

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

JOSEPH L.,

Claimant,

vs.

VALLEY MOUNTAIN REGIONAL
CENTER,

Service Agency.

OAH Nos. 2012010851
2012060343

DECISION

This matter was heard before Administrative Law Judge Susan H. Hollingshead, State of California, Office of Administrative Hearings (OAH), in Stockton, California, on October 1, 2 and 3, 2012.

The Service Agency, Valley Mountain Regional Center (VMRC), was represented by Anthony Hill, Assistant Director of Case Management/Special Projects and Hearing Designee.

Claimant was represented by Louise J. Katz, Attorney at Law. Claimant's mother/conservator/vendored service provider was present throughout the hearing.

Oral and documentary evidence was received. Submission of this matter was deferred pending receipt of closing briefs. Service Agency's Post-Hearing Brief and Claimant's Post-Hearing Brief were submitted on November 2, 2012, and marked respectively as Exhibits 28 and XX. Service Agency's Reply Brief and Claimant's Reply to Service Agency's Post-Hearing Brief were submitted on November 9, 2012, and marked respectively as Exhibits 29 and YY. The record was closed and the matter submitted for decision on November 9, 2012.

ISSUES

Is VMRC required to provide and/or fund Supportive Living Services (SLS) and/or In Home Supportive Services (IHSS) services for claimant?

FACTUAL FINDINGS

1. Claimant is a twenty-six-year-old man eligible for VMRC services based on a diagnosis of mental retardation and autism. He also has difficulty with seizures and a Vagal Nerve Stimulator has been implanted for seizure control. Claimant was afflicted with meningitis at age seven months resulting in damage to his brain. He exhibits difficult behaviors, has limited safety awareness and tends to overly fixate on objects. He requires assistance with activities of daily living and would not be safe left unattended.

Claimant lives in a large, spacious, home in Sonora, California, purchased for him by his parents who reside in San Francisco. He requires twenty-four hour per day care which has been provided through SLS and a day program. Both programs are vendored by Jamestown Ranch, Inc. pursuant to a Service Agreement with Golden Gate Regional Center (GGRC). Claimant's mother is also his conservator and the Executive Director of Jamestown Ranch, Inc. (Jamestown Ranch). Claimant is the only consumer served by Jamestown Ranch.

Claimant receives services from VMRC pursuant to the Lanterman Developmental Disabilities Act (Welfare and Institutions Code Section 4500 et. seq.)¹

2. Claimant grew up in San Francisco. At approximately age ten, an agreement was reached between GGRC and San Francisco Unified School District (SFUSD) to place him at the Camphill School in Pennsylvania where he remained until aging out at age twenty-two. Claimant's parents then purchased the home for him on several acres in rural Sonora, California, and claimant transitioned to a program developed through GGRC that was modeled after his program at Camphill School. The program includes a home-style living environment with SLS staff members living in claimant's home. Claimant actively participates in outdoor grounds maintenance, animal care, gardening and hiking.

Claimant's current SLS staff, Paul Lind and Sarah Schluep, are a married couple who were previously on staff at Camphill School. Additional staff is employed for the Day Program. At different times, volunteers have also lived in the home and assisted with claimant.

3. When claimant moved from San Francisco to Sonora, VMRC became the responsible regional center

4. Cindy Brewer is claimant's VMRC Service Coordinator. She testified that GGRC had previously funded the parent vendor for SLS, day program, personal assistant and transportation services. At the first Individual Program Plan (IPP) meeting with VMRC, the team discussed a referral for IHSS services from Tuolumne County.

5. As required by the Lanterman Act, regional centers shall not purchase Supported Living Services to supplant In Home Supportive Services (IHSS). Persons who receive services

¹ Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

from a regional center and are eligible for IHSS are expected to use this generic service. Pursuant to Welfare and institutions Code section 4689.05:

- (a) A regional center shall not purchase supportive services, as defined in Section 12300, for a consumer who meets the criteria to receive, but declines to apply for, in-home supportive services (IHSS) benefits, as set forth in Section 12300, except as set forth in subdivision (d).
- (b) Consistent with Section 4648, a regional center shall not purchase supported living services for a consumer to supplant IHSS.
- (c) Between the date that a consumer applies for IHSS and the date that a consumer's application for IHSS is approved, a regional center shall not purchase supportive services for the consumer at a rate that exceeds the IHSS hourly rate which includes the IHSS provider hourly wage, the provider's hourly payroll taxes, and the hourly administrative costs, for the county in which the consumer resides.
- (d) A regional center executive director may waive the requirements set forth in subdivision (a) if the executive director finds that extraordinary circumstances warrant the waiver, and that a finding is documented in an addendum to the consumer's individual program plan.

