

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Fair Hearing Request of:

TINGYA T. Y.,

Claimant,

OAH No. 2011120545

and

REGIONAL CENTER OF
ORANGE COUNTY,

Service Agency

PROPOSED DECISION

This matter came on regularly for hearing on February 27 and April 13, 2012, at Tustin, California, before David B. Rosenman, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California. Claimant Tingya T.Y. was represented by her mother, Sharon H. (Initials are used to protect confidentiality.) Regional Center of Orange County (RCOC) was represented by Paula Noden, Manager, Fair Hearings & Mediations.

Oral and documentary evidence was presented. The record remained open for submission of written closing arguments, received and marked for identification as follows: RCOC, April 20, 2012, Exhibit 12, and claimant, April 27, 2012, Exhibit C39. At the request of the ALJ, RCOC attached as Exhibit A to its closing argument a copy of its purchase of service guidelines for child care / day care services. These guidelines are marked separately as Exhibit 13 and received in evidence. The matter was submitted for decision on April 27, 2012.

ISSUES

The issues evolved during the proceedings. Initially, five issues were stated in an attachment to the Fair Hearing Request (Exhibit 1) dated December 5, 2011. On February 21, 2012, claimant's mother submitted an update of the issues (Exhibit C34) and, at the hearing on February 27, it was agreed that this list would be adopted as the issues for determination. On March 12, 2012, claimant's mother submitted a Prehearing Conference Statement (Exhibit C35) which contained further revisions of the issues. On the next hearing day, April 13, 2012, it was agreed that the further revisions would become the issues for determination at the hearing. These issues are set forth below.

1. Should RCOC fund Parent Vendored Personal Assistance services and not through home health agency in lieu of Day Care services terminated on 6/30/11?
2. Should RCOC fund Parent Vendored Personal Assistance services during the hours of 8 a.m. to 2 p.m.?
3. Should RCOC fund for additional 30 hours per week of Parent Vendored Personal Assistance services?
4. Should RCOC fund the Parent Vendored Personal Assistance services at \$15.00 per hour?
5. Should RCOC classify claimant as having a Restricted Health Condition / Special Health Needs condition (RHC / SHN)?
6. Should RCOC reimburse Parent for parent self funding of Personal Assistance services from December 1, 2011, and thereafter?

FACTUAL FINDINGS

The Administrative Law Judge finds the following facts:

1. In June 2011 claimant celebrated her eighteenth birthday. She has been a consumer of RCOC services for many years based on eligible conditions of cerebral palsy and mental retardation. She lives with her mother. Her brother presently attends college and comes home during school breaks. Claimant is non-ambulatory and uses a wheelchair and a walker/trainer. She needs assistance to transfer out of and in to her wheelchair. She needs some help with her activities of daily living although she can verbally direct others and participates in activities.
2. Claimant attended Irvine High School, where she received special education services until February 2011, when she began attending an on-line charter high school program with California Virtual Academies (CAVA), where Claimant can access her courses from a computer in her home. She expects to graduate in May 2012. Her school district adjusted her special education services accordingly. RCOC funded parent vendored day care services of twenty hours per week until she became eighteen years old. Claimant seeks to have parent vendored personal assistance services in lieu of the day care services, and added hours as well.
- 3.A. There were delays in implementing a change from day care services to personal assistance services, discussed in more detail below. On November 28, 2011, RCOC sent a letter (Exhibit 2) indicating the following: when claimant's mother completes the parent vendorization requirements, she will be able to bill for personal assistance services; as the \$15 per hour rate she was requesting was higher than the \$9.30 per hour rate that RCOC

would pay, she was instructed to write a letter requesting the higher rate and send it to RCOC's CEO (Chief Executive Officer); RCOC would fund 20 hours per week of personal assistance services, not the 50 hours that were requested; and the hours could only be used after 2 p.m.

3.B. According to the letter, the decision to offer 20 hours per week of personal assistance services for use after 2 p.m. was based on the following: a typical school day starts at 8 a.m. and ends at 2 p.m., approximately 30 hours per week. The school district has a responsibility to serve members of the public and regional center funds should not be used to supplant its budget (Welfare and Institutions Code section 4648, subdivision (a)(8)¹). If claimant needs an aide to complete high school requirements, the school district should provide that aide. The Lanterman Act prohibits a regional center from purchasing certain services for consumers between the ages of 18 and 22 who are eligible for special education services (section 4648.55). Considering generic resources and that claimant receives 40 hours per week of IHSS (In-Home Supportive Services) and 24 hours per month of respite, and considering six hours of sleep per night, RCOC determined that 20 hours per week of personal assistance would be a sufficient level of services.

