BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

and

SAN DIEGO REGIONAL CENTER, Service Agency

DDS No. CS0036116

OAH No. 2026050017

PROPOSED DECISION

Mary Agnes Matyszewski, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 16, 2026, by videoconference.

Belinda Brav, Independent Facilitator, represented claimant who was not present. Claimant's mother, who is her conservator, was present for the entire hearing.

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 June 16, 2026. After the record was closed, claimant uploaded two additional documents to Case Center. Claimant did not seek to have the record re-opened and those documents will not be received in evidence although testimony about them was offered during the hearing and that testimony was considered in reaching this decision.

ISSUE

Is SDRC required to increase claimant's Self-Determination Program (SDP) budget due to a change in circumstances?

FACTUAL FINDINGS

Jurisdictional Matters

1. On April 9, 2026, SDRC issued a Notice of Action (NOA) denying claimant's request to increase her SDP budget. SDRC noted there had been no change in claimant's circumstances to support a budget adjustment increase and that it could not do so "due to errors in the spending or miscalculations in the initial budget development." SDRC further noted that Ms. Brav requested additional services, including supported living services, residential placement, and social recreation in order to increase the budget but SDRC determined those were not appropriate or necessary. SDRC advised that generic resources could be explored and that social recreation and transportation for social recreation could be funded if the particular approved social recreation activity would be used by the participant. SDRC also advised the Independent Facilitator that it is the Independent Facilitator's responsibility to manage the funds within the SDP budget total.

2. Claimant timely appealed and this hearing ensued.

Evidence Introduced at Hearing

3. SDRC Program Manager (PM) Alyssa Lederer, SDRC PM Rhiza Daileg, SDRC PM Jessica Macknick, claimant's Occupational Therapist Erin Clarelli, Physical Therapist Sharon Criger, Speech Pathologist Renee Tompkins, her mother and Ms. Brav all testified and over 120 exhibits were received. The findings reached herein are based on that evidence.

4. Claimant is a 21-year-old conserved female who has numerous, serious medical conditions. Her qualifying regional center condition was never established at hearing, but presumably it is epilepsy, which is referenced in her Individual Program Plan (IPP). Many of the services and supports provided are done in claimant's home owing to her conditions and level of comfort.

5. In the Spring of 2025, claimant began the process of transitioning to SDP, which became effective June 1, 2025. As PM Macknick stated, claimant was a "perfect candidate" for SDP because she was "out of the box" due to her many medical conditions and needs. Prior to that transition, the parties engaged in numerous discussions and great collaboration creating claimant's SDP. Multiple emails documented the correspondence between the parties seeking information, clarification, and advising of the SDP procedures and policies in place at the time.

6. PM Macknick explained when the SDP budget was created, all of claimant's conditions, circumstances, needs, and resources were considered; there were no unmet needs. Thus, claimant's budget encompassed all services required to meet her needs. PM Lederer agreed that a review of the budget showed that all of claimant's "needs had been accommodated."

7. Claimant's April 30, 2025, SDP budget and her May 8, 2025, spending plan each totaled $131,623.36.

8. PM Macknick testified that social recreation services are a time-limited, flexible category of services, funded six months at a time. This was how they were funded in claimant's SDP budget.

9. After claimant's SDP budget and spending plan were first created, the law changed. Assembly Bill 143 made several amendments to the Lanterman Developmental Disabilities Services Act (Lanterman Act), including Welfare and Institutions Code section 4685.8. As the Legislative Counsel's Digest to the bill noted: "The bill would make various changes to the [SDP], including, among others, establishing the participants' individual budget generally based on the services authorized instead of being based on purchase of service expenditures, requiring a regional center to certify that participants' spending plans satisfy certain criteria," and establishing statewide standardization for the SDP program.

10. In response thereto, the Department of Developmental Services (DDS) issued its November 25, 2025, D-2025-Self-Determination Program-003 Directive, the subject of which was: "Self-Determination Program: Initial Individual Budgets and Spending Plans." The Directive advised that the new law altered how initial individual budgets are calculated, how spending plans are certified, and how the transfer of spending plan funds between different services and budget categories takes place.