6. Effective February 1, 2011, Tuolumne County awarded claimant 258.2 hours per month of IHSS service hours under the Personal Care Service Program (PCSP) because he has a "mental impairment and requires 24-hour protective supervision to protect him from injury, hazard or accident." (These hours were subsequently reduced to 249 hours due to a mandated 4.25% state budget cut).

7. Claimant's mother appealed the county's determination that her son was in need of this service. Administrative Law Judge Casey S. McKeever conducted the hearing on August 11, 2011, and released her Proposed Decision on September 14, 2011 which was adopted by the Director of the California Department of Social Services on September 21, 2011.

8. Judge McKeever explained as follows:

[Claimant's mother] contests the county's determination that her son is eligible for and in need of IHSS/PCSP, especially protective supervision (PS). Claimant argues that authorization of IHSS/PCSP will not meet his specialized needs and will result in lesser services than are available through the RC and Department

of Developmental Services (DDS) under the Lanterman Act. This she asserts would endanger her son's safety. The RC has reduced services based upon the county's authorization of IHSS/PCSP hours, and notified claimant January 26, 2011, that it was denying claimant's request not to use IHSS/PCSP awarded by the county because "regional center funds cannot be used pursuant to [Welfare & Institutions Code] §4648(a)(8).

[¶]. . . [¶]

The posture of this case is unusual. [Claimant's mother] is seeking a ruling that her son is not eligible for IHSS/PCSP. Claimant was required to apply for IHSS/PCSP to avoid denial of services by the RC under AB4X 9 of 2009 (W&IC S4689.05). Section 4648(a)(8) provides that RC 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 public funds for providing those services." Under this authority, the RC which is currently serving claimant's son intends to deduct the hours of authorized IHSS/PCSP from the RC services it would otherwise provide.

[¶]. . . [¶]

Additionally, under the court order in *Arp v. Anderson*...RC services cannot be considered an alternative resource, and IHSS/PCSP 'must be granted as though no services are being provided through a Regional Center. Determination of services to be provided by IHSS must be based strictly upon the County Welfare Department's assessment of the developmentally disabled applicant.'

9. Judge McKeever concluded that "the county's determination that son [i.e. claimant] is in need of 258.2 hours of in-home Supportive Services (IHSS) under the Personal Care Services Program (PCSP) per month is sustained. The son has a mental impairment and requires 24-hour protective supervision to protect him from injury, hazard or accident."

10. During the pendency of this appeal, VMRC continued funding the entire amount of SLS hours without a reduction for the 249, (258.2 reduced by the mandated 4.25% state budget cut), IHSS award. In approximately October, 2011, Tuolumne County informed VMRC that claimant's appeal to vacate the award had been denied. After that date, VMRC terminated claimant's SLS in an amount equivalent to the IHSS award but chose to fund those hours at an interim IHSS hourly rate of \$10.72 which Ms. Brewer stated was to allow time for the claimant's parent to have services in place and transfer billing from the regional center to the

county. She testified that the intent of the regional center was to provide short term funding while claimant's mother transitioned the billing for IHSS services to Tuolumne County, to avoid a gap in services provided to claimant.

It was uncontroverted that the IHSS rate in Tuolumne County is \$8.00 per hour. Claimant's parent-vendor contract with GGRC provided for "\$10.72 per hour as reimbursement from GGRC for temporary services to meet IHSS type needs until IHSS is established as per California WIC, Section 4689.05(c)." VMRC continued that rate.

