

Home and Community-Based Services (HCBS) Rules DEPARTMENT FUNDING GUIDANCE

The Home and Community-Based Services (HCBS) rules ensure that people with disabilities have full access to, and enjoy the benefits of, community living through long-term services and supports in the most integrated settings of their choosing. In order to assist in determining eligibility for compliance funding, providers must complete this evaluation. Both “Yes” and “No” answers require an explanation. A “No” response *could* mean a service setting is out of compliance with the HCBS rules and is potentially eligible for funding to make necessary adjustments. Once this evaluation is completed, it should act as a guide for filling out the provider compliance funding concept, which is required for any provider to be eligible for compliance funding. **Completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that the Department may require to determine provider compliance with the HCBS settings rules. Only providers requesting compliance funding need to complete this evaluation.**

Federal Requirements #1-5 apply to providers of all services, including residential and non-residential settings. Federal Requirements #6-10 are additional requirements that apply only to provider-owned or controlled residential settings.

The column labeled “Guidance” contains a series of questions intended to help identify compliance or non-compliance with each requirement as it relates to the HCBS rules. While responses to these questions can help in the determination of whether or not a particular requirement is met, these responses may not be the sole factor in this determination.

More information on the HCBS rules and this form can be found at <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/>.

Questions may be directed to HCBSregs@dds.ca.gov.

Date(s) of Evaluation: January 2021	Completed by: Karen Moore
Vendor Name, Address, Contact: PathPoint, 315 West Haley Street, Suite 202, Santa Barbara, CA 93101	
Vendor Number: NLACRC: H32900, HL0308	
Service Type and Code: Integrated Work 510 and Group Supported Employment 950	

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<p><u>Federal Requirement #1:</u> <i>The setting is integrated in, and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals receive services in the community based on their needs, preferences and abilities? • Does the individual participate in outings and activities in the community as part of his or her plan for services? • If an individual wants to seek paid employment, does the home staff refer the individual to the appropriate community agency/resource? • Do individuals have the option to control their personal resources, as appropriate?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: Approximately 100 individuals in PathPoint programs are employed at work sites under the Section 14 (c) sub-minimum wage waiver of the Fair Labor Standards Act. These sites do not pay competitive wages and in some cases could be better integrated with the community and co-workers without disabilities.</p>	
<p><u>Federal Requirement #2:</u> <i>The setting is selected by the individual from among setting options, including non-disability-specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider have a current regional center Individual Program Plan (IPP) on file for all individuals? • Does each individual's IPP document the different setting options that were considered prior to selecting this setting?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: All programs are voluntary. PathPoint uses person-centered planning, which ensures the informed choice of the individual. PathPoint integrates tools developed by The Learning Community for Person Centered Practices that allow participants to fully engage in the process of creating their annual plans and weekly schedules.</p>	

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<p><u>Federal Requirement #3:</u> <i>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider inform individuals, in a manner they can understand, of their rights to privacy, dignity, respect, and freedom from coercion and restraint? • Does the provider communicate, both verbally and in writing, in a manner that ensures privacy and confidentiality? • Do staff communicate with individuals based on their needs and preferences, including alternative methods of communication where needed (e.g., assistive technology, Braille, large font print, sign language, participants' language, etc.)?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: All programs are voluntary. PathPoint uses person-centered planning, which ensures the informed choice of the individual. PathPoint integrates tools developed by The Learning Community for Person Centered Practices that allow participants to fully engage in the process of creating their annual plans and weekly schedules.</p>	
<p><u>Federal Requirement #4:</u> <i>Optimizes but does not regiment individual initiative, autonomy, and independence in making life choices, including, but not limited to, daily activities, physical environment, and with whom to interact.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider offer daily activities that are based on the individual's needs and preferences? • Does the provider structure their support so that the individual is able to interact with individuals they choose to interact with, both at home and in community settings? • Does the provider structure their support so that the individual is able to participate in activities that interest them and correspond with their IPP goals?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: All programs are voluntary. PathPoint uses person-centered planning, which ensures the informed choice of the individual. PathPoint integrates tools developed by The Learning Community for Person Centered Practices that allow participants to fully engage in the process of creating their annual plans and weekly schedules.</p>	