4. Claimant's mother submitted a Fair Hearing Request dated December 5, 2011 (Exhibit 1). There is proper jurisdiction for this matter to proceed. As part of the process of continuing hearing dates in this matter claimant's mother signed a waiver of the time for hearing to commence and for a decision to be completed.

5. Claimant has an Individualized Education Plan (IEP) relating to her special education services. One of the services she received was a one-to-one aide throughout the school day. After changing to the CAVA program her IEP was amended, as of April 15, 2011 (Exhibit 5). Among the changes was that claimant's mother agreed to provide the one-to-one assistance. Claimant and her mother are pleased with the change to CAVA, as claimant has better access to courses and is more comfortable at home. She has been able to accelerate her planned graduation by one year.

6. At an Individual Program Plan (IPP) meeting on June 9, 2011, a few days before her birthday, RCOC, claimant and her mother anticipated that day care services would end on her birthday because RCOC's day care services end at age 18. However, there was no formal notice given that day care services would end. It was anticipated that additional respite would be provided for the rest of June and July 2011, for which claimant's mother was already parent vendored. (Claimant also received respite services from United Cerebral Palsy, and this separate respite was to continue.) For September 1 through December 30, 2011, personal assistance would be provided for 20 hours per week. The vendor was to be Rainbow Home Care (Rainbow). A complication arose in that, after claimant turned age 18, her signature on the IPP was required as well and it was not obtained, due in part to the

¹ All statutory references are to the Welfare and Institutions Code. Starting at section 4500, this Code is referred to as the Lanterman Developmental Disabilities Services Act (Lanterman Act).

ensuing difficulties in providing services. Therefore, RCOC considered that there was not an authorization from claimant to begin some of the services. (Although this position was taken in the testimony of claimant's counselor, Jennifer Torres, RCOC did in fact authorize Rainbow services, as noted below.)

7. The change from additional summer respite services to personal assistance services did not go smoothly. The start of services was delayed until October. Later that month, claimant's mother complained that too many different workers from Rainbow were assigned and proper training was taking too much time, they were not qualified, were late or inattentive, and were either not able or not willing to assist claimant with walking and some of her other regular activities. RCOC and the vendor contended that service requests were often made at the last minute and it was hard to work out a consistent schedule of services.

8. As of November 2011, RCOC offered options of continuing with Rainbow, using another vendor, or having claimant's mother become a parent vendor. RCOC has continued to authorize Rainbow to provide personal assistance services, but claimant has not used Rainbow while the options were considered and then while her mother pursued becoming a parent vendor. The process for claimant's mother to become a parent vendor did not go smoothly and, to this day, has not been completed.

9. RCOC's parent vendorization package contains several documents and the process has several steps, most of which have been satisfactorily completed. The two steps / documents that remain are the parent letter and whether RCOC was correct in determining that claimant has a special health need.

10. Some of the criticisms made by claimant's mother regarding the parent letter are proper. For example, the first parent letter form RCOC sent referred to the services not as personal assistance but, rather, as nursing respite / daycare through a home health agency. Although RCOC claimed that the package had the same parts that were needed for personal assistance, claimant's mother insisted, appropriately, that changes should be made to accurately reflect that personal assistance services were involved. RCOC made the changes. On the other hand, in some of her criticisms, claimant's mother relegates form over function. Claimant's mother still objects to the portion of the revised parent letter stating that RCOC may fund for personal assistance services through a vendor but that she is choosing to have the services provided by others. Claimant's mother contends that this language means that RCOC is funding personal assistance services through a vendor, so she won't sign it. (To be sure, there are still other concerns about the parent letter.) This contention is incorrect and is rejected. The letter merely says what it says—that RCOC may pay a vendor, but mother chooses to have services provided otherwise.

11. Issues also arose as to the portion of the process relating to CPR / first aid certification for personal assistance workers, and whether a physician's certificate and order are needed. RCOC agreed it did not need a physician's certificate and order under the circumstances, but insisted that claimant's mother identify the workers beforehand and that they must have CPR / first aid certification from live courses, not online or other courses.

RCOC would not accept the parent letter submitted by claimant's mother because it had numerous changes she had made and, while it did specifically identify one proposed worker, it also listed a company name.