11. In March 2026 Ms. Brav sent an email to SDRC seeking an increase in claimant's SDP funding, stating: "When we initially planned [claimant's] spending plan, line items were based on our best estimations. After 9 months, we have gained additional understanding of [claimant's] needs, especially in the area of in-home

support and socialization in the community." Claimant advised that she had "run out of funds" and needed to increase her budget.

12. SDRC denied claimant's request, citing the applicable laws and the DDS directive issued in November 2025. In response, claimant contended there was a change in her circumstances warranting a budget increase.

13. Claimant asserted the first change of circumstances occurred five months after completing her SDP spending plan. In September 2025, SDRC had agreed that occupational services and destinations for socialization and community integration could be included in claimant's mileage claims which "expanded the scope of [Service] Code 338 as well as parent-vendor [Code] 331 community support services." This expansion increased the need for more funding than originally allocated to claimant's spending plan. This argument was not persuasive because the Lanterman Act requires claimant to operate within her budget and SDRC agreeing to include occupational services and destinations for socialization and community integration in her mileage claims does not automatically mean that her budget will be increased. Instead, she must use funds from other services if she wants to include mileage.

14. Claimant asserted that the second change in circumstances occurred when SDRC denied the anticipated six-month extension of social recreation funding. This argument was also unpersuasive. Claimant's social recreation was funded in a six-month increment, but doing so did not mean it would be renewed automatically every six months. It just meant services were only funded for six months. Put another way, it was a one-time lump sum approval for six months of social recreation. SDRC must re-evaluate the needs for those services when the six months end if a consumer seeks to renew them. SDRC correctly determined that claimant did not satisfy the amended law's requirements regarding granting SDP budget adjustments, especially as claimant

was not accessing the social recreation service so she could not simply move funds from that service to pay for another service.

15. At hearing, claimant asserted that SDRC should have reached out to her when her six-month period was lapsing to see if she needed the service renewed, but that assertion is impractical given the thousands of clients receiving social recreation services. The onus is on claimant to request funding after six months. If she does so, SDRC must determine a need for the service. Moreover, claimant's initial budget which included a six-month funding for social recreation took into account all of her needs. Thus, absent a showing of increased needs, or a change in her circumstances, which was not established, the law prohibits SDRC from increasing her budget.

16. Claimant asserted the third change in circumstances was related to claimant's "improved readiness for engagement and motivation to develop new skills at home for 7 days a week vs. 6 days, as initially identified," which increased costs. Claimant's three therapists and her mother testified about the great improvements claimant has made because of the services she is receiving. However, while services and supports are provided to ameliorate the developmental disability, this is not to say that when there are improvements the individual can receive more services. Such reasoning is at odds with the purpose of the services and supports. Services and supports are implemented solely to improve an individual's condition and help the individual meet his or her IPP goals. If improvement and meeting one's IPP goals meant the person would get more services, there would be no end in sight for funding when improvement was shown.

17. Claimant's arguments regarding things she was promised when her budget and spending plan were created in April and May 2025, including discussions and emails exchanged between the parties, and her cite to other DDS Directives were

unpersuasive and failed to address the fact that the law changed after those communications and prior directives. As now written, regional centers have restrictions regarding when budgets may be adjusted and must certify spending plans.

18. Claimant's evidence regarding the insurance denials for providers did not demonstrate there was a change in her circumstances warranting a budget increase as the Lanterman Act requires. Those services were contemplated and calculated in the initial budget and spending plan. Claimant's failure to accurately calculate the costs for those services or her failure to know those services would not be approved as contemplated does not warrant a budget increase under the newly enacted Lanterman Act parameters. Nor does her attending more services than anticipated merit an increase. Further, it was beyond the scope of this hearing to make determinations that services denied by insurance should be funded by SDRC.

19. Claimant introduced numerous medical and education records but none of them showed she had a change in circumstances warranting a budget increase as proscribed by the Lanterman Act.

20. Evidence was also received that claimant was authorized to receive LVN respite, and although funding at the LVN level has been provided, claimant is not receiving LVN respite as her family cannot locate an LVN respite provider. Claimant's sister "who knows claimant's medical condition" is her respite provider. As such, claimant is receiving respite funding at a higher level than the care she is receiving.

