

## 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](mailto:HCBSregs@dds.ca.gov).

Date(s) of Evaluation: December 2020- January 2021	Completed by: Danielle Skipper
Vendor Name, Address, Contact: NCI Affiliates, Inc. 496 Linne Road, Paso Robles, CA 93446	
Vendor Number: HT0227, HT0229	
Service Type and Code: 950 and 954	

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<p><b><u>Federal Requirement #1:</u></b> <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><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Do individuals receive services in the community based on their needs, preferences and abilities?</li> <li>• Does the individual participate in outings and activities in the community as part of his or her plan for services?</li> <li>• If an individual wants to seek paid employment, does the home staff refer the individual to the appropriate community agency/resource?</li> <li>• Do individuals have the option to control their personal resources, as appropriate?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please explain: The individuals served by NCI Affiliates Work Activity Program are structured in a congregate work setting, which limits their access to the community. Currently there is not staff to individual ratio, making outings and employment resources harder to obtain. NCI also has a wide variety of training opportunities in supported employment, but these options are not currently customized based on the individual's needs, skills, and preference. In both scenarios the nature of the programs limits the access to more integrated settings.</p>	
<p><b><u>Federal Requirement #2:</u></b> <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><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Does the provider have a current regional center Individual Program Plan (IPP) on file for all individuals?</li> <li>• Does each individual's IPP document the different setting options that were considered prior to selecting this setting?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain: NCI maintains current records including the IPP and amendments provided by the Regional Center for all participating individuals. Individuals are encouraged to actively participate in setting their plan around their needs, wants and desires. Upon referral and review of the IPP, NCI offers a tour of all programs that meet the person's interest and explains the program goals. Individuals can</p>	

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also express a desire to change programs at any time and they are informed of our Choice policy. Upon this request, NCI will notify the Regional Center of such interest.

**Federal Requirement #3:**

*Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.*

**Guidance:**

- 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.)?

**Does the service and/or program meet this requirement?  Yes  No**

Please explain: NCI provides both written and verbal explanation of the persons served rights upon entrance and annually at their planning meeting. NCI also has the persons served rights displayed in all sites. NCI also uses a consent form that allows us to share information as specified by the individual to protect the persons privacy and confidentiality. This form is reviewed annually and can be adjusted at any time by the person served. NCI staff use multiple medias to communicate with individuals depending on their needs for communication, including use of dyno Vox, interpreter, bi-lingual and other means as needed.

**Federal Requirement #4:**

*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.*

**Guidance:**

- 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

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	interest them and correspond with their IPP goals?
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please explain: NCI has a variety of programs to offer an array of services, including job development with a developer in our IP Department. However, NCI's ability to focus on the preferred activities of those in supported employment group and work activity program are sometimes limited because of the staffing ratios and work force being driven by the community needs.</p>	
<p><b><u>Federal Requirement #5:</u></b> <i>Facilitates individual choice regarding services and supports, and who provides them.</i></p>	<p><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Does the provider support individuals in choosing which staff provide their care to the extent that alternative staff are available?</li> <li>• Do individuals have opportunities to modify their services and/or voice their concerns outside of the scheduled review of services?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please explain: NCI encourages individuals to share ideas around supports that work best for them including the people they work with. Like with any business the flow at which staff become available is dependent on outside forces that drive the job market up or down. We do listen to individuals and with careful consideration try to ensure that the person assigned to assist will be a good fit. If a person is having difficulties with a staff person, they can express their concerns with management staff that is always available. Each individual also reviews the grievance policy provided in their handbook at least annually.</p>	

