

## 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	Antelope Valley Foundation for the Developmentally Disabled (AVFDD) DBA Daystar
Vendor number(s)	Vendor # H17777 Service Code #505 1:8 ratio (DTAC) Day Training Activity Center  Vendor #H17777 Service Code #510 1:4 ratio (ADC) Adult Day Care  Vendor #H17994 Service Code #515 1:3 ratio (BAC) Behavior Activity Center
Contact Name	Antonio Buono PsyD, LMFT
Contact Email Address	tanob@aol.com
Primary regional center	NLACRC
Service type(s)	DTAC, ADC, BAC
Service code(s)	505, 510, 515
Number of consumers typically and currently served	120
Typical and current staff-to-consumer ratio	1:8, 1:4, 1:3
<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>Daystar serves 120 individuals in a site-based licensed facility in the underserved community of Antelope Valley outside of Los Angeles. There are almost no alternative programs in the area and none that serve behaviorally and medically fragile individuals. The facility has many individual "classrooms" that provide activities such as cooking, arts, social skills, etc. Services are provided through 3 service codes in 3 ratios – 1:8; 1:4 and 1:3 for medically fragile individuals. Daystar has been working towards community integration over the last 2 years thanks to previous HCBS funding 18/19. This funding was used to hire a community integration specialist who has been working with the program and regional center on PCT training, new community integrated program designs in a lower ratio (eliminating the need for the 1:8 site based vendorization) and restructuring the need for a site-based facility.</p>	
<p><b>Project Narrative Description:</b> 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>	

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

Through the effort of the community integration specialist (HCBS funding 18/19) new community integrated program designs have been submitted and are expected to be approved by RC in January 2022. These plans include ongoing PCT training, 15 new accessible vehicles through Metro, new community partnerships with CIE and PIP, and full community integration for 60 individuals by summer 2022, and for the remaining 60 individuals by March 2023.

The largest need identified in order to accomplish this goal is community development for vocational opportunities. The Antelope Valley area has a thriving business community that have not been exposed to individuals with IDD in a vocational setting. Currently the barrier remains qualified and experienced staff to engage in job development as this is not the skill set of our direct staff. Moreover, traditional job development has also focused on only the least impacted population and developing opportunities for those who are most impacted remains a challenge. Daystar hopes to hire 2 job developers to begin the process of engaging the local business community and striving to ensure employment placement for any of the 120 individuals who will want to work as part of their community integration.

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?

The proposed outcome of this funding is increased opportunities for community integration through CIE and PIP placement. The goal is for 60 of the 120 clients have either successful CIE or PIP placement by March 2023. We plan on tracking outcomes by semi-annual placement data and graphing it for ease of evaluation.

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.

Our client choices and needs are at the center of this concept as meaningful activity is the most important value we have. Most of our clients have goals of employment but are unable to access employment settings due to their medical, behavioral, or skill deficits. Because they are not accepted to Supported Employment, their day service must be able to help them access integrated employment settings to help bridge the gap, currently utilizing the Paid Internship and Competitive Integrated Employment programs.

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In our annual survey to regional center, families, and clients, the number one priority was access to community and employment.
6. Please describe how the concept you propose will enable you to provide more person-centered services to the individuals you serve.
Daystar has spent a great deal of resources in establishing an internal PCT train-the-trainer model through the Learning Community (also part of the HCBS 18/19 funding). This commitment involved an 18-month mentorship and training with an official Learning Community mentor. This has also facilitated PCT plans to be developed for every individual in the 1 <sup>st</sup> year that include their personal community integration goals.
7. What percentage of individuals served by your program will directly benefit from implementation of this concept?
The goal is for 60/120 individuals to have successful PIP or CIE placement by March 2023 and for all 120/120 individuals to have more community access by March 2023 through the relationships with the local community.
8. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2021-22 HCBS Funding.
The plan for ongoing provision of services is to fund the positions through new CIE and PIP payments that should be generated by successful client employment.
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> .
Proposal is 2 Job Developers to be added to our employment team from previous HCBS funding and for PCT training for agency supervisors and employment team.  Job Developer 1: \$20/hr x 2080 annual hours; plus full time costs of employment (25%) = \$52,000  Job Developer 2: \$20/hr x 2080 annual hours; plus full time costs of employment (25%) = \$52,000  Total Funding requested \$104,000
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



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long-term costs. Please mark "not applicable" if costs will all be incurred during the program timeframe; up to two years.	
The plan for ongoing provision of services is to fund the positions through new CIE payments that should be generated by successful client employment.	
11. Have you or the organization you work with been a past recipient of DDS funding? If yes, what fiscal year(s)?	HCBS Funding ___ No <u>X</u> Yes. If Yes, FY(s) _____ 18/19_____
	Service Access and Equity Funding ___ No <u>X</u> Yes. If Yes, FY(s) _____
	CPP Funding <u>X</u> No ___ Yes. If Yes, FY(s) _____
	CRDP Funding <u>X</u> No ___ Yes. If Yes, FY(s) _____
If yes to any question be sure to answer questions 13 and 14.	
<b>For providers who have received prior HCBS, Disparity, CPP or CRDP Funding from DDS</b>	
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.	
All Milestones for the previous projects were actualized and submitted on time to RC and DDS.	
Daystar could not have made the progress it has made so far towards community integration without the HCBS funding 18/19. Those funds have been used to: <ol style="list-style-type: none"> <li>1. Hire a community integration specialist who has successfully worked with RC to change program designs to community integrated programs.</li> <li>2. Facilitated the acquisition of 15 accessible vehicles.</li> <li>3. Trained all supervisors in PCT tools and ensured planning for community integrated activities based on individual needs.</li> </ol>	
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.	
The current funding proposal builds on the forementioned successes of the previously funded concept. The previous funding established the foundation on which we stand today and feel confident that with continued support from this proposal we can achieve community integration for our clients prior to March 2023.	

HCBS CONCEPT BUDGET						
Vendor Name		Antelope Valley Foundation for the Developmentally Disabled DBA Daystar				
Vendor Number(s)		H17777, H17994				
	Wage and Benefits	Year 1 Budget		Year 2 Budget		Total
		FTE	Annual Cost	FTE	Annual Cost	Cost
<b>Personnel (wage + benefits)</b>						
Job Developer 1	52,000		\$ 52,000		\$ -	\$ 52,000
Job Developer 2	52,000		\$ 52,000		\$ -	\$ 52,000
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Personnel Subtotal			\$ 104,000		\$ -	\$ 104,000
<b>Operating expenses</b>						
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Operating Subtotal			\$ -		\$ -	\$ -
<b>Administrative Expenses</b>						
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Administrative Subtotal			\$ -		\$ -	\$ -
<