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<p><u>Federal Requirement #5:</u> <i>Facilitates individual choice regarding services and supports, and who provides them.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider support individuals in choosing which staff provide their care to the extent that alternative staff are available? • Do individuals have opportunities to modify their services and/or voice their concerns outside of the scheduled review of services?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain: All programs are voluntary. PathPoint uses person-centered planning, which ensures the informed choice of the individual. PathPoint integrates tools developed by The Learning Community for Person Centered Practices that allow participants to fully engage in the process of creating their annual plans and weekly schedules.</p>	

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Only providers of services in **provider-owned or controlled residential settings** need to complete the remainder of this evaluation. In **provider-owned or controlled residential settings**, in addition to the above requirements, the following requirements must also be met:

<p><u>Federal Requirement #6:</u> <i>The unit or dwelling is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city or other designated entity. For settings in which landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord/tenant law.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • As applicable, does each individual have a lease, residency agreement, admission agreement, or other form of written residency agreement? • Are individuals informed about how to relocate and request new housing?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Click or tap here to enter text.</p>	
<p><u>Federal Requirement #7:</u> <i>Each individual has privacy in his/her sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed. Individuals sharing units have a choice of roommates in that setting. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have a choice regarding roommates or private accommodations? • Do individuals have the option of furnishing and decorating their sleeping or living units with their own personal items, in a manner that is based on their preferences? • Do individuals have the ability to lock their bedroom doors when they choose?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Click or tap here to enter text.</p>	

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<p><u>Federal Requirement #8:</u> <i>Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have access to food at any time? • Does the home allow individuals to set their own daily schedules? • Do individuals have full access to typical facilities in a home such as a kitchen, dining area, laundry, and comfortable seating in shared areas?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Click or tap here to enter text.</p>	
<p><u>Federal Requirement #9:</u> <i>Individuals are able to have visitors of their choosing at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Are visitors welcome to visit the home at any time? • Can individuals go with visitors outside the home; such as for a meal or shopping, or for a longer visit outside the home, such as for holidays or weekends?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Click or tap here to enter text.</p>	
<p><u>Federal Requirement #10:</u> <i>The setting is physically accessible to the individual.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Do individuals have the freedom to move about inside and outside the home or are they primarily restricted to one room or area? • Are grab bars, seats in bathrooms, ramps for wheelchairs, etc., available so that individuals who need those supports can move about the setting as they choose? • Are appliances and furniture accessible to every individual?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain: Click or tap here to enter text.</p>	

CONTACT INFORMATION

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Email Address: Karen.Moore@PathPoint.org

ACKNOWLEDGEMENT

By checking the box below, I acknowledge that completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that the Department may require to determine provider compliance with the HCBS settings rules.

I AGREE

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Vendor name	PathPoint
Vendor number(s)	NLACRC: H32900, HL0308 TCRC H15485, HT0242, HT0244
Primary regional center	Tri-County Regional Center
Service type(s)	Integrated work and Group supported employment
Service code(s)	510 and 950
Number of consumers typically and currently served	NLACRC: IWK: 91 GSE: 15
Typical and current staff-to-consumer ratio	1 to 4
<p>1. Please provide a brief description of the service/setting. Include what a typical day consists of during regular program as well as how services are currently being provided. This response must include the baseline/current levels for any aspects of the program for which the concept proposes funding.</p>	
<p>PathPoint's Group Supported Employment (GSE) and Integrated Work (IWK) Programs support individuals working in the community. In GSE, Direct Support Professionals support small groups working as a crew, in services including landscaping and litter removal at community locations and private companies. Individuals are fully supervised during a work shift and the day often includes activities at a PathPoint program facility before or after a work shift. IWK programs combine group employment with more day program services geared toward social, safety and soft skill building. Job experiences gained in IWK can also include volunteer work at community sites such as food banks.</p>	
<p>Project Narrative Description: While filling out this section, reflect on how services are typically provided and how that might have changed in the past year. Think about what has been learned in the past year and how that might shape services going forward. Funding awarded through this concept can span the course of up to two years which would allow time to shape services to be more person-centered and align with the HCBS federal requirements.</p>	
<p>2. Please provide a brief summary narrative of the concept for which you are requesting funding, including justification for the funding.</p>	
<p>Much progress has been made to support individuals transitioning to competitive integrated work settings which meets HCBS Federal Requirement #1. But, there are many individuals employed under Section 14 (c) of the Fair Labor Standards Act that authorizes payments below Federal minimum wage for classes of individuals including Workers with Disabilities. While the trend has been away from these work arrangements, particularly in sheltered workshops that are not integrated with diverse employees or located in the community, the new Biden Administration has included the elimination of Section 14 (c) waivers in the proposed pandemic relief plan. If the bill and this provision is passed, many people with developmental disabilities will no longer have jobs that were reliant on the sub-minimum wage structure.</p>	

