

## Home and Community-Based Services (HCBS) Rules Reference Information

The Home and Community-Based Services (HCBS) rules supports people with disabilities to 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. **Completion of this concept form is for the sole purpose of applying for compliance funding and does not take the place of provider assessments or remediation that the Department has required to determine provider compliance with the HCBS settings rules.**

Prior HCBS funding focused primarily on barriers to compliance with the 10 federal requirements of the HCBS Final Rule. HCBS funding for fiscal year 2021-2022 will still take the 10 federal requirements into account and will also place increased emphasis on the outcome of a provider's concept. To simplify the process, the federal requirements were placed in three categories that target similar outcomes. Those categories are Community Integration, Individual Rights, and Choice. A fourth category, Collaboration, may be used for a concept between multiple providers to develop a community resource or collaborate on a project benefiting multiple settings. The bulleted questions listed under each category are for providers to consider when thinking about their current operations and plans for the future. These questions should be used when considering ways to build a concept that will achieve increased person-centered practices ongoing.

Service providers may request a copy of their completed self-assessment, by contacting their regional center HCBS Program Evaluator. A blank copy of the assessment can be found at <https://www.dds.ca.gov/wp-content/uploads/2020/09/CADDSHCBSProviderSelfAssessment.pdf>.

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).

## Community Integration

How will providers support the following through their services?

- Individuals receiving services in the community based on their needs, preferences and abilities.
- Individuals participating in activities in the community, which are routinely accessed by the general public, and are not solely for the purpose of supporting people with disabilities, as part of their plan for services.
- Individuals exercising control over their schedules and activities.
- Opportunities for activities in the community that include meaningful interaction with individuals not receiving regional center services, not including paid staff or volunteers (e.g. development of hobbies or interests, volunteering, job training, etc.).
- Access to competitive integrated employment opportunities. Note: information on California's Competitive Integrated Employment Initiative can be found at <http://www.chhs.ca.gov/home/cie/>

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### Individual Rights

How will providers support the following through their services?

- Informing individuals, in a manner they can understand, of their rights to privacy, dignity, respect, and freedom from coercion and restraint.
- Communication 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.).
- Individuals have informed consent and regular review regarding residential agreements, admission agreements, or other forms of written residency agreements.
- Individuals taking active roles in program policies and shared house rules.
- Individuals understanding of the balance between the rights they have and respecting the rights of others, building skills of negotiation.
- Individuals' understanding of the different service options available to them, and working towards individualized goals with support.
- Choice regarding roommates or private accommodations.
- Visitors are welcome to visit the home at any time.
- Individuals going 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.
- Individuals having the freedom to move about inside and outside the home.
- For those requiring accessible supports, grab bars, seats in bathrooms, ramps for wheelchairs, etc., are available so that individuals can move about the setting as they choose.
- Appliances and furniture are accessible to every individual.

### Choice

How will providers support the following through their services?

- Offering daily activities based on individual's needs and preferences.
- Structuring support so that individuals are able to interact with people they choose to interact with, both at home and in community settings.
- Structuring support so that individuals are able to participate in activities that interest them and correspond with their IPP goals.
- Supporting individuals in choosing which staff provide their care to the extent that alternative staff are available.
- Opportunities to modify services and/or voice concerns outside of the scheduled review of services (IPP review).
- Individuals having access to food at any time.
- Supporting individuals to set their own daily schedules.

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### Collaboration

- Does your program excel in a particular facet of your service type that can be beneficial to other programs in coming into compliance and strengthening person-centered practices?
- Does your concept involve at least one additional agency who will share in the development and implementation of the concept?
- Are there increased benefits to people you serve by collaborating on this concept with other providers?
- Are you developing a community of practice? (i.e. a group of people who share a common interest and come together to learn from each other and achieve a common goal.)

Some previously funded concepts have successfully collaborated to assist other providers in enhancing their services through projects such as:

- Development of toolkits and resources regarding the Final Rule, or areas within the Final Rule (employment options, housing, person-centered planning, etc.), that can be broadly accessed.
- Training and knowledge-sharing with others in their catchment area.
- Creation of person-centered planning applications/software.

