

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

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER,

Service Agency.

DDS No. CS0034361

OAH No. 2026031165

DECISION

Chrysanthy Kyin, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on July 21, 2026. This matter is related to two other appeals Claimant filed (OAH Case Number 2026021140 and OAH Case Number 2026021134), which were heard on the same day.

Claimant was represented by his mother (Mother). The names of Claimant and his family members are omitted to protect their privacy.

Latrina Fannin, Manager of Rights and Quality Assurance, represented Harbor Regional Center (Service Agency).

The ALJ received testimony and documentary evidence. The record was closed and the matter was submitted for decision at the conclusion of the hearing.

ISSUE

Whether Claimant received the requested services identified in his Appeal Request and received Notices of Action from Service Agency.

EVIDENCE RELIED UPON

In reaching this decision, the ALJ relied upon Service Agency's Exhibits 1 through 16; the testimony of Josephine Cunningham, Service Agency Client Service Manager; Claimant's Exhibit B; and the testimony of Mother.

FACTUAL FINDINGS

Background

1. The Department of Developmental Services (Department) administers the Lanterman Developmental Disabilities Services Act (Lanterman Act) to ensure that necessary services and supports are provided to persons with developmental disabilities to help them lead more independent, productive, and normal lives. (Welf. & Inst. Code (Code), § 4500.) Service Agency is one of 21 nonprofit regional centers established by the Lanterman Act to "evaluate the developmentally disabled persons (whom the [Lanterman] Act calls 'consumers'), develop individually tailored plans for their care, enter into contracts with direct service providers to provide the services and support set forth in the plans, and monitor the implementation of those contracts and

the consumers' plans. [Citations.]" (*Shalghoun v. North Los Angeles County Regional Center, Inc.* (2024) 99 Cal.App.5th 929, 937.) Each regional center serves consumers within a particular geographic area of the state known as a "service catchment area," as specified in a contract with the Department. (Code, §§ 4620, subd. (a), 4640, subd. (a); Cal. Code Regs., tit. 17, § 54302, subd. (a)(58).)

2. Claimant is eight years old and lives with his mother, father, and older sister. Claimant is a regional center consumer based on a diagnosis of autism spectrum disorder. He previously received services from Frank D. Lanterman Regional Center. Claimant now lives within Service Agency's service catchment area and has been receiving services from Service Agency since June 1, 2025.

3. There is no evidence that Service Agency issued a Notice of Action regarding the issues involved in this appeal.

4. On February 24, 2026, Claimant filed an Appeal Request complaining of Service Agency's failure to timely issue Notices of Action in response to Mother's service requests and to implement agreed-upon services. The Appeal Request specified that Service Agency did not issue Notices of Action in response to Mother's requests for: (a) Home and Community-Based Services (HCBS) waiver enrollment; (b) personal assistance/in-home support services (IHSS); (c) parent training and autism-specific training; and (d) additional services identified in Claimant's December 11, 2025, written request. The nature of the services identified in Claimant's December 11, 2025, written request is unknown because neither party presented the request at hearing. The Appeal Request states that Claimant received verbal acknowledgement on December 16, 2025, that HCBS enrollment would proceed; however, he did not receive written confirmation or a Notice of Action that his enrollment was complete.

At hearing, Mother expanded her Appeal Request to include a request for a blanket authorization for the requested services.

5. On April 17, 2026, Service Agency assigned a new Service Coordinator and case management team to assist Claimant in response to Mother's requests. On April 22, 2026, Service Agency completed a review of Claimant's services, current functioning, assessed needs, and IPP objectives to confirm that the authorized services continued to appropriately address Claimant's needs in response to the new case assignment.