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PathPoint made a multi-year goal in 2019 to transition people we support from Section 14 (c) employment. With the pandemic keeping most people sheltering at home for health and safety, we decided to accelerate that goal by ending all subminimum wage positions effective immediately; it did not make sense to bring people back into subminimum wage jobs after a long break. We have been in communication with the work sites and have been told the contracts will not be renewed at minimum wage. Some individuals work at minimum wage, but on a contract with four other individuals, and will also lose their jobs as some contracts will not be renewed due to the economy. Those individuals may also participate in this pilot program if they seek competitive employment or other life goals. In addition to the adjustment we will all have coming out of the pandemic, people with developmental disabilities will find themselves in the position of not returning to the jobs they held before the pandemic. Working in the community and earning a paycheck is a key part of many individual's identity and should be prioritized.

PathPoint would like to launch the pilot project: **PACE (Person-centered, Active planning, Competitive Employment)**. The PACE Program would use person-centered discovery tools to work intensively with individuals who worked under 14 (c) conditions pre-pandemic and assist them to explore individual and career exploration through environmental assessments, good day/bad day evaluations, etc. Ultimately, the goal is to create an individualized job transition plan, to support them in additional training, classes, etc., to reach their employment and life goals, and to secure competitive employment if that is their desire. We plan to partner with consultants from Helen Sanderson Associates for person-centered training for PACE Person-Centered Planning Facilitators and other staff.

The PACE Program would be piloted with an estimated 50 individuals in our Los Angeles County programs working closely with North Los Angeles County Regional Center. *(We are also applying for a similar program to launch with individuals in Santa Barbara and Ventura County programs, in conjunction with Tri-Counties Regional Center.)* We also propose documenting the process, challenges, and lessons learned in a Resource Guide that could be shared with service providers across the state also supporting individuals facing the same barriers to competitive integrated employment after having worked in 14 (c) employment settings.

3. Identify which HCBS federal requirements this concept addresses that are currently out of compliance. Could be all or a subset of those identified as out of compliance on the evaluation.

1__X_ 2__ 3__ 4__ 5__ 6__ 7__ 8__ 9__ 10__

4. For each HCBS out-of-compliance federal requirement that is being addressed by this concept, describe the barriers to compliance and why this concept is necessary. If this information is in the evaluation section, please copy it here.

While both our GSE and IWK programs offer work opportunities, the ones operating under the sub-minimum wage 14 (c) structure sometimes did not offer employment settings with colleagues without disabilities. With PathPoint's decision to end 14 (c) contracts, many individuals returning to community programs after the pandemic will need to find new employment which the PACE Program will help facilitate.

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5. For each out-of-compliance federal requirement that is addressed in this concept, please explain how the concept will bring the vendor into compliance by March 2023.

The two-year PACE Program will allow enough time for all individuals to move through the phases of the program and to meet their competitive integrative employment and/or life goals in the most integrated community settings of their choosing.

6. What are the proposed outcomes and objectives of the concept, and what are the methods of achieving and tracking them?