12. A further concern arising from the vendorization packet was RCOC's determination that claimant has a special health need. One objection by claimant's mother was that the RCOC forms combined the reference to special health needs (SHN) with references to a restricted health condition (RHC). Again relegating form over substance, she objected to the combined reference to RHC / SHN. There is nothing wrong with the manner in which RCOC has combined these items on the form, as the factors for each are stated separately and are sufficiently clear.

13. More substantively, claimant objects that she does not have a SHN and any requirements related to a SHN do not need to be satisfied. Factually, it was established that claimant needs help transferring out of, and back in to, her wheelchair, whether to use her walker or, more specifically, for toileting, and needs some assistance with other activities of daily living. As testified by Sharon Leahy, RCOC nurses have determined that she is properly described as having a SHN because claimant needs this assistance with some activities of daily living and caregivers must have appropriate training and qualifications. Ms. Leahy is a registered nurse with many years of experience concerning services for people with developmental disabilities, including 13 years at RCOC.

14. Although claimant's mother asked many times for the specific statutory or regulatory criteria for the SHN determination, and the service coordinator offered to supply it, there was no evidence that RCOC ever provided this material to claimant's mother. At the hearing, the service coordinator, Jennifer Torres, stated it was in "Title 22," a reference to the California Code of Regulations. However, no specific section was referenced.

15. Claimant's mother contends that two statutes define a SHN and that claimant does not qualify under either. (See statutes copied in Exhibits C30 and C32.) This contention is not persuasive, as the statutes cited do not apply to claimant. More specifically, section 4684.50 applies specifically to licensed residential facilities for adults with special health care needs. These facilities provide 24-hour health care and intensive support services. Claimant does not live in this type of facility; she lives at home with her mother. Similarly, section 17710 applies to services by the Department of Social Services for foster care and dependents of the juvenile court system. It was not established that either of these statutes was designed to apply to claimant.

16. The ALJ would have preferred that RCOC provide the specific source, whether it was a statute, regulation, policy or otherwise, that lists the criteria for a determination of whether a consumer has a SHN, and the significance of such a determination to the process of parent vendored personal assistance services. Nevertheless, the testimony of Ms. Torres, her supervisor, Jana Evans, and Ms. Leahy was specific enough to establish that the SHN designation was appropriate for claimant due to the necessity to

assist her with transfers from her wheelchair for purposes of some of her activities of daily living, and that caretakers must have adequate training to safely work with claimant.

17. Claimant's mother raised concern about the portion of the parent letter requiring her to accept responsibility for supervision and monitoring of personal assistance workers. She contends that she will be accepting responsibility for personal assistance workers provided by an RCOC vendor. This contention is incorrect and is rejected. The letter is designed to address personal assistance workers hired by claimant's mother, as a parent vendor, as a substitute for workers provided by an RCOC vendor. Claimant's mother properly realizes that she and claimant are being asked to supervise and monitor workers that she may hire as a parent vendor.

18. Claimant's mother raised concern about the portion of the parent letter requiring her to list the names of the workers to be hired and, as another part of the process, assure that the workers are trained in first aid / CPR. RCOC adds to this that the training must be in live classes including use of mannequins. Claimant's mother notes that this was never required when she was parent vendored to provide day care services, and that the training requirement is too high, should allow for internet training, and will make it more expensive to find qualified workers. Further, she cannot know who will be hired at this early point in the process. Some of these concerns are well taken; others are not. Claimant's mother should be able to go forward with the vendorization process, if she chooses, and supply names and training data within 30 days of hiring workers. The training is necessary because the workers will often be working alone with claimant and first aid and CPR training are reasonable requirements under the circumstances. The training, though, should not require live classes, as RCOC did not provide evidence that supported the necessity of this level of training. The parties agreed that claimant's physical therapist of many years could provide training in safe practices for working with claimant.

19. RCOC raises legitimate concerns about the potential use of personal assistance services to assist claimant to perform school related activities. Claimant's mother indicated that claimant may need help doing school activities such as transferring data between her CAVA computer and her personal computer, cable plugging and unplugging, repositioning her monitor and some occasional typing. Claimant's mother also indicated that claimant needs help with schoolwork and homework. However, RCOC's initial limitation to the use of personal assistance services after the traditional school day (no such services from 8 a.m. to 2 p.m.) was an improper limitation. The evidence established that claimant can access her school internet classes at different times of the day, and this flexibility is appropriate for claimant. Therefore, on any given day, school activity may be interspersed throughout the day with personal and community activities.