<p><b><u>Federal Requirement #6:</u></b> <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</i></p>	<p><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• As applicable, does each individual have a lease, residency agreement, admission agreement, or other form of written residency agreement?</li> <li>• Are individuals informed about how to relocate and request new housing?</li> </ul>
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<p><i>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><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><b><u>Federal Requirement #7:</u></b> <i>Each individual has privacy in his/her sleeping or living unit:</i> <i>Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.</i> <i>Individuals sharing units have a choice of roommates in that setting.</i> <i>Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</i></p>	<p><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Do individuals have a choice regarding roommates or private accommodations?</li> <li>• 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?</li> <li>• Do individuals have the ability to lock their bedroom doors when they choose?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><b><u>Federal Requirement #8:</u></b> <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><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Do individuals have access to food at any time?</li> <li>• Does the home allow individuals to set their own daily schedules?</li> <li>• Do individuals have full access to typical facilities in a home such as a kitchen, dining area, laundry, and comfortable seating in shared areas?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Please explain:</p>	
<p><b><u>Federal Requirement #9:</u></b> <i>Individuals are able to have visitors of their choosing at any time.</i></p>	<p><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Are visitors welcome to visit the home at any time?</li> <li>• Can individuals go with visitors outside the home; such as for a meal or shopping, or for a longer</li> </ul>

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	visit outside the home, such as for holidays or weekends?
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain:</p>	
<p><b><u>Federal Requirement #10:</u></b> <i>The setting is physically accessible to the individual.</i></p>	<p><b><u>Guidance:</u></b></p> <ul style="list-style-type: none"> <li>• Do individuals have the freedom to move about inside and outside the home or are they primarily restricted to one room or area?</li> <li>• 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?</li> <li>• Are appliances and furniture accessible to every individual?</li> </ul>
<p><b>Does the service and/or program meet this requirement?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain:</p>	

**CONTACT INFORMATION**

Contact Name: Danielle Skipper

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**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

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

Regional center vendors may receive funding to make changes to service settings and/or programs to help them come into compliance with the HCBS rules. To be considered for funding, vendors must complete and submit this form and the provider compliance evaluation form as one packet to the regional center with which it has primary vendorization.

### **Instructions:**

- The concept form on the next page must be used, may not exceed four pages plus the budget worksheet and any cost backup, and must be kept in Arial 12-point font. Submit the form in Microsoft Word or PDF format. An extra half page is permitted to answer questions about prior funding.
- Using a form from previous years will negatively impact a concept score, so please ensure the current FY 20-21 form is used.
- For providers that operate programs with several vendor numbers involved in one concept, one evaluation and concept form should be submitted and should list all vendor numbers for related/included programs. If multiple programs owned by the same parent company have different compliance evaluations or concepts, additional applications can be submitted but should be attached in the same document as the other owned programs so they can be reviewed together.
- The results of the evaluation should be clearly laid out in the section referring to identification of federal requirements that are currently out of compliance, which the concept will address.
- The concept form includes detailed information that describes the funding requests and supports how the requests will assist the provider to come into compliance.
- There should be a clear link between what is being requested and the federal requirement currently out of compliance.
- Concepts should demonstrate how the requested change in service delivery will impact individuals in offering more choices and opportunities.

### **Strengths of previously funded concepts:**

- Identified the need as well as proposed a plan to provide outreach and information regarding the HCBS rules to individuals served and members of their support teams.
- Discussed the need for additional funds to effectively support individuals served on a more individualized basis in overcoming barriers to community integration and employment, as appropriate.
- Prioritized the preferences of individuals served and utilized their feedback in the development of the concept.
- Implemented a sustainable plan for person-centered planning/thinking and training regarding the HCBS rules.
- Enabled residents to age in place and exercise more choice and independence.