Fair Hearing

SERVICE AGENCY'S CASE

6. On April 8, 2026, Mother, Case Management Director Antoinette Perez, Ms. Fannin, Client Service Manager Maria Suarez, and Claimant's previous Service Coordinator Karina Mauricio, met to discuss the status of Claimant's services and supports. (Ex. 10, p. A79.) The meeting involved Claimant's requests for respite services, referrals for social skills and floortime, and funding for an electronic toothbrush and a bus pass. (*Ibid.*) However, the meeting participants did not address Claimant's requests identified in the Appeal Request, i.e., HCBS waiver enrollment, personal assistance/IHSS; or parent training. (*Ibid.*)

7. Client Service Manager Josephina Cunningham has been assigned to oversee Claimant's case since April 17, 2026. (Ex. 9, p. A76.) At hearing, Ms. Cunningham explained that her team has assisted Claimant in troubleshooting the barriers in accessing the funded services. Ms. Cunningham explained that Claimant's current Service Coordinator has ensured that approved services are funded and appropriate supports are in place to provide services to Claimant.

8. Ms. Cunningham noted that implementation of services depends on both family and provider's availability. She explained that when Claimant cannot access services because the family and the provider are not available at the same time, Claimant's service coordinator will assist the family to in searching for another provider. Ms. Cunningham stated that Service Agency cannot provide blanket authorizations for all the services Mother has requested because Claimant's IPP team must assess and authorize each service individually to determine whether the service meets Claimant's needs as outlined in his IPP.

9. Ms. Cunningham believes Claimant's case management team has been exceptionally responsive to Mother's requests. She contends Claimant's team has worked collaboratively with the family to address and resolve the concerns raised by Claimant. Ms. Cunningham also maintains the concerns have been satisfactorily resolved and are no longer in dispute.

10. Service Agency contends that Claimant's issues are related to challenges with receiving Notices of Action, availability and implementation of services, and general handling of Claimant's case. Service Agency further contends the appropriate procedure to resolve these issues is through the complaint process under Code section 4731 rather than a fair hearing appeal.

CLAIMANT'S CASE

11. At hearing, Mother did not testify specifically about the service requests identified in the Appeal Request or about Service Agency's failure to provide Notices of Action for each request.

12. Mother expanded Claimant's appeal to include a request for blanket authorizations to promote continuity of care, timely access to services, and greater

efficiency. Mother expressed her frustration with the delay in coordinating and implementing many of the approved services.

LEGAL CONCLUSIONS

1. Under the Lanterman Act, a regional center must provide notice to a consumer when it proposes to "reduce, terminate, or change services set forth in an . . . [IPP]" or when it determines a consumer is no longer eligible for services. (Code, § 4710, subd. (a)(1)-(2).) A regional center must also notify a consumer when it decides "to deny the initiation of a service or support requested for inclusion in the [IPP]." (*Id.*, subd. (b).) Upon receipt of the notification, "[a]ny applicant for or recipient of services, or authorized representative of the applicant or recipient, who is dissatisfied with a decision or action of the regional center . . . shall, upon filing a request within 60 days after notification of that decision or action, be afforded an opportunity for an informal meeting, a mediation, and a fair hearing." (Code, § 4710.5.)

2. The Lanterman Act establishes a separate complaint process for a consumer or authorized representative "who believes that any right to which a consumer is entitled has been abused, punitively withheld, or improperly or unreasonably denied by a regional center . . . or service provider. . . ." (Code, § 4731, subd. (a).) The complaint is first submitted to the involved regional center's director, who must investigate the complaint and issue a written proposed resolution. (*Id.*, subd. (b).) If the complainant is not satisfied with the proposed resolution, the complainant can refer the matter to the Department. (*Id.*, subd. (c).)

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Disposition

3. In this case, there is no evidence that Service Agency reduced, terminated, or changed any service set forth in Claimant's IPP, or denied the initiation of a particular service or support. (Code, § 4710, subds. (a), (b).) Thus, this appeal is not ripe for fair hearing. The ALJ lacks jurisdiction to hear or resolve Claimant's complaints as they do not address a decision by the regional center denying, curtailing, or modifying the delivery of a service or support. (Code, § 4710.5.) Based on the foregoing, the complaint procedure in Code section 4731 is the appropriate process to address Mother's grievances, not this fair hearing appeal.

ORDER

Claimant's appeal is dismissed.

DATE:

CHRYSANATHY KYIN

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.