20. It is improper for RCOC funded personal assistance services to be used to assist claimant with school work or school related activities, both under the law noted in Factual Finding 3.B. and in the Conclusions below, and under the facts. When claimant changed to the CAVA program, her IEP for educational services was changed such that her mother agreed to take over responsibility for the type of one-to-one aide previously provided

as a special education service. Claimant's mother bears this responsibility, not RCOC. RCOC can properly discharge its responsibility by providing the appropriate amount of hours for services to address claimant's personal and community needs, but not her educational needs.

21. More specifically, claimant's mother asks for not just the 20 hours per week of services that were previously provided by RCOC under the category of day care, but for an additional 30 hours per week to meet claimant's present needs, which claimant's mother describes as including the time while she is at work as well as weekend assistance and community activities for claimant. RCOC produced evidence that claimant also receives IHSS funds for 169 hours per month of services, and that there are also respite services funded by RCOC (that are separate from the added respite from June through August 2011). Claimant's mother, as her IHSS worker, cannot receive RCOC funded services for the time that she has committed to provide IHSS funded services for claimant. Claimant did not establish that she is entitled to more than 20 hours per week of personal assistance services.

22. RCOC established that the proper pay rate for personal assistance services is \$9.30 per hour, with the potential to go as high as \$12 per hour if claimant made a request to RCOC's CEO and it was approved. Any higher rate would require claimant to make a request directly to the Department of Developmental Services (DDS). There was no evidence that claimant's mother made any request to either RCOC's CEO or to DDS for an increase above \$9.30 per hour. Claimant's mother contends that she will not be able to find employees to work for less than \$15 per hour. However, her contention is based largely upon speculation and her experience in paying \$15 per hour for day care workers and caretakers since day care was discontinued. This evidence established that she could get workers at the higher rate, but not that workers at a lower rate were not available. Under the circumstances, there was sufficient evidence to support a pay rate of \$12, but not \$15, per hour. Claimant's mother may still make a request to DDS for an increase above this amount if she chooses.

23. Claimant's mother requests reimbursement for the amounts she has paid to hire her own workers to care for claimant since December 1, 2011. According to her evidence (mostly in Exhibit C35), she has paid workers \$15 per hour, for an average of approximately 161 hours per month from December 2011 through March 2012, and continues to have similar expenses. Claimant stopped using Rainbow services before December 1, 2011, however RCOC has continued to authorize Rainbow to provide personal assistance services to claimant as an available resource. Therefore, although RCOC stands by its position that claimant is entitled to 20 hours per week of personal assistance services, and has made the services available, claimant has not used the services offered by RCOC. As some of the concerns raised about the process are valid, and caused some of the delay, therefore an equitable order of reimbursement will be made so that claimant's mother shall be reimbursed for 20 hours per week at the rate of \$12 per hour, for the 26 weeks from December 1, 2011, through May 30, 2012.

24.A. Claimant's mother will be allowed to complete the parent vendorization process if she chooses, with the modifications already agreed by RCOC and the others noted below, and will be given until May 30, 2012 to do so. If claimant's parent chooses not to complete the parent vendorization process, claimant may avail herself of RCOC funded personal assistance services from Rainbow or from another vendor. If she chooses neither, RCOC should have no further responsibility other than to make funding available in the future should the need for the services exist at that time.

24.B. The parent letter shall be modified to permit claimant's mother to submit to RCOC the names of personal assistance workers she has hired within 30 days of hiring and at that time also provide written proof that they have training in first aid and CPR. The training does not need to require live classes or training with a mannequin.

24.C. If provided by parent vendorization, personal assistance services will be at the rate of \$12 per hour for 20 hours per week. If provided by a RCOC vendor, RCOC may establish the pay rate according to its regular process for doing so.

LEGAL CONCLUSIONS AND DISCUSSION

1. Grounds exist under the Lanterman Act to grant claimant's request that she be permitted to modify some of the requirements for parent vendorization for personal assistance services, as set forth in more detail below, based on Factual Findings 1- 24 above.

2. Grounds exist under the Lanterman Act to grant claimant's mother's request that she be reimbursed for some of her expenses in providing personal assistance workers, as set forth in more detail below, based on Factual Findings 1- 24 above.

3. Grounds do not exist under the Lanterman Act to grant claimant's request for services from June 30, 2011, or for reimbursement at the rate of \$15 per hour, or for services beyond 20 hours per week, as set forth in more detail below, based on Factual Findings 1- 24 above.

