

**North Bay Regional Center  
Home and Community-based Services Waiver  
Follow-up Review Report**

**Conducted by:**

**Department of Developmental Services  
and  
Department of Health Care Services**

**July 9, 2008**

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## INTRODUCTION

The Department of Developmental Services (DDS) and the Department of Health Care Services (DHCS) conducted a collaborative federal compliance monitoring review of the Home and Community-based Services (HCBS) Waiver from June 11 - 21, 2007, at North Bay Regional Center (NBRC). A final report including review findings and NBRC's written responses to the findings was provided to NBRC on October 26, 2007.

DDS and DHCS conducted a follow-up review on July 9, 2008, to ensure that issues raised during the collaborative review had been addressed. The monitoring team selected ten consumer records for the HCBS Waiver follow-up review for the period of May 1, 2007 – April 30, 2008. In addition, the team reviewed a supplemental sample of ten records of consumers who had special incidents reported to DDS during this review period.

### Purpose of the Follow-up Review

DDS contracts with 21 private, not-for-profit corporations to operate regional centers, which are responsible under state law for coordinating, providing, arranging or purchasing all services needed for eligible individuals with developmental disabilities in California. All HCBS Waiver services are provided through this system. It is the responsibility of DDS to ensure, with the oversight of DHCS, that the HCBS Waiver is implemented by regional centers in accordance with Medicaid statute and regulation. As stipulated in the HCBS Waiver application approved by the Centers for Medicare & Medicaid Services (CMS), the monitoring review process is a two year cycle, with a collaborative review in the first year, and a smaller, focused review in the second year addressing issues raised during the collaborative review.

### Overview of the HCBS Waiver Federal Follow-up Review

The collaborative monitoring review protocol is composed of sections/components designed to determine if the consumer's needs and program requirements are being met and that services are being provided in accordance with the consumer's individual program plan. Specific criteria have been developed that are derived from federal/state statutes and regulations and from CMS directives and guidelines relating to the provision of the HCBS Waiver services.

The DDS and DHCS monitoring report from the June 2007 collaborative review requested NBRC to provide clarification or follow-up to the report findings and recommendations. NBRC submitted a response to DDS on October 11, 2007. Based on the report recommendations and NBRC's response, the monitoring team evaluated supporting documents to determine the degree and completeness of the implementation process. Specifically, the team reviewed, evaluated and made determinations based on the selected HCBS Waiver eligible consumers' records and discussions with NBRC personnel.

## Summary of Follow-up Review Findings

The July 2008 follow-up review indicated that NBRC has implemented some of the recommendations from the collaborative review for those criteria selected for this review. However, further action is needed to ensure that all vendors report special incidents within the required time frames and that all special incidents are reported to DDS within the required timeframes.

## **SECTION I**

### **REGIONAL CENTER CONSUMER RECORD REVIEW**

#### Summary of the June 2007 Collaborative Monitoring Review Recommendations

NBRC should ensure that quarterly reports of progress are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 community care facilities, family home agencies or supported living and independent living settings.

#### Summary of the July 2008 Follow-up Review Findings

Nine of the ten (90%) applicable consumer records contained all of the required quarterly reports of consumer progress. However, the record for consumer #X was missing two of the required progress reports.

#### Further Action Needed

NBRC should ensure that future reports of progress for consumer #X are completed each quarter.

## SECTION II

### SPECIAL INCIDENT REPORTING

#### Summary of the June 2007 Collaborative Monitoring Review Recommendations

NBRC should ensure that all special incidents are reported to DDS. NBRC should determine what actions are necessary to ensure that the vendors report special incidents within the required timeframes. NBRC should ensure that all special incidents are reported to DDS within the required timeframes.

#### Scope of the July 2008 Follow-up Review

1. Special incident reporting of deaths by North Bay Regional Center (NBRC) was reviewed by comparing deaths entered into the Client Master File for the review period with special incident reports (SIRs) of deaths received by the Department of Developmental Services (DDS).
2. The records of the ten consumers selected for the Home and Community-based Services (HCBS) Waiver sample were reviewed to determine that all required special incidents were reported to DDS during the review period.
3. The records for the ten consumers who had special incidents reported to DDS within the review period were assessed for timeliness of reporting and documentation of follow-up activities. The follow-up activities were assessed for being timely, appropriate to the situation, and resulting in an outcome that ensures the consumer is protected from adverse consequences, and that risks are either minimized or eliminated.

#### Results of the July 2008 Follow-up Review

1. NBRC did not submit SIRs to DDS for three consumers who died during the review period.
2. NBRC reported all of the SIRs in the sample of ten records selected for the HCBS Waiver review to DDS.
3. NBRC's vendors reported five of the ten (50%) special incidents within the required timeframes.
4. NBRC subsequently reported three of the ten (30%) special incidents to DDS within the required timeframes.
5. NBRC's follow-up activities on consumer incidents were appropriate for the severity of the situations.

## Findings

1. SIRs regarding the deaths of three consumers (UCI #XXXXXXX, UCI #XXXXXXX and UCI #XXXXXXX) were not reported to DDS. During the follow-up review, NBRC transmitted the SIRs to DDS. Accordingly, no recommendation is required.
2. Consumer #XX: The incident occurred on September 21, 2007. However, the vendor did not submit the written report to NBRC until September 24, 2007, and NBRC did not report the incident to DDS until October 18, 2007.
3. Consumer #XX: The incident was reported to NBRC on December 27, 2007. However, NBRC did not report the incident to DDS until April 15, 2008.
4. Consumer #XX: The incident occurred on October 5, 2007. However, the vendor did not report the incident to NBRC until October 10, 2007.
5. Consumer #XX: The incident occurred on January 23, 2008. However, the vendor did not submit the written report to NBRC until January 30, 2008, and NBRC did not report the incident to DDS until February 11, 2008.
6. Consumer #XX: The incident occurred on July 15, 2007. However, the vendor did not submit the written report to NBRC until August 17, 2007, and NBRC did not report the incident to DDS until August 24, 2007.
7. Consumer #XX: The incident was reported to NBRC on December 20, 2007. However, NBRC did not report the incident to DDS until April 15, 2008.
8. Consumer #XX: The incident was reported to NBRC on January 14, 2008. However, NBRC did not report the incident to DDS until April 18, 2008.
9. Consumer #XX: The incident occurred on April 14, 2008. However, the vendor did not report the incident to NBRC until April 17, 2008.
10. Consumer #XX: The incident was reported to NBRC on February 11, 2008. However, NBRC did not report the incident to DDS until March 7, 2008.

### Additional Comments

NBRC indicated that since March 2007 they have taken steps in an attempt to reduce the number of late SIR transmissions. These steps included restructuring the internal SIR process at NBRC and the receipt of technical assistance and monthly statistical reports from DDS. Although periodic, short-term improvement was noted, NBRC indicated that due to a number of factors, including personnel changes, maintaining consistent improvement was a challenge. However, NBRC staff indicated these issues appeared to be resolved. Review of data for August 2008, one month after the follow-up review, showed a 26% increase in timely submission of SIRs compared to July 2008.

### Further Action Needed

1. NBRC should determine what actions are necessary to ensure that vendors report special incidents to NBRC within the required timeframes.
2. NBRC should monitor its internal processes and take action as necessary to ensure that special incidents are consistently reported to DDS within the required timeframes.



## SAMPLE CONSUMERS

### HCBS Waiver Review Consumers

#	UCI
1	XXXXXX
2	XXXXXX
3	XXXXXX
4	XXXXXX
5	XXXXXX
6	XXXXXX
7	XXXXXX
8	XXXXXX
9	XXXXXX
10	XXXXXX

### SIR Review Consumers

#	UCI	Vendor #
11	XXXXXX	XXXXXX
12	XXXXXX	XXXXXX
13	XXXXXX	XXXXXX
14	XXXXXX	XXXXXX
15	XXXXXX	XXXXXX
16	XXXXXX	XXXXXX
17	XXXXXX	XXXXXX
18	XXXXXX	XXXXXX
19	XXXXXX	XXXXXX
20	XXXXXX	XXXXXX