

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

JULIEN B.,

Claimant,

vs.

REDWOOD COAST REGIONAL CENTER,

Service Agency.

OAH No. N 2005010279

DECISION

Victor D. Ryerson, Administrative Law Judge, Office of Administrative Hearings, heard this matter on February 14, 2005, in Eureka, California.

Redwood Coast Regional Center was represented by Pamela Schneider, Consumer Services Manager.

Julien B. was represented by his mother, Elizabeth S.

The matter was submitted on February 14, 2005.

STIPULATED ISSUES

1. How can Redwood Coast Regional Center (RCRC) implement the dentistry benefit to enable emergency hospital treatment?
2. How can RCRC ensure that mileage is actually paid?
3. How can approved out-of-home respite be obtained?
4. How can approved behavioral management services be obtained promptly?

FACTUAL FINDINGS

1. All of the issues pertain to the delivery of services that have been approved by RCRC, but which have not been received by claimant because of various administrative and other impediments. Claimant regards the consequent failure to receive these services as a de facto denial of services.

2. Following the commencement of the hearing, the parties reached an agreement to resolve this matter on the following terms, to which both parties formally indicated agreement on the record:

a. RCRC will fund a written dental assessment with Darla Dale (Dale) by March 31, 2005. The assessment will start by identifying client's routine care needs and strategies as to how to implement them. The assessment will clarify and describe the twice-yearly routine dental visits as related to routine dental care for non-impaired children of client's age, identify any insurance billing issues, and ameliorate the barriers to multiple insurance funding for routine and/or emergency care. The assessment will also establish the protocol for emergency services and identify the barriers to implementing the protocol and ameliorate those barriers. By April 15, 2005, Elizabeth Spears (Spears), Pamela Schneider (Schneider), Dale, and Sheila Nitzer will meet to review the written assessment.

b. Spears and Schneider will meet on February 10, 2005, at 10:00 a.m. for the purpose of training on filling out and submitting mileage reimbursement forms. Schneider will obtain copies of billing forms for previous months authorized that Spears does not have.

c. Out-of-home respite is not currently available. RCRC agrees to fund in-home respite to provide up to two weekends per month in place of out-of-home respite. Schneider has agreed to advocate with RCRC's two vendor agencies to allow for direct hire of behavior respite workers for weekends. Schneider will explore using multiple agencies to provide the in-home respite staffing.

d. Schneider will request Ted Ruggles (Ruggles) to complete a written behavior plan by March 1, 2005. She will also request that Ruggles provide staff training by March 15, 2005. Schneider will meet with both vendor agencies to advocate for direct hires in exceptional circumstances.

LEGAL CONCLUSION

The agreement of the parties set forth in Factual Finding 2 should be adopted as the order in this matter.

ORDER

The terms of the parties' agreement, as set forth in Factual Finding 2, are adopted. It is so ordered.

DATED: _____

VICTOR D. RYERSON
Administrative Law Judge
Office of Administrative Hearings

NOTICE

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