## HCBS Final Rule: List of Federal Requirements

### **Federal Requirement #1: Access to the Community**

*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.*

### **Federal Requirement #2: Choice of Setting**

*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.*

### **Federal Requirement #3: Right to be Treated Well**

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

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### **Federal Requirement #4: Independence**

*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.*

### **Federal Requirement #5: Choice of Services and Supports**

*Facilitates individual choice regarding services and supports, and who provides them.*

For providers who operate a residential setting:

### **Federal Requirement #6: Residential Agreement**

*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.*

### **Federal Requirement #7: Privacy**

- 1. Each individual has privacy in his/her sleeping or living unit:*
- 2. Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.*
- 3. Individuals sharing units have a choice of roommates in that setting.*
- 4. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.*

### **Federal Requirement #8: Schedule and Access to Food**

*Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.*

### **Federal Requirement #9: Right to Visitors**

*Individuals are able to have visitors of their choosing at any time.*

### **Federal Requirement #10: Accessibility**

*The setting is physically accessible to the individual.*

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Regional center vendors may receive funding to make changes to service settings and/or programs to enhance current services through individualized service delivery. To be considered for funding, vendors must complete and submit this form 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. Please use the current FY 21-22 form.
- For providers that operate programs with several vendor numbers involved in one concept, one blueprint 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 blueprints 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 concept includes detailed information that describes the funding requests and supports how the requests will assist the provider in **enhancing person-centered service delivery**.
- Concepts should demonstrate how the requested change in service delivery will impact individuals in **offering more choices and opportunities**.

While concept development should be individualized for each provider, some common themes persist among those that have been previously selected for funding.

### 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.

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Vendor name	AbilityPath
Vendor number(s)	PG1113; PG3426
Contact Name	Danielle Azzalino
Contact Email Address	<a href="mailto:dazzalino@abilitypath.org">dazzalino@abilitypath.org</a>
Primary regional center	Golden Gate Regional Center
Service type(s)	Day Program
Service code(s)	055
Number of consumers typically and currently served	Typically (pre-Covid): 140 Currently: approx. 140 (PG1113)
Typical and current staff-to-consumer ratio	Typical: 1:4 Current: 1:4
<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. If you have previously identified your program as compliant with the HCBS Final Rule through the Self-Assessment, what changes have occurred that has changed your level of compliance?</p> <p>Individuals served meet with their 1:4 group at site and/or varying community locations. Individuals then break out into groups of 1:4 to attend classes, go to volunteer sites, work on daily living skills, access community resources and/or engage in social/recreational activities. Groups are assigned as much as possible based on the preferred activities and/or needs of each individual, but this depends on staffing and transportation. Our HCBS self-assessment for PG1113 does say that we are compliant with federal regulations; however, after further collaboration and continued conversations with individuals served, we would change some of our answers because we feel we can do a better job with employment and community engagement opportunities. PG3426 was vendorized in June 2021, after the self-assessments were completed. In anticipation for this funding application, the self-assessment will be filled out in order to assess how the program is doing in regard to HCBS regulations. As we continue to have conversations about resuming in-person services and having a hybrid of virtual &amp; in-person services, we are learning a lot more about how we need to expand our service offerings in order to have a truly person-centered program. Individuals served have continued to express their need and desire for more than what we provide. Individuals had exposure to more choices during Covid-19 due to virtual programming, and we would like to continue offering those choices when in-person services resume. Additionally, many individuals in this program were able to participate in piloting our Pathways program prior to the pandemic and have expressed a desire to continue in the newly vendorized program. Pre-Covid, individuals attended cooking classes at AbilityPath's campus. Pathways' pilot project, the LeCoffee cart, sparked an interest in many individuals not only as a culinary experience but as a microenterprise and as an opportunity to learn about business management, event planning/hospitality, marketing/PR/branding, operations/logistics (physical building of the coffee cart). As a result, individuals served are requesting continued experiential learning in culinary arts and we would like to transition individuals interested into Pathways and expand the program to include a culinary emphasis.</p>	

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**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.

2. Please provide a brief summary narrative of the concept for which you are requesting funding, including justification for the funding.

This concept will allow AbilityPath to transition individuals that have expressed interest in our Pathways program from our Community Access program, and to enhance our person-centered service delivery in AbilityPath's community-based day program, Pathways, by offering more diverse choices to individuals. The purpose of the concept is to further the education and training of AbilityPath participants for careers and or engagement in culinary arts, food preparation and all related industries (e.g., hospitality, event planning, marketing, business management, etc.). It will create opportunities to receive a culinary certificate, learning skills by combining classroom instruction and work-based learning while earning money. The program will collaborate with local commissary & commercial kitchens (utilizing AbilityPath's catering license), individual hotel or food service establishments, local businesses, local school and college systems, which will provide integrated settings for training and working. The program will also serve individuals who wish to engage in culinary arts for personal interest or skill development, independent of employment. Funds will be utilized to hire staff with specialized training in culinary arts, as well as a job developer and 1:1 employment specialist. Funds will also be used to develop the formation of curriculum development, equipment purchases, internship recruitment, and incentives for participation. This concept was specifically requested by people served at AbilityPath.

3. Identify which category/ categories this concept addresses.

- Community Integration
- Individual Rights
- Choice
- Collaboration

4. Please list the proposed objectives and outcomes of the concept, as well as the methods of achieving and tracking them. How will this concept assist you in reaching goals within the category that you are requesting funds?