11. By letter to Jamestown Ranch dated October 6, 2011, Carmen Hill, VMRC Assistant Director of Case Management, Resource Development, stated that in accordance with the award of 249 IHSS hours per month, 4689.05 "the regional center is prohibited from funding IHSS hours awarded to the beneficiary at your Supportive Living Services (SLS) rate. Effective October 15, 2011, the regional center will fund 249 SLS service hours at your vendored "Interim IHSS" rate of \$10.72 per hour." Claimant's mother questioned the meaning of "interim." Ms. Hill clarified that VMRC would pay the IHSS rate until Tuolumne County started to fund the IHSS services.

12. Claimant contends that the issue in this matter is whether there are resources available that are willing and able to provide IHSS in his home in Sonora. His mother contends that she has been unable to access a provider of IHSS and thus claims that the hours awarded by IHSS should be the responsibility of VMRC until such time as the generic resource is available so as to prevent a gap in services and harm to the consumer. She questions what duties, if any, the Lanterman Act imposes upon the regional center if no one would provide services.

13. VMRC contends that resources do exist to provide IHSS in claimant's home in Sonora. They explained that there are SLS vendors that can provide this service to VMRC consumers through integrated programs that provide both SLS and IHSS services utilizing the separate funding sources. VMRC's position is that to utilize one of these vendors, claimant's mother would need to relinquish her vendor status to allow hiring of the new vendor.

To date, claimant's mother has stated that she would not be willing to step down from being claimant's vendored SLS provider. VMRC contends that until she relinquishes that vendor role, she is responsible for designing the program and hiring, training and firing staff and they are not able to pursue other vendor-agencies.

14. VMRC contends that it is violating the law by supplanting the budget of Tuolumne County.

Section 4648, subdivision (a)(8), specifies:

In order to achieve the stated objectives of the consumer's individual program plan, the regional center shall conduct activities including, but not limited to, all of the following:

(a) Securing needed services and supports.

(8) 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 public funds for providing those services.

Section 4644, subdivision (b), defines “generic agency” to mean:

Any agency which has a legal responsibility to serve all members of the general public and which is receiving public funds for providing such services.

Section 4659, subdivision (c), provides:

Effective July 1, 2009 notwithstanding any provision of the law to the contrary, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services....

15. VMRC stated that from November 1, 2011 to present, claimant’s mother’s SLS agency has billed VMRC for 249 IHSS hours per month though claiming that it has no IHSS providers. VMRC contends that it is “stuck in violation of the law” and desires a ruling that it may stop supplanting the budget of Tuolumne County. If claimant’s mother no longer desires to remain as the SLS provider, VMRC intends to meet claimant’s SLS needs with a replacement vendor. VMRC is “mindful of the need to assure that claimant’s SLS are transitioned smoothly and will work with the current and replacement SLS agency to minimize the effects of the change.”

16. Claimant receives SLS support for all hours that he is not engaged in day program and his IHSS hours are currently being filled through the interim rate. SLS staff is performing this service. Claimant’s two live-in SLS and day program staff provide the services funded by VMRC.

17. Claimant’s Individual Program Plan (IPP), dated December 15, 2011, Objective #3 provides: “Joey’s SLS vendor will assure IHSS services are provided to meet Joey’s assessed needs.” The IPP explains as follows:

An IHSS assessment was completed by Tuolumne County IHSS in December 2010, resulting in an award of 258 hours per month, less mandatory 4.25% reduction, which results in a total of 249 hours per month to be funded by Tuolumne County. The award was appealed by [claimant’s parent] but the County prevailed and ruled that Joey needs the prescribed IHSS hours. VMRC is

currently funding IHSS hours through the SLS service, using the “Interim” SLS rate of \$10.72 per hour. The expectation is that the SLS vendor will secure IHSS workers who will be paid by Tuolumne County to provide Joey with his IHSS.