21. Claimant is in the process of seeking in-home support services (IHSS) and had her IHSS interview this month (June 2026). At the time of this hearing, she is not receiving IHSS. While claimant asserted that IHSS services are not duplicative of ones she receives from SDRC, the types of services IHSS funds may overlap with the services

she is currently receiving. In any event, IHSS is a generic resource SDRC can consider when evaluating claimant's services and supports.

22. Claimant's IPP documented that it was important to claimant that she receive Social Security Income (SSI) benefits to help reduce her medical expenses and that a Social Security Administration (SSA) determination "is still pending." Claimant is encouraged to pursue these benefits. This funding is also a generic resource SDRC can consider.

Independent Facilitator Issues

23. As defined by Welfare and Institutions Code section 4685.8, subdivision (c)(2), an "Independent facilitator" is:

> a person, selected and directed by the participant, who is not otherwise providing services to the participant pursuant to their IPP and is not employed by a person providing services to the participant. The independent facilitator may assist the participant in making informed decisions about the individual budget, and in locating, accessing, and coordinating services and supports consistent with the participant's IPP. The independent facilitator is available to assist in identifying immediate and long-term needs, developing options to meet those needs, leading, participating, or advocating on behalf of the participant in the person-centered planning process and development of the IPP, and obtaining identified services and supports. The cost of the independent facilitator, if any, shall be paid by

> the participant out of the participant's individual budget. An independent facilitator shall receive training in the principles of self-determination, the person-centered planning process, and the other responsibilities described in this paragraph at the independent facilitator's own cost. The independent facilitator shall meet standards and certification requirements established by the department.

24. Concerns were raised at this hearing regarding Ms. Brav's level of Independent Facilitator training and understanding of applicable laws. She has known claimant since claimant was in preschool and works closely with the family. This was Ms. Brav's first SDP case and it was clear she had many questions during the process.

25. However, when asked if she had ever attended any of the Independent Facilitator roundtables that SDRC routinely hosts to provide guidance and training to Independent Facilitators, Ms. Brav testified that she only recently became aware of those roundtables but had never attended any as she "would not know who to ask" about them. Ms. Brav then proceeded to list the names of several SDRC employees, again stating she would not know who to ask.

26. Given the vast amount of communications that took place between Ms. Brav and SDRC, it was unclear why she never reached out to SDRC about these roundtables after learning about them.

27. A lot of extraneous information was placed in the record during this day-long hearing, which could have been prevented if Ms. Brav had a better understanding of the applicable SDP laws. Although not an issue on appeal, Ms. Brav is strongly encouraged to undergo comprehensive SDP training.

LEGAL CONCLUSIONS

Purpose of the Lanterman Act

1. The purpose of the 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, footnote 5.) In this case, claimant bears the burden to prove that SDRC should modify her IPP with the language she proposes.

3. The standard of proof in these matters is the preponderance of the evidence standard. (Evid. Code, § 115.)

4. A preponderance of the evidence means that the evidence on one side outweighs or is more than the evidence on the other side, not necessarily in number of witnesses or quantity, but in its persuasive effect on those to whom it is addressed. It is "evidence that has more convincing force than that opposed to it." (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

The Lanterman Act, DDS, and Regional Centers

5. The Lanterman Act is found at Welfare and Institutions Code section 4500 et seq.

6. Welfare and Institutions Code section 4501 sets forth the state's responsibility and duties.

7. Welfare and Institutions Code section 4512 defines services and supports.

8. DDS is the state agency responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) In order to comply with its statutory mandate, DDS contracts with private non-profit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

9. A regional center's responsibilities to its consumers are set forth in Welfare and Institutions Code sections 4640-4659.2.

10. Welfare and Institutions Code section 4648 requires regional centers to ensure that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible. Regional centers must secure services and supports that meet the needs of the consumer, as determined by the IPP. Regional centers must be fiscally responsible and may purchase services or supports through vendorization or contracting. Subdivision (a)(8) states: "Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all

members of the general public and is receiving public funds for providing those services."