Outputs/Objectives: a) # of individuals enrolled in PACE program; b) # of individuals participating in assessment activities; c) # of individuals completing an individualized job transition plan; d) # of individuals participating in training, skills enhancement, volunteer opportunities, etc., e) # of individuals placed in competitive integrative employment. We will monitor and document the progress of each individual through the phases of the program to track outputs.

Program Outcome: Increase the # of individuals transitioning from 14 (c) employment to competitive integrative employment and/or life goals set during the discovery process.

7. Please describe how and/or what was done to include input from the individuals served in developing this concept? Discuss not only the development of the concept, but also what steps were taken to identify the interests and desires of the individuals and who was involved in that process.

Employment, earning a paycheck and the satisfaction of a job well done, is consistently cited as an important activity in annual feedback surveys of people we support. Since the pandemic, individuals have expressed a strong desire to “return to programs” and “return to work”, which include GSE and IWK, in their current interactions with their DSPs and during online PathPoint Community Webinars and Feedback Sessions.

8. Please describe how the concept you propose will enable you to provide more person-centered services to your clients.

The entire PACE Program is based on a person-centered planning process which will carry over to the creation and implementation of individualized transition plans. Person-centered staff training by Helen Sanderson Associates will keep this at the forefront.

9. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2020-21 HCBS Funding.

The goal is for the majority of individuals to find a satisfactory alternative to 14 (c) employment at the completion of the PACE Program. We will continue to support them in their goals, for example in their new jobs. We will also apply the lessons learned to other programs, as well as share with service providers statewide.

10. Write a brief narrative below explaining each major cost category and timeline. Complete the budget template at the end of the concept sheet. An excel version with formulas is available. When applicable, budgets should include personnel/benefits, operating costs such as consultants or training, administrative expenses/indirect costs, and capital costs (assets lasting more than 2 years). If project spans 2 years or occurs in phases, budget should be separated by phase/year. Administrative costs, if any, must comply with DDS’ vendor requirements, including a cap of 15% of the sum of

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personnel/benefits, consulting, and operating costs (must exclude capital costs). This information can be found at this [link](#).

Wages: 1 FTE Person-Centered Planning Facilitator, 0.05 FTE Person-Centered Support Facilitator, 0.10 FTE Program Manager. The Planning Facilitator will be dedicated to the PACE Program to ensure its launch and success and will be supported by part-time staff.

Benefits: 403b, Life, Medical, Dental, and Vision Insurance, and Cafeteria Plan

Payroll Taxes & Workers Compensation: FICA, Medicare, UI, and Workers Comp

Occupancy: Proportional share of office space, including rent and janitorial services

Exploration Stipend: Participants in the PACE Program will be allocated a modest budget to explore their interests. For example, funds could be used towards a camera and a photography class if a person is interested in photography.

Equipment: Laptop and docking station for program staff use

Communication: Staff cell phone monthly charges and Zoom account monthly charges

Consultant/Resource Guide: Consultants will be utilized for Person-Centered staff training (Helen Sanderson Associates) and the Resource Guide (graphic designer)

Administrative Indirect Costs: Costs incurred per PathPoint's Indirect Cost Allocation Plan which can be provided upon request.

11. Please address sustainability of funding sources for all programs or concepts requiring any funding past the timeframe of the requested funding, especially those that involve staff or other long-term costs. Please mark "not applicable" if costs will all be incurred during the program timeframe; up to two years.

Not applicable

12. Have you or the organization you work with been a past recipient of DDS funding? If yes, what fiscal year(s)?

HCBS Funding ___ No x Yes.FY(s) 2016-17, 18-19, 19-20
Disparity Funding ___ No x Yes.FY(s) 2017-18, 2018-19
CPP Funding ___ No ___ Yes. If Yes, FY(s) _____
CRDP Funding ___ No ___ Yes. If Yes, FY(s) _____

If yes to any question be sure to answer questions 13 and 14.

For providers who have received prior HCBS, Disparity, CPP or CRDP Funding from DDS

13. If your organization has received prior funding from any of the above sources, please provide an update on the prior funding project. You may copy and paste from progress update(s) previously provided to regional centers or DDS.