This objective included the following:

PLANS:

- a. VMRC will discontinue Interim SLS funding for IHSS services.
- b. VMRC funding of IHSS will transition to Tuolumne County to achieve utilization of generic resources to occur no later than 2/29/12.
- c. SC (Service Coordinator) will explore a VMRC funding augmentation of the Tuolumne County rate (to offset variance in the rate as compared to bordering communities).
- d. In the interim, VMRC will fund IHSS through Jamestown Ranch SLS in the amount of 249 hours per month, at the interim rate of \$10.72/hour, through 2/29/12.
- e. SC will maintain a copy of the IHSS Notice of Action that details the IHSS eligibility in terms of tasks and hours allotted in consumer file.
- f. SLS vendor will be responsible for maintaining IHSS staffing, recruiting workers as necessary to fully utilize his benefit.
- g. SLS vendor will be responsible for establishing a schedule to track and coordinate IHSS and SLS staff time and activities.

18. VMRC contends that it committed itself in this IPP to contact the Department of Developmental Services (DDS) in an effort to obtain approval to augment the county IHSS rate in the amount of \$2.72 per hour. DDS opposed the request and in fact instructed the regional center that it was prohibited from funding IHSS services that had been “awarded.” The regional center then took the position that IHSS cannot be funded by the regional center when an award has been made by the county. It contends that section 4648, subdivision (a)(8), offers no choice and states a clear mandate that the regional center shall not supplant the budget of generic agency that has the responsibility to serve all members of the general public. The Tuolumne County IHSS program meets the definition of a generic agency and has accepted its reasonability to serve claimant. There was no documentary evidence of DDS’s determination in this matter.

19. Claimant’s mother testified that on January 13, 2012, at claimant’s ISP (Individual Service Plan) quarterly meeting, she was presented with a document purported to be the IPP developed at the December 15, 2011 meeting. She alleged “Objective #3 and the “Plans” noted in Finding 17 above were inserted into this document. She objected to the “arbitrary termination date of 2/29/12” as well as the wording that the vendor will assure IHSS services are provided stating that if she “cannot procure an IHSS provider [she] cannot comply with this stipulation.” She had no knowledge of this change and did not agree to the IPP as written.

20. On January 20, 2012², VMRC issued a Notice of Proposed Action (NOPA) to claimant, advising that the agency proposed to “deny claimant’s request not to use generic resource, IHSS, which has been awarded.” The reason for this action was because the “County Social Service Agency has a legal responsibility to serve all members of the general public; regional center funds cannot be used pursuant to 4648(a)(8). IHSS has been awarded, and is an applicable public resource. An exemption does not apply. Skirting the use of IHSS services undermines the cost effective use of public resources.”

21. On January 24, 2012, claimant filed a Fair Hearing Request, appealing VMRC’s action. Pursuant to section 4715, a claimant is entitled to continued provision of services if he or she files a timely request for hearing, that is within 10 days of notice that a service will be discontinued. The Fair Hearing Request was timely filed and services remain in place.³

22. Nicole Griswold, Social Worker, Tuolumne County Department of Social Services, In Home Supportive Services, performed claimant’s initial IHSS assessment. She testified that in March 2012, claimant’s IHSS award was re-assessed per claimant’s mother’s request. The new assessment resulted in a decrease in hours per mother and caregivers’ statements of need for client and reduced the Tuolumne County award by approximately 49 hours. She explained that hours were reduced because claimant’s needs were less; he was able to do more. They were also reduced due to proration based on staff living in the home. For example, when staff grocery shop and prepare meals they are meeting claimant’s needs as well as their own.

23. In response to this reduction in the IHSS award, claimant sought VMRC funding for SLS to replace the 49 hours to avoid a lapse in necessary supervision. Claimant’s mother requested that VMRC add those hours to SLS at the negotiated SLS rate and VMRC denied that request.

24. VMRC agreed that the reduction in IHSS hours created a void in supervision. However they contend that the regional center, pursuant to section 4646, must ensure the cost effective use of funds. The regional center contends that the \$10.72 hourly IHSS rate is more cost-effective than using the SLS agency’s \$24.99 hourly rate to provide supervision.

Section 4646, subdivision (a), provides:

It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration,

² A second copy of this NOPA was issued on January 26, 2102.