11. Welfare and Institutions Code section 4659 requires regional centers to "identify and pursue all possible sources of funding," which includes generic resources, federally funded programs, and private insurance programs. Subdivision (c) prohibits regional centers from purchasing services otherwise available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. Subdivision (d) prohibits regional centers from purchasing medical or dental services unless it is provided with documentation of a denial and it determines an appeal does not have merit.

12. Welfare and Institutions Code section 4688.22, subdivision (c)(1), requires regional centers to "prioritize and expedite any policies, procedures, or written directives" as necessary pertaining to services and supports as well as adopt procedures that enable services to be funded directly through participant-directed services, consistent with directives or other guidance issued by DDS.

Self-Determination Program

13. In 2013, the Legislature enacted Welfare and Institutions Code section 4685.8, requiring DDS to implement a statewide SDP to provide individuals and their families with more freedom, control, and responsibility in choosing services and supports to help them meet objectives in their Individual Program Plan. DDS began pilot programs in certain regional centers, and oversaw statewide working groups from

various regional centers and consumer groups to develop policies and procedures to implement the program.

14. Each consumer in the program must develop an individual spending plan to use their available individual budget funds to purchase goods, services, and supports necessary to implement his or her IPP. The spending plan must identify the cost of each good, service, and support that will be purchased with regional center funds. The total amount of the spending plan cannot exceed the total amount of the individual budget. A copy of the spending plan must be attached to the consumer's IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(7).) SDP participants are required to manage their budgets. (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(D).)

15. There are required methodologies the IPP team must use for determining the initial and any revised individual budget. (Welf. & Inst. Code, § 4685.8, subds. (m)(1)(A)(i) and (m)(1)(B)(i)(ii).) An adjustment may be made to the amount of the budget if both of the following occur: the IPP team determines an adjustment is necessary due to a change in the participant's circumstances, needs, or resources and the regional center certifies that expenditures, including any adjustment, would have occurred regardless of the individual's participation in SDP. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(ii)(I)(II).)

16. An individual budget shall be calculated no more than once in a 12-month period, unless revised to reflect a change in circumstances, needs, or resources of the participant using the process specified in subdivision (m)(1)(A). (Welf. & Inst. Code, § 4685.8, subd. (m)(2).)

17. Each item in the spending plan must be assigned to uniform budget categories developed by DDS and distributed according to the anticipated

expenditures in the IPP in a manner that ensures that the participant has the financial resources to implement the IPP throughout the year. (Welf. & Inst. Code, § 4685.8, subd. (m)(3).) The regional center must review the spending plan to verify that goods and services eligible for federal financial participation are not used to fund goods or services available through generic agencies. (Welf. & Inst. Code, § 4685.8, subd. (r)(6).)

18. An individual may transfer funds between service codes and budget categories in the spending plan upon the approval of the regional center or the participant's IPP team. (Welf. & Inst. Code, § 4685.8, subd. (n).)

Evaluation

19. No adjustments to claimant's budget may be made unless SDRC determines an adjustment is necessary due to a change in claimant's circumstances, needs, or resources **and** SDRC certifies that expenditures would have occurred regardless of claimant's participation in SDP. In addition, SDRC must also comply with DDS directives, which are based on applicable law.

No evidence refuted SDRC's position that all of claimant's needs were taken into account when her budget was created. Claimant's circumstances, needs, or resources have not changed; instead she failed to correctly calculate her budget, spent all her funds, and now seeks an increase. She relies on statements made when the budget was created in Spring 2025, but the law changed in Fall 2025 setting forth new requirements for budget adjustments. Claimant does not meet those requirements.

On this record, claimant's appeal must be denied.

ORDER

Claimant's request that SDRC adjust her SDP budget because of changed circumstances is denied. SDRC shall not increase her SDP budget.

DATE: June 19, 2026

MARY AGNES MATYSZEWSKI

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. **2026050017**

Vs**.**

DECISION BY THE DIRECTOR

Regional Center of SDRC

Respondent.

ORDER OF DECISION

On June 19, 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 14, 2026.

Original signed by

Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division