4. Grounds do not exist under the Lanterman Act to grant claimant's request that she not be classified as having a special health need, based on Factual Findings 1- 24 above.

5. Under the Lanterman Act, the Legislature has decreed that persons with developmental disabilities have a right to treatment and rehabilitative services and supports in the least restrictive environment and provided in the natural community settings as well as the right to choose their own program planning and implementation. (Section 4502.) The Legislature has further declared that regional centers are to provide or secure family supports that, in part, respect and support the decision making authority of the family, are flexible and creative in meeting the unique and individual needs of the families as they evolve over time, and build on family strengths and natural supports. (Section 4685, subd. (b).) Services by regional centers must be provided in the most cost-effective and beneficial manner (sections

4685, subd. (c)(3), and 4848, subd. (a)(11)) and must be individually tailored to the consumer (section 4648, subd. (a)(2)).

Further, section 4648, subdivision (a)(8), provides that regional center funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the general public and is receiving funds to provide those services. Section 4659, subdivision (a)(1), directs regional centers to identify and pursue all possible sources of funding for consumers receiving regional center services.

6. Services provided under the Lanterman Act are to be provided in conformity with the IPP, per section 4646, subdivision (d). Consumer choice is to play a part in the construction of the IPP. Where the parties can not agree on the terms and conditions of the IPP, a Fair Hearing decision may, in essence, establish such terms. (See section 4710.5, subd. (a).)

7. The services to be provided to any consumer must be individually suited to meet the unique needs of the individual client in question, and within the bounds of the law each client's particular needs must be met. (See, e.g., sections 4500.5, subd. (d), 4501, 4502, 4502.1, 4640.7, subd. (a), 4646, subd. (a), 4646, subd. (b), 4648, subd. (a)(1) & (a)(2).) This is a primary reason why an IPP must be undertaken. In building the IPP, a priority is assigned to maximizing the client's participation in the community. (Sections 4646.5, subd. (2); 4648, subd. (a)(1) & (a)(2).)

8. Services provided must be cost effective (section 4512, subd. (b)), and the Lanterman Act requires the regional centers to control costs so far as possible, and to otherwise conserve resources that must be shared by many consumers. (See, e.g., sections 4640.7, subd. (b), 4651, subd. (a), 4659, and 4697.) To be sure, the obligations to other consumers are not controlling in the decision-making process, but a fair reading of the law is that a regional center is not required to meet a disabled person's every possible need or desire, in part because it is obligated to meet the needs of many people and families.

9. Pursuant to section 4646, subdivision (a), the planning process is to take into account the needs and preferences of the consumer and his or her family, "where appropriate." Further, services and supports are to assist disabled consumers in "achieving the greatest amount of self-sufficiency possible" Planning is to have a general goal of allowing all consumers to interact with persons without disabilities in positive and meaningful ways. (Section 4648, subd. (a)(1).)

10. The Lanterman Act is by its nature a remedial act. As such, its provisions are to be liberally construed in order to effect its purposes, for the protection of the persons within the purview of the act. (*Tammen v. County of San Diego* (1967) 66 Cal.2d 468, 480.) As stated therein: "Remedial statutes such as [the one] under consideration, are to be liberally construed. [Citation.] They are not construed within narrow limits of the letter of the law, but rather are to be given liberal effect to promote the general object sought to be

accomplished. [Citation.]” (*California Grape etc. League v. Industrial Welfare Com.* (1969) 268 Cal.App.2d 692, 698.)

11. Effective September 1, 2008, section 4646.4, subdivision (a), requires regional centers, when purchasing services and supports, to ensure conformance with purchase of service policies and to utilize generic services and supports when appropriate. Regional centers are required to take into account the consumer’s need for extraordinary care, services, and supports and supervision.

12. As noted in more detail in the Factual Findings, there was insufficient evidence to support the request of claimant’s mother to eliminate the SHN finding by RCOC. The necessity for some level of training to safely work with claimant was established and, in addition to training by claimant’s mother or her physical therapist, it is not unreasonable to require basic first aid and CPR training.

13. As noted in more detail in the Factual Findings, there was insufficient evidence to support the request of claimant’s mother to have RCOC fund personal assistance services beginning June 30, 2011. Additional respite was provided for a transition period and services were provided by Rainbow for a period of time.

14. As noted in more detail in the Factual Findings, there was insufficient evidence to support the request of claimant’s mother to fund a pay rate of \$15 per hour for parent vendored personal assistance services. Any parent vendored personal assistance services shall be funded at the rate of \$12 per hour.