- Transition interested individuals into the Pathways program; support individualized person-centered plans. (Community Integration)
- Hire a job developer to support development of community relationships and future placements. (Community Integration)
- Develop a culinary training curriculum and create a minimum of 5 on-going partnerships with local support agencies (commissary kitchens, employers, community partner kitchens, colleges with culinary programs, etc.) to provide integrated work and learning settings. AbilityPath will set up a network with local chefs and food talents and promote learning through in-class workshops and field trips. (Community Integration)
- Person-Centered Planning Coordinator (position already established with Pathways) will: 1) complete personal needs assessment of each individual; 2) develop individualized communication plan with each person, reflecting personal needs and preferences and utilizing assistive technology where needed. (Individual Rights)

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- Hire 2 instructors with culinary training to provide direct support to participants and lead other direct support staff. (Choice)
- Identify and purchase specialized equipment and technology to support and train individuals with differing physical and cognitive abilities to learn. (Individual Rights)
- Launch a coffee cart and catering business (utilizing AbilityPath's existing catering permit) led by participants, offering individuals the opportunity to gain work experience and explore participant interest in starting their own microenterprise opportunities. (Choice)
- Interns can choose to learn while operating parts of LeCoffee catering business (AbilityPath social enterprise). The rewards of this collaboration and opportunities are interns who learn skills on the job in part-time paid positions. (Choice)
- Extend the network of internship opportunities with emphasis on related industries. (Choice)
- Support individuals with needed certifications, such as food handler certificates, by partnering with local colleges. (Choice)
- Upon completion of the culinary internship program, the individual will have been introduced to the art and science of cooking and provided a foundation in cooking and baking, including basic knife skills, and food service safety. (Choice)
- Hire an Employment Specialist to work 1:1 supporting individuals in integrated employment opportunities and internships. (Community Integration)
- By the end of year 1, 50% of individuals served who want paid employment will have a job. By the end of year 2, 80% of individuals who want paid employment will have a job.
- AbilityPath has shared findings and processes from Pathways via presentations with the Disability Thrive Initiative and DDS. We will continue to partner with like organizations to share learned success & best practices. (Collaboration)

Progress will be tracked quarterly. Individual outcomes will be tracked through the case management methods and software we use for current service delivery, including development of an Individual Service Plan (ISP) with goals that are reviewed semi-annually with the individual and their support team.

5. Please describe how and/or what was done to ensure that individuals served by the program led the development of 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.

The Peer Advisory Committee (PAC) has discussed & reviewed needs and desires of those served by the day program, which has led to the creation of this concept. The PAC is open to all individuals in all AbilityPath programs, and currently meets bi-monthly in virtual format. Each individual in program has a Positive Personal Profile completed, which details their dreams, goals, and needs in both everyday life and regarding employment, as applicable. Additionally, each individual participates in an interest & needs assessment upon intake, which is reviewed and updated at least annually, and again as needed or requested by the individual served. Satisfaction surveys are provided to each individual (and/or their family/conservator) annually. Additional feedback on current programming is collected as often as individuals choose to share, which may be daily, weekly, monthly or quarterly. Individuals who participated



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in virtual Pathways during Covid-19 (including individuals in Community Access) have been surveyed at least quarterly on program/curriculum satisfaction.
6. Please describe how the concept you propose will enable you to provide more person-centered services to the individuals you serve.
Feedback received from individuals served indicates a significant interest in engagement or employment in the culinary arts. Offering this program will provide experiential learning & skill development opportunities that can support their ability to access competitive, integrated employment and/or meet individual goals or desires. Providing training in various elements of the culinary arts and its related fields means a variety of options that individuals can choose from, and to which an individual can align their personal interests or passion. Individuals served are consistently asking for more specific service delivery options. The more options available to each person served, the more person-centered AbilityPath services can be.
7. What percentage of individuals served by your program will directly benefit from implementation of this concept?
100% will have the option to participate.
8. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2021-22 HCBS Funding.
We will innovate and enhance the program to offer opportunities that meet the needs and desires of the individuals interested in culinary arts and related industries. Having specialized staff will promote more on-going interest and skill development. We will continue to build strong community partnerships that support skill development and promote equity and inclusion, both in the community and the workforce.
9. 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 personnel/benefits, consulting, and operating costs (must exclude capital costs). This information can be found at this <a href="#">link</a> .
<ul style="list-style-type: none"> <li>• Staff specializing in culinary arts: 2 instructors who are specifically trained in culinary arts so that we can provide expert instruction.</li> <li>• Job Developer: 1 job developer to collaborate with program instructors &amp; individuals served to establish employment goals, to work with the Dept of Rehab, and to build &amp; maintain a pipeline for paid opportunities in this field.</li> <li>• Employment Specialist (1:1): at least 1 Employment Specialist to support job skill development as well as transition to paid employment.</li> <li>• Adaptive/assistive kitchen equipment/utensils: to meet varying cognitive and physical abilities, instruction will need to utilize culinary equipment that works for varying degrees of visual, fine and gross motor skills and meet safety requirements. E.g., safe knives, easy grip/ergonomic angled utensils, talking measuring containers.</li> <li>• Adaptive/assistive technology: for culinary instruction as well as transition from training to employment settings. Tablets (\$1,000) will enable instruction to be mobile from training to employment setting, as needed. A kitchen display system (\$5000)</li> </ul>