³ This continuation of services is referred to as “aid paid pending.”

independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

25. On May 14, 2012, VMRC issued a Notice of Proposed Action (NOPA) to claimant, advising that the agency proposed to “deny request for SLS services to offset the recent reduction in IHSS services.” The reason for the action was “the regional center is required to provide cost effective services, and in keeping with this mandate, the regional center proposes to fund IHSS services at the interim IHSS rate at the exact amount of IHSS service hours reduced by the county. IHSS service hours reduced by the county are currently being funded by the regional center and are part of the 249 hours that are protected under aid paid pending and are at issue in another matter before OAH.”

26. By letter to claimant’s counsel dated May 22, 2012, Anthony Hill stated VMRC’s position that the parent vendor refuses to access IHSS services available through Tuolumne County as required by law. As a vendor, she is no differently situated than other vendors with regard to the need to comply with the law. He explained that “SLS services through another SLS vendor are not needed until it is established in a writing; [claimant’s mother’s] ‘good faith’ intent...to withdraw from being the Claimant’s SLS vendor. VMRC vendors, aside from [claimant’s mother] are in compliance with the law in the requirement to integrate IHSS funded by the County with SLS services.” “Services from other Supported Living Service Agencies are not needed at this time, because [claimant’s mother] has not shown her intent to withdraw her services.”

VMRC contends this is simply a matter of non-compliance by the parent vendor and that if she cannot hire an IHSS provider she needs to resign, or communicate that intention to the regional center and then VMRC would vendor an agency that would integrate IHSS services as part of their overall SLS program. VMRC cannot supplant the budget of Tuolumne County IHSS.

VMRC may consider another SLS vendor to met claimant’s needs. “For example, an SLS vendor that integrates the generic resource (IHSS) with SLS funded by the regional center.” In this situation, the SLS staff would also be the IHSS workers and the regional center would be billed for SLS while the county is billed for IHSS. The regional center may also remain with the current vendor, Jamestown Ranch who would receive funding from Tuolumne County, not VMRC.

27. Provision of SLS hours is not at issue. VMRC will continue to fund SLS and Tuolumne County would fund the awarded IHSS hours at a separate, lower rate.

28. On May 23, claimant filed a Fair Hearing Request appealing VMRC’s decision contending that these hours should be paid at the “previously established Supported Living

Services rate.”

29. The issues from both Notices of Proposed Action were consolidated for this hearing.

30. Isabel Calder is the VMRC Purchase of Service (POS) Fiscal Manager. She testified that VMRC has a legal obligation to pursue funding for consumer services through generic resources prior to providing agency funding. VMRC is an agency “of last resort” for funding purposes. She testified regarding the agency’s purchase of service policies, explaining the importance of exhausting generic resources, avoiding duplication of services and guaranteeing the cost-effective use of public funds.

31. Claimant’s mother introduced extensive evidence of unsuccessful efforts made to secure IHSS workers. She placed numerous postings seeking workers and contacted many agencies to inquire about their availability. She approached claimant’s current providers who all declined to assume IHSS duties at \$8.00 per hour.

In preparation for hearing, she distributed comprehensive questionnaires to local agencies in an effort to determine if they would be interested in serving the claimant.

The difficulty with this process was that the results were not conclusive. Several witnesses testified that the questionnaires were not the correct process to determine the agencies’ ability to serve the claimant. Some felt the information provided was contradictory, required time-consuming responses without an adequate basis for the response, or the demands were extraordinary.

32. Diane Carriger, Manager of Alternative Learning Center, testified that there were contradictions in what VMRC and claimant’s mother requested. She stated that the services presented by claimant’s mother were “extraordinary demands” such as “cleaning out horse corrals and hiking ten miles per day which are beyond the realm of what personal attendants can safely provide.” She also explained that before her agency accepts a new client, they will receive a referral from the regional center, meet with the consumer and assess his needs. At hearing she stated that she was willing to accept a referral and meet with claimant and his service coordinator, discuss services and assess his needs.

33. Kim Camello, Owner of Camello Supportive Living Services, testified that she would be willing to accept a referral. She stated that she was “puzzled” with claimant’s questionnaire because there are “lots of requirements to become a vendor” and because claimant’s mother is a vendor, Ms. Camello “assumed she knew a lot of what she asked.”