15. As noted in more detail in the Factual Findings, there was insufficient evidence to support the request of claimant’s mother to have an additional 30 hours per week of personal assistance services beyond the 20 hours per week offered by RCOC.

16. As noted in more detail in the Factual Findings, there was sufficient evidence to support the request of claimant’s mother to allow her to modify the requirements of the parent letter required by RCOC, but only as follows. Should claimant’s mother choose to submit the parent vendored personal assistance package to RCOC, she should do so by May 30, 2012. The parent letter shall be modified to permit claimant’s mother to submit to RCOC the names of personal assistance workers she has hired within 30 days of hiring along with written proof that they have training in first aid and CPR. The training does not need to require live classes or training with a mannequin.

17.A. The Lanterman Act does not specifically authorize retroactive reimbursement of services costs to families in the fair hearing context. The statutes detailing the IPP process suggest that reimbursement is generally not available, particularly where the development of the IPP is supposed to be a collaborative process between the parties and the process necessarily requires prior consideration and approval of any service or support provided to an individual client. Nevertheless, the absence of statutory authority is not necessarily

dispositive of the issue of reimbursement because general principles of equity may require reimbursement in particular cases in order to fulfill the purposes and intent of the Lanterman Act. (See *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.)

17.B. Nothing in the Lanterman Act prevents reimbursement being ordered in fair hearings under appropriate circumstances. Section 4706, subdivision (a), provides a broad grant of authority to resolve all issues regarding services to a developmentally disabled person, and encompasses a claim for reimbursement. Reimbursement has been ordered in fair hearings in cases where a regional center has failed to provide services and supports, and family or others have been required to discharge that obligation. (*E.g., Dylan F. v. Regional Center of Orange County* (2004) OAH No. 2004030452 (Scarlett, ALJ); *Rachel R. v. Tri-Counties Regional Center* (2007) OAH No. 2006100874 (Reyes, ALJ).) Considerations of justice, notice, and fair play dictate that a consumer should only obtain reimbursement in cases where the regional center had been asked to provide the services. (*Hannah G. v. Harbor Regional Center* (2002) OAH No. L2002090357.)

17.C. Of course, in this case RCOC made the services available by continuing its authorization of Rainbow. However, claimant and her mother expressed reasonable concerns with that vendor. In pursuing parent vendored personal assistance services, claimant's mother expressed many concerns that were not reasonable, but also had reasonable concerns as well.

17.D. Under all of the circumstances set forth in the Factual Findings, it is appropriate to reimburse claimant's mother for 20 hours per week at the rate of \$12 per hour, for the 26 weeks from December 1, 2011, through May 30, 2012, for a total of \$6,240.

ORDER

Wherefore, the Administrative Law Judge makes the following Orders:

1. The appeal of claimant Tingya T.Y. from the decision of the Regional Center of Orange County is granted in part and denied in part.
2. The following decisions of the Regional Center of Orange County are upheld: claimant is entitled to 20 hours per week of personal assistance services, and claimant has been properly determined to have a special health need.
3. Claimant is not entitled to have parent vendored personal assistance services beginning on June 30, 2011.
- 4.A. Claimant's mother will be allowed to complete the parent vendorization process if she chooses, with the modifications noted below, and will be given until May 30, 2012 to do so. If claimant's parent chooses not to complete the parent vendorization process,

claimant may avail herself of RCOC funded personal assistance services from Rainbow or from another vendor. If she chooses neither, RCOC shall have no further responsibility other than to make funding available in the future should the need for the services exist at that time.

4.B. The parent letter shall be modified to permit claimant's mother to submit to RCOC the names of personal assistance workers she has hired within 30 days of hiring and at that time provide written proof that they have training in first aid and CPR. The training does not need to require live classes or training with a mannequin.

4.C. If provided by parent vendorization, personal assistance services will be at the rate of \$12 per hour for 20 hours per week. If provided by a RCOC vendor, RCOC may establish the pay rate according to its regular process for doing so.

5. Regional Center of Orange County shall reimburse claimant's mother for workers that she has employed to provide personal assistance to claimant in the amount of \$6,240. (20 hours per week at the rate of \$12 per hour, for the 26 weeks from December 1, 2011, through May 30, 2012).

Dated: May 2, 2012

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision. Both parties are bound by this decision and either party may appeal this decision to a court of competent jurisdiction within ninety (90) days.