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

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Vendor name	NCI Affiliates, Inc.
Vendor number(s)	HT0227 & HT0229
Primary regional center	Tri-Counties Regional Center
Service type(s)	Supported Employment Group, Work Activity Program
Service code(s)	950, 954,
Number of consumers typically and currently served	100 typically 85 currently for SE/Group 25 typically 7 currently through Alternative Services for Work Activity Program
Typical and current staff-to-consumer ratio	1 staff 3 individuals for SE/Group 2 staff 25 individuals for Work Activity Program
<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>NCI offers 16 enclave SE/Group sites typically in a 1:3 setting with a variety of work schedules and typically operate sites 7 days a week. We offer some choices in the groups, but only in a few skill building areas including janitorial, food service, and grounds keeping. Nine groups continue to earn subminimum wage under NCI's 14C certificate as NCI continues to transition away from using it.</p> <p>Our Work Activity Program runs more like a day program Monday-Friday 9am-3pm with no set individual to staff ratio. This congregate work setting with minimal staffing usually offers paid production projects from local partnerships in the community and are paid based on pieces completed. Individuals also participate in other task including non-paid activities when work is unavailable. Some individuals have moved toward other programs such as community integration training programs, but volunteers' sites are limited, so mostly engage in leisure/recreational activities.</p>	
<p><b>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.</b></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>NCI proposes to acquire additional staffing positions in Career Coordination including access and benefits training, Job Development for CIE and Customized Employment opportunities and a Technology Trainer for community access and web-based apps. Career Coordination will allow individuals to explore new career interest, assess areas for growth, and environments best suited for each individual. The additional Job Development staff would be able to gain a knowledge of the</p>	



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<p>assessments working in a person-centered approach to finding competitive employment opportunities within the traditional setting or adapting to customized employment opportunities. A Technology trainer will assist individuals with computer training, using web base program and apps, and finding resources to keep individuals connected. As seen during Covid, this will be helpful.</p>
<p>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.</p>
<p>1_X_ 2__ 3__ 4_X_ 5_X_ 6__ 7__ 8__ 9__ 10__</p>
<p>Our concept addresses requirements 1 and 4, by providing individuals working in these settings more opportunity to access activities of their interest and allows more opportunity to seek paid employment that is competitive in settings of their choice. Requirement 5 by individualizing services and become more independent from the group settings.</p>
<p>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.</p>
<p>The concept creates more access for individuals to express, determine, assess, and obtain opportunities to become employed in the community in settings of their choices. It also allows them the opportunity to explore activities and gain knowledge and skills needed to further their chances of Competitive Integrated Employment and or Customized Employment. NCI used the funding from 18/19 awarded to focus on Person Centered Thinking and providing training to more staff in the agency to practice using tools around the individuals overall desired outcome.</p>
<p>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.</p>
<p>NCI's concept continues to focus on the goals of the individual and allows NCI to focus on individual choice rather than employer needs. With new staff in place to help expand their opportunities, explore new resources and transition away from congregate settings and subminimum wages .</p>
<p>6. What are the proposed outcomes and objectives of the concept, and what are the methods of achieving and tracking them?</p>
<p>Outcomes for this concept will be tracked using our Outcomes Reporting Systems by achieving a higher percentage of placement in the community with more successful retention rates. NCI will also use its tracking form to record the outcomes and time frames from initial start up to placements. In addition to satisfaction surveys to ensure individuals needs are being met.</p>
<p>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.</p>

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<p>NCI's Client Advisory Committee collects interest from each site and shares ideas with the management staff as well as the board of directors. Through this process they have shared ideas around other employment opportunities of interest. NCI has also continued to invite all individuals to DOR's Career Counseling Information and Referral trainings as another way to access information about CIE.</p>
<p>8. Please describe how the concept you propose will enable you to provide more person-centered services to your clients.</p>
<p>This concept offers special focus to enhances the opportunities for individuals to express their goals and improve the support with additional participation and input. Individuals will have increased support in manners that focus on sustainability, choice, and increase opportunities with CIE.</p>
<p>9. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2020-21 HCBS Funding.</p>
<p>The funding requested allows NCI to build on the existing program offered while increasing value in services to individuals by providing more choice towards fulfillment of self-determined goals and employment. With additional placements in position that meet the satisfaction of the individuals NCI will have increased revenues to maintain the services.</p>
<p>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.</p> <p>Administrative costs, if any, must comply with DDS' vendor requirements, including a cap of 15% of the sum of personnel/benefits, consulting, and operating costs (must exclude capital costs). This information can be found at this <a href="#">link</a>.</p>
<p>Career Coordinator: Base annual salary \$62,400 plus annual benefits of \$15,475. Job Developer: Base hourly wage \$18 @ 2080 hours annually \$37,440 plus annual benefits of \$9,285.12. Technology Instructor: Base hourly wage \$22 @ 2080 hours annually \$45,760 plus annual benefits of \$11,330. Technology devices (including laptops, tablets, and desktop computers) and curriculum-based programs \$15,000.</p>
<p>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.</p>
<p>NCI's strategic plan is to move away from commensurate wages and continue to develop stronger community ties to ensure CIE placements can be made with the individual in mind rather than the employers needs. Having specialized focuses such as career coordination and technology training furthers the skills set of the individuals we serve and will create a sustainable position through referral and successful placements.</p>

