

**Tri-Counties Regional Center  
Home and Community-based Services Waiver  
Follow-up Review Report**

**Conducted by:**

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

**August 25, 2009**

## TABLE OF CONTENTS

INTRODUCTION .....	page 3
SECTION I: REGIONAL CENTER CONSUMER RECORD REVIEW .....	page 5
SECTION II: SPECIAL INCIDENT REPORTING .....	page 6
SAMPLE CONSUMERS .....	page 7

## 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 August 4 - 14, 2008, at Tri-Counties Regional Center (TCRC). A final report including review findings and TCRC's written responses to the findings was provided to TCRC on February 11, 2009.

DDS and DHCS conducted a follow-up review on August 25, 2009, 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 July 1, 2008 – June 30, 2009. 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 August 2008 collaborative review requested TCRC to provide clarification or follow-up to the report findings and recommendations. TCRC submitted a response to DDS on February 2, 2009. Based on the report recommendations and TCRC'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 TCRC personnel.

## Summary of Follow-up Review Findings

The August 2009 follow-up review indicated that TCRC has implemented the recommendations from the collaborative review for the criteria selected for this review. However, further action is needed to ensure that quarterly face-to-face meetings and reports of progress are completed.

## **SECTION I**

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

#### Summary of the August 2008 Collaborative Monitoring Review Recommendations

The August 2008 monitoring review included findings related to ensuring that quarterly face-to-face meetings and 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 August 2009 Follow-up Review Findings

Eight of the ten (80%) sample consumer records selected for the follow-up review contained documentation that quarterly face-to-face meetings and reports of progress were completed for consumers living in out-of-home community settings. However, the records for consumers #X and #XX were each missing documentation of one of the required face-to-face meetings and reports of progress.

#### Further Action Needed

TCRC should ensure that future face-to-face meetings and reports of progress are completed each quarter for consumers #X and #XX.

## SECTION II

### SPECIAL INCIDENT REPORTING

#### Summary of the August 2008 Collaborative Monitoring Review Recommendations

TCRC should determine what actions are necessary to ensure that a specific vendor reports special incidents within the required timeframes.

#### Scope of the August 2009 Follow-up Review

1. Special incident reporting of deaths by Tri-Counties Regional Center (TCRC) 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 August 2009 Follow-up Review

1. TCRC reported all deaths during the review period to DDS.
2. TCRC reported all of the SIRs in the sample of ten records selected for the HCBS Waiver review to DDS.
3. TCRC's vendors reported all of the ten (100%) special incidents within the required timeframes.
4. TCRC subsequently reported all of the ten (100%) special incidents to DDS within the required timeframes.
5. TCRC's follow-up activities on consumer incidents were appropriate for the severity of the situations.

#### Further Action Needed

None.

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