

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

v.

INLAND REGIONAL CENTER

Service Agency

OAH No. 2019120137

DECISION

Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on January 2, 2020, in San Bernardino, California.

Claimant's mother represented claimant, who was present.

Keri Neal, Consumer Services Representative, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

The record was closed and the matter submitted on January 2, 2020.

ISSUES

Is claimant eligible for regional center services under the Lanterman Act based on based on a diagnosis of autism spectrum disorder (ASD)?

Is IRC required to perform initial intake and assessment services on claimant to determine whether claimant is eligible for regional center services?

FACTUAL FINDINGS

Background

1. Claimant is three years and 11 months old and qualifies for regional center services under the epilepsy disorder category. On November 13, 2019, claimant's mother submitted a fair hearing request on claimant's behalf to have him qualified for regional center services under the ASD category. In this hearing request, claimant's mother stated she wanted the fair hearing because IRC had not properly evaluated claimant for ASD, and to resolve the matter, she wants an intensive multi-disciplinary evaluation of claimant to be performed. At the beginning of the hearing, claimant's mother agreed that the issues to be addressed in this matter are as identified above.

Parties' Stipulation

2. Paul Greenwald, Ph.D., testified as a witness for IRC. Dr. Greenwald is a staff psychologist at IRC and reviewed claimant's medical records and assessments of claimant performed by claimant's providers at Kaiser Permanente as part of IRC's team review of claimant's eligibility for regional center services. In his testimony at the

hearing, Dr. Greenwald felt that additional information is needed to assess whether claimant meets the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5) criteria for ASD because there is conflicting evidence in the record whether claimant meets the DSM-5 criteria. He specifically identified the following information he believes needs to be obtained to make this determination: Raw data from the ADOS-2 (Autism Diagnostic Observation Schedule) assessment that was performed on claimant on November 19, 2019, and the report documenting the clinician's findings based on the ADOS-2 assessment. Dr. Greenwald stated that he would like a psychologist to review this information, who can then determine whether claimant qualifies for regional center services under the ASD category. Dr. Greenwald noted he would not perform this evaluation because he participated in claimant's initial assessment. The parties then conferenced and entered into the following agreement, which was recited on the record:

The parties agree that IRC will conduct an intake assessment of claimant pursuant to Welfare and Institutions Code section 4643, subdivision (a), that will include a psychological assessment of claimant for Autism by a clinician other than Dr. Greenwald. As part of this assessment, IRC will obtain the raw data from claimant's November 19, 2019, Kaiser Permanente (Kaiser) ADOS-2 assessment and full psychological, speech, and occupational therapy reports for review by IRC qualified professional(s). This information will be obtained from Kaiser by claimant's parents. However, in the event, claimant's parents are unable to obtain this information, IRC

will make a good faith effort to assist claimant's parents in obtaining this information.

This agreement is made without prejudice to claimant's right to appeal any determination made by IRC regarding whether claimant is eligible for regional center services under the Autism category.

ORDER

Pursuant to the parties' January 2, 2020, stipulation, Inland Regional Center will perform initial intake and assessment services of claimant pursuant to Welfare and Institutions Code section 4643, subdivision (a), to determine whether claimant qualifies for regional center services under the Autism category.

As part of this assessment, Inland Regional Center will obtain the raw data from claimant's November 19, 2019, Kaiser Permanente ADOS-2 assessment and full psychological, speech and occupational therapy reports for review by an IRC qualified professional. If necessary, IRC will assist claimant's parents in obtaining this information.

After this intake and assessment are performed, IRC will provide claimant with written notice of its determination. Claimant's right to appeal IRC's decision whether claimant is eligible for regional center services under the Autism category is specifically preserved.

DATE: January 7, 2020

ABRAHAM M. LEVY
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision; both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.