

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of :

MICHAEL V.,

Claimant

vs.

SAN DIEGO REGIONAL CENTER,

Service Agency.

OAH CASE No. L- 2004060119

DECISION

Administrative Law Judge Greer D. Knopf, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on December 15, 2004.

Ronald House, Attorney at Law, San Diego Regional Center, represented the service agency, San Diego Regional Center.

Rob Carley, Area Board XIII Representative, represented the claimant Michael V. The claimant's mother, Regina V., was also present at the hearing.

The matter was submitted on December 15, 2004.

ISSUE PRESENTED

Should the service agency be required to assign Pam Glover as the service coordinator for claimant's case?

FACTUAL FINDINGS

1. Claimant, Michael V. (the claimant) is a nine year old boy who is a client of the Inland Regional Center (the service agency). The claimant's date of birth is November 15, 1995. He lives at home with his mother. The claimant has been

diagnosed with autism. He is eligible for regional center services under the Lanterman Act due to his diagnosis of autism.

2. The claimant receives services from the regional center. As part of those services, an employee of the regional center, known as a consumer services coordinator (CSC), is assigned to the claimant's case. The CSC is responsible for implementing, overseeing, and monitoring the claimant's individual program plan. The CSC must necessarily work with the claimant's family in order to accomplish these tasks.

3. CSC Pam Glover (Glover) was assigned as the claimant's service coordinator. In March 2004, Glover requested she be removed from the claimant's case after serving the claimant's CSC for just over two years. The relationship Glover had with the family over the course of the two years had been extremely stressful for Glover. The claimant's mother had repeatedly mistreated Glover with verbal abuse and inappropriate behavior. In one meeting with Glover, the claimant's mother was observed throwing papers at Glover and yelling at Glover with abusive language. Glover is suffering from a life-threatening medical condition that is aggravated by stress. She understandably does not want to exacerbate her condition. After careful consideration of Glover's request, the regional center granted Glover's request and removed her from the claimant's case.

4. The regional center assigned a new CSC to the family and immediately notified the family of the change. The new CSC is extremely qualified to work with the family. In fact, she has a special expertise working with autistic children, while Glover does not. However, the claimant's mother does not wish to work with the new CSC. The regional center is willing to work with the family to find another CSC for the claimant, taking into consideration the family's preferences.

5. The claimant's mother is requesting that Glover, and only Glover, be assigned to Michael's case. She believes Glover is the best advocate for her son and understands the family well. However, given the past circumstances under which Glover had to work, she does not want to work with the family any longer. Glover is entitled to choose not to subject herself to such stress and abuse. The claimant's mother does not have a right to insist that Glover continue to subject herself to the mother's negative behavior. The claimant's mother could have kept Glover assigned to her son's case by simply treating her with dignity and respect. She apparently did not; and therefore, the regional center properly declined the mother's request to reassign Glover to her son's case. The claimant presented no evidence to establish his needs can only be met by working with Glover. In light of the persuasive evidence to the contrary, the regional center properly denied the claimant's request.

LEGAL CONCLUSIONS

1. Welfare and Institutions Code section 4646, subdivision (d) provides:

“Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer’s goals, objectives, and services and supports that will be included in the consumer’s individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.”

- Welfare and Institutions Code section 4647, subdivision (b) provides:

“The regional center shall assign a service coordinator who shall be responsible for implementing, overseeing, and monitoring each individual program plan. The service coordinator may be an employee of the regional center or may be a qualified individual or employee of an agency with whom the regional center has contracted to provide service coordination services, or persons described in Section 4647.2. The regional center shall provide the consumer or, where appropriate, his or her parents, legal guardian, or conservator or authorized representative, with written notification of any permanent change in the assigned service coordinator within 10 business days. No person shall continue to serve as a service coordinator for any individual program plan unless there is agreement by all parties that the person should continue to serve as service coordinator.” (emphasis added)

The service coordinator claimant is requesting does not and will not agree to serve as service coordinator on this case any longer. The service agency also does not agree to assign Glover to this claimant. Therefore, there is not agreement by all parties to assign Glover to the claimant and the regional center properly assigned a new service coordinator to the case, as set forth in Findings 1-5.

2. The evidence presented herein failed to establish that the regional center should be required to assign a specific person, and no other, as the claimant’s service coordinator. The regional center notified the claimant in a timely fashion of the permanent change in his assigned service coordinator as required under the law and the regional center remains willing to further consult with the claimant’s family in order to find an acceptable service coordinator for this family, as set forth in Findings 1-5.

ORDER

The claimant's appeal to require the service agency to assign Pam Glover as his service coordinator is hereby denied.

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 the State of California.

Dated: December 28, 2004

GREER D. KNOPF
Administrative Law Judge
Office of Administrative Hearings