, 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 1, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions