

**Regional Center of the East Bay  
Home and Community-based Services Waiver  
Follow-up Review Report**

**Conducted by:**

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

**February 27, 2008**

## TABLE OF CONTENTS

INTRODUCTION ..... page 3

SECTION I: REGIONAL CENTER CONSUMER RECORD REVIEW ..... page 5

SECTION II: COMMUNITY CARE FACILITY CONSUMER RECORD REVIEW ..... page 6

SECTION III: SPECIAL INCIDENT REPORTING ..... page 7

SAMPLE CONSUMERS ..... page 9

## 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 January 16-25, 2007, at the Regional Center of the East Bay (RCEB). A final report including review findings and RCEB's written responses to the findings was provided to RCEB on September 6, 2007.

DDS and DHCS conducted a follow-up review on February 27, 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 December 1, 2006 – November 31, 2007. 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 January 2007 collaborative review requested RCEB to provide clarification or follow-up to the report findings and recommendations. RCEB submitted a response to DDS on August 6, 2007. Based on the report recommendations and RCEB'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 RCEB personnel.

## Summary of Follow-up Review Findings

The February 2008 follow-up review indicated that RCEB has implemented the recommendations from the collaborative review for those criteria selected for this review. However, one vendor did not report a special incident to RCEB within the required timeframes and RCEB did not report one special incident to DDS in the required timeframes.

## SECTION I

### REGIONAL CENTER CONSUMER RECORD REVIEW

#### Summary of the January 2007 Collaborative Monitoring Review Findings

The January 2007 monitoring review included findings related to appropriately identifying HCBS Waiver level of care qualifying conditions on the “Medicaid Waiver Eligibility Record” (DS 3770.) Specifically, there was either no supporting information in some of the consumers’ records that described the identified qualifying conditions, or the records contained information that conflicted with the determination that the identified conditions were of sufficient severity to meet the level of care requirements. As a result of these findings, a recommendation was made for RCEB to determine what steps were necessary to ensure that level of care determinations are made and documented in accordance with the March 2002, program advisory, and that the review of available information in the record supports the selection of qualifying conditions.

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

The ten sample consumer records selected for the follow-up review identified qualifying conditions that were consistent with information found elsewhere in the record.

#### Further Action Needed

None.

## SECTION II

### COMMUNITY CARE FACILITY CONSUMER RECORD REVIEW

#### Summary of the January 2007 Collaborative Monitoring Review Findings

RCEB should ensure that service level 2 and 3 facilities prepare semi-annual reports that address consumers' progress toward achieving the IPP objectives for which the facility is responsible.

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

RCEB's quality assurance staff (QA) provided technical assistance to the CCF providers specified in the collaborative review regarding the requirements for semi-annual progress reporting. The QA staff continue to ensure compliance with ongoing facility monitoring.

#### Further Action Needed

None.

## SECTION III

### SPECIAL INCIDENT REPORTING

#### Summary of the January 2007 Collaborative Monitoring Review Findings

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

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

1. Special incident reporting of deaths by Regional Center of the East Bay (RCEB) 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 February 2008 Follow-up Review

1. RCEB reported all deaths during the review period to DDS.
2. RCEB reported all SIRs in the sample of ten records selected for the HCBS Waiver review to DDS.
3. RCEB's vendors reported nine of the ten (90%) special incidents within the required timeframes.
4. RCEB subsequently reported nine of the ten (90%) special incidents to DDS within the required timeframes.
5. RCEB's follow-up activities on consumer incidents were appropriate for the severity of the situations.

## Findings

Consumer #1: The incident occurred on November 26, 2007. However, the vendor did not report the incident to RCEB until December 3, 2007.

Consumer #2: The incident was reported to RCEB on October 10, 2007. However, RCEB did not report the incident to DDS until October 19, 2007.

## Further Action Needed

1. RCEB should ensure that the vendor reports special incidents within the required timeframes.
2. RCEB should ensure that special incidents are reported to DDS within the required timeframes.

## SAMPLE CONSUMERS

### HCBS Waiver Review Consumers

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

### SIR Review Consumers

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