HCBS funding enabled PathPoint to support individuals in meeting their goals through the use of assistive technology. With Disparity funding, PathPoint has reached out to LatinX families to address unmet needs, particularly important during the pandemic.

14. If your organization received prior funding, please explain how the current funding request is not redundant with any prior funding received and/or builds on the prior funding but was not part of the original funding.

HCBS and Disparity funding allowed PathPoint to focus on Community Integration/Day Program services and the use of technology and outreach to the LatinX community. While these initiatives did benefit employment programs generally, the new PACE Program is a focused effort on transitioning individuals from 14 (c)-based employment.



Additional Information Regarding Prior Funding

Karen Moore, PathPoint's Executive Director of Developmental Services is a PCT mentor trainer with the Learning Community for Person Centered Practices and collaborates with regional centers to train new trainers and offer PCT workshops. In 2017, PathPoint launched a program curriculum revamp to enhance compliance with the HCBS Final Rule, which included PCT training for staff. The curriculum changes were supported with HCBS funding from TCRC, KRC, and NLACRC. Since then, the CIS/CITS have been focused on rolling out PCT tools with all staff, such as one-page profiles, learning logs, working/not working, and 4+1 questions. They also re-structured programs to incorporate more community-based activities. In 2018, PathPoint was awarded HCBS funding for the CITS to identify technology related needs, provide individualized adaptive equipment, and monitor progress using a person-centered approach. Both the CIS and CITS positions have been essential to implement alternate day services during the pandemic. In 2019, PathPoint was awarded HCBS funding for three staff members to complete the PCT trainer certification program. Once certified, the staff trainers will facilitate workshops for PathPoint, regional centers, and other providers.

HCBS CONCEPT BUDGET	PACE Project
Vendor Name	PathPoint
Vendor Number(s)	H32900, HL0308 TCRC H15485, HT0242, HT0244

	Year 1 Budget			Year 2 Budget			Total
	Wage and Benefits	FTE	Annual Cost	FTE	Annual Cost	Cost	
Personnel (wage + benefits)							
Person-Centered Planning Facilitator	56,384	1.00	\$ 56,384	0.50	\$ 28,192	\$	84,575
Person-Centered Support Facilitator	46,883	0.05	\$ 2,344	0.025	\$ 1,172	\$	3,516
Program Manager	84,884	0.10	\$ 8,488	0.05	\$ 4,244	\$	12,733
			\$ -		\$ -	\$	-
			\$ -		\$ -	\$	-
			\$ -		\$ -	\$	-
			\$ -		\$ -	\$	-
			\$ -		\$ -	\$	-
			\$ -		\$ -	\$	-
Personnel Subtotal			\$ 67,216		\$ 33,608	\$	100,824
Operating expenses							
Personnel Recruitment			\$ 184		\$ -	\$	184
Payroll Processing			\$ 150		\$ 72	\$	222
Occupancy			\$ 3,028		\$ 3,119	\$	6,146
Curriculum Supplies			\$ 258		\$ 129	\$	388
Exploration Stipend			\$ 8,000		\$ 2,000	\$	10,000
Office Supplies			\$ 42		\$ 21	\$	63
Mileage			\$ 200		\$ 300	\$	500
Equipment			\$ 1,500		\$ -	\$	1,500
Communication			\$ 676		\$ 323	\$	1,000
Insurance			\$ 153		\$ 80	\$	233
Consultant/Resource Guide			\$ 12,000		\$ 10,000	\$	22,000
Operating Subtotal			\$ 26,191		\$ 16,044	\$	42,234
Administrative Expenses							
Indirect Cost. Can provide PathPoint's Indirect Cost Allocation Plan Upon Request			\$ 10,275		\$ 5,462	\$	15,736
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
Administrative Subtotal			\$ 10,275		\$ 5,462	\$	15,736
Capital expenses							
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
						\$	-
Capital Subtotal			\$ -		\$ -	\$	-
Total Concept Cost			\$ 103,682		\$ 55,114	\$	158,795

See Attachment F for budget details and restrictions