34. Darrell McLaughlin, Owner of Options Forward, testified that he would be willing to accept a referral. He did not respond to multiple phone calls and correspondence from claimant’s mother and “took the position not to participate” because, in part, “he felt prodded” and “didn’t know what was going to be needed.” He opined that it was “time for everyone to get on the same page.”

35. The willingness of any of these agencies to accept a referral does not establish that they would, in fact, be able to provide services to claimant. VMRC has not identified a specific agency that could assume responsibility though agencies have stated that they would accept a referral.

Nor has claimant established, at this time, that obtaining an IHSS provider is impossible.

36. Paul Billodeau is the Executive Director of VMRC. He testified that when a vendor does not want or is unable to utilize a generic resource, it places the regional center in violation of its contract with the State of California and the trailer bill and makes it subject to sanctions/actions from DDS. When Jamestown Ranch is having difficulty recruiting, it is not meeting Title 17 regulatory requirements. It is not a defense that this particular vendor could not find staff. They could go to another vendor.

Regarding the 49 hour reduction in IHSS services, Mr. Billodeau testified that the regional center would normally fund services when generic resources are not available. It would be up to the planning team to determine claimant's need (i.e. SLS, personal assistant, etc.) and then the regional center would be responsible for meeting that need.

37. The 49 hours eliminated from the IHSS award are no longer IHSS service hours, however, there has been no determination of what replacement services claimant should receive during those 49 hours. It was previously determined that he requires twenty-four hour supervision.

38. The Service Contract, dated October 2, 2009, between GGRC and Jamestown Ranch provides for a rate of \$24.99 for SLS services for claimant and \$10.72 per hour "as reimbursement from GGRC for temporary services to meet IHSS type needs until IHSS is established as per California WIC, Section 4689.05(c). Contractor agrees that available generic resources and natural supports for the consumer will not be supplanted". The contract includes the following provisions:

Termination of Contract

Should GGRC determine that contractor has failed to perform the covenants herein contained at the time and in the manner herein provided, this contract may be terminated and GGRC may be relieved of the payment to Contractor.

Pursuant to Title 17, Section 50611, this contract may be terminated for cause by GGRC, with notice, or without notice, where GGRC has determined that: (1) results of evaluation of service delivery warrant the cancellation or (2) Contractor's services place consumer's health, safety, or welfare at avoidable, substantial or immediate risk.

This contract may be terminated without cause by either party, provided: (1) the parties to this Contract mutually agree to the termination; or (2) the party initiating the termination gives 60 days written notice of intention to terminate.

LEGAL CONCLUSIONS

1. The Lanterman Act mandates that a consumer's IPP be based on his or her individual needs. In providing the services and supports necessary to meet those needs, the regional center must look to the availability of generic resources, avoid duplication of services, and ensure the cost-effective use of public funds.

2. Section 4646.4, subdivisions (a)(1) and (2), provide:

Effective September 1, 2008, regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer's individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service plan pursuant to Section 95020 of the Government Code, the establishment of an internal process. This internal process shall ensure adherence with federal and state law and regulation, and when purchasing services and supports, shall ensure all of the following:

(1) Conformance with the regional center's purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.

(2) Utilization of generic services and supports when appropriate.

3. *Burden of Proof:* A party seeking to change a service in a consumer's IPP typically has the burden of demonstrating that its proposed change is correct.

4. In this case, VMRC seeks to discontinue funding of IHSS hours that have been awarded by Tuolumne County. While the evidence was not convincing that an IHSS provider could not be found, VMRC did not prove the availability of an alternative provider. VMRC shall continue to fund IHSS hours until a service provider is retained, by claimant or through referral from VMRC, or a subsequent vendor assumes that responsibility.

5. The parties shall immediately convene an IPP meeting to specifically determine what services are required by claimant for the 49 hours previously included in the IHSS award. Based on that determination, VMRC shall determine and assign the appropriate service code and fund the applicable rate corresponding to that service code.

ORDER

The appeal of claimant Joseph L. is granted in part.

DATED: November 26, 2012

SUSAN H. HOLLINGSHEAD
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Each party is bound by this decision. An appeal from the decision must be made to a court of competent jurisdiction within 90 days of receipt of this decision. (Welf. & Inst. Code, § 4712.5, subd. (a).)