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<p>12. Have you or the organization you work with been a past recipient of DDS funding? If yes, what fiscal year(s)?</p>	<p>HCBS Funding ___ No X Yes. If Yes, FY(s) 2018/2019 and 2019/2020 Disparity Funding X No ___ Yes. If Yes, FY(s) _____ CPP Funding X No ___ Yes. If Yes, FY(s) _____ CRDP Funding X No ___ Yes. If Yes, FY(s) _____  If yes to any question be sure to answer questions 13 and 14.</p>
<p><b>For providers who have received prior HCBS, Disparity, CPP or CRDP Funding from DDS</b></p>	
<p>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.</p>	
<p>NCI Received HCBS Compliance Funding for Tri Counties Regional Center 2018/2019 to have staff become a certified trainer in PCT. The training has been completed, and ongoing CPT trainings are being offered for direct staff. NCI also received HCBS Compliance Funding for San Andres Regional Center in 2019/2020 for additional staff training in PCT, Staff is certified and will be participating in the Liberty Training coming up.</p>	
<p>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.</p>	
<p>NCI is requesting funding to focus more directly on the implementation of career choice through CIE and customized employment opportunities. Helping individuals map out services that will move them away from congregate settings and helping each person focus more on their wants, needs and desires. Previously the focus was on gaining access to onsite trainers to provide staff with a consistent training opportunity in PCT to use the tools that help guide individuals in making sound decisions for their life path.</p>	

HCBS CONCEPT BUDGET		2020/2021				
Vendor Name		NCI AFFILIATES, INC.				
Vendor Number(s)		HT0227 & HT0229				
	Wage and Benefits	Year 1 Budget		Year 2 Budget		Total
		FTE	Annual Cost	FTE	Annual Cost	Cost
<b>Personnel (wage + benefits)</b>						
Career Coordinator	\$ 77,875.00	1.00	\$ 77,875		\$ -	\$ 77,875
Job Developer	\$ 46,725.12	1.00	\$ 46,725		\$ -	\$ 46,725
Technology Instructor	\$ 57,108.48	1.00	\$ 57,108		\$ -	\$ 57,108
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
<b>Personnel Subtotal</b>			<b>\$ 181,709</b>		<b>\$ -</b>	<b>\$ 181,709</b>
<b>Operating expenses</b>						
Instructional Items- Computers, curriculum, zoom training workshops.			\$ 15,000		\$ -	\$ 15,000
Office Supplies			\$ 300		\$ -	\$ 300
Travel			\$ 6,000		\$ -	\$ 6,000
Business cards, flyers and marketing materials			\$ 1,800		\$ -	\$ 1,800
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Operating Subtotal</b>			<b>\$ 23,100</b>		<b>\$ -</b>	<b>\$ 23,100</b>
<b>Administrative Expenses</b>						
Administration oversight			\$ 11,856		\$ -	\$ 11,856
includes Financial, HR, and Executive Oversight					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Administrative Subtotal</b>			<b>\$ 11,856</b>		<b>\$ -</b>	<b>\$ 11,856</b>
<b>Capital expenses</b>						
Vehicle			\$ 30,000		\$ -	\$ 30,000
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Capital Subtotal</b>			<b>\$ 30,000</b>		<b>\$ -</b>	<b>\$ 30,000</b>
<b>Total Concept Cost</b>			<b>\$ 246,665</b>		<b>\$ -</b>	<b>\$ 246,665</b>

See Attachment F for budget details and restrictions