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<p>will feature large screens to broadcast written or visual instructions during training sessions and during food preparation.</p> <ul style="list-style-type: none"> <li>• Access to commercial kitchens: community partners will charge a fee to utilize their space for training purposes.</li> <li>• Administrative: expenses will not exceed 15% of personnel + operating expenses and may include monthly updates, progress reporting, invoicing, payroll, recruitment for new positions, facilities leases.</li> <li>• Catering/refrigerated vehicle for transporting food or catering materials.</li> </ul>	
<p>10. 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>After the initial launch, the program will be funded through existing service &amp; billing structure through DDS &amp; regional center. Any profit from catering will fund the training program.</p>	
<p>11. 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 <u>X</u> Yes. If Yes, FY(s) <u>  FY 18/19  </u></p> <p>Service Access and Equity Funding    ___ No ___ Yes. If Yes, FY(s) <u>  </u></p> <p>CPP Funding        ___ No ___ Yes. If Yes, FY(s) <u>  </u></p> <p>CRDP Funding      ___ No <u>X</u> Yes. If Yes, FY(s) <u>  FY 18/19  </u></p> <p>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>12. 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>The Pathways program has been developed with FY18 HCBS funding to provide a more flexible community-based program, an internship, or individual employment based on the choices of individuals served. Full transition to Pathways has been hindered by Covid-19 due to Alternative Services &amp; lack of in-person services; program implementation in 2020 began virtually/remotely for interested individuals. The project was completed with GGRC by February 2021 with the understanding that due to Alternative Services, full transition would occur once in-person services resume. Currently, small groups have piloted in-person Pathways and most individuals continue to utilize virtual Pathways for daily programming.</p> <p>CRDP funding created the community-based, employment-focused day program called CareerPath in GGRC catchment area. It provides career exploration, paid internships and community engagement.</p>	
<p>13. 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>The prior funding request brought site-based day programs into compliance as community-based integration programs (HCBS) and to create an employment-focused day program (CRDP). This funding request will enable AbilityPath to respond to the request of individuals served in Community Access and Pathways to have more varied and specialized employment and learning opportunities and the adaptive</p>	

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equipment/technology needed to do so. This funding request will also allow us to open Pathways to other individuals not currently enrolled in the program but who have interest in culinary arts and related fields. Given the program designs have already been established, we will not be requesting funds for program development.

HCBS CONCEPT BUDGET						
Vendor Name	AbilityPath					
Vendor Number(s)	PG1113, PG3426					
	Wage and Benefits	Year 1 Budget		Year 2 Budget		Total
		FTE	Annual Cost	FTE	Annual Cost	Cost
<b>Personnel (wage + benefits)</b>						
Instructor (3 month launch period)	51376	0.30	\$ 15,413		\$ -	\$ 15,413
Instructor (3 month launch period)	51376	0.30	\$ 15,413		\$ -	\$ 15,413
Job Developer (full year)	67600	1.00	\$ 67,600		\$ -	\$ 67,600
Employment Specialist (3 month launch period)	59488	0.30	\$ 17,846		\$ -	\$ 17,846
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
			\$ -		\$ -	\$ -
<b>Personnel Subtotal</b>			<b>\$ 116,272</b>		<b>\$ -</b>	<b>\$ 116,272</b>
<b>Operating expenses</b>						
Adaptive equipment			\$ 3,000			\$ 3,000
Assistive technology			\$ 6,000			\$ 6,000
Access to commercial kitchens in community			\$ 21,250			\$ 21,250
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Operating Subtotal</b>			<b>\$ 30,250</b>		<b>\$ -</b>	<b>\$ 30,250</b>
<b>Administrative Expenses</b>						
15% of Personnel/Operating (Payroll, invoicing, moni			\$ 21,978			\$ 21,978
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Administrative Subtotal</b>			<b>\$ 21,978</b>		<b>\$ -</b>	<b>\$ 21,978</b>
<b>Capital expenses</b>						
Catering/Refrigerator vehicle			\$ 50,000			\$ 50,000
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
<b>Capital Subtotal</b>			<b>\$ 50,000</b>		<b>\$ -</b>	<b>\$ 50,000</b>
<b>Total Concept Cost</b>			<b>\$ 218,500</b>		<b>\$ -</b>	<b>\$ 218,500</b>

See Attachment F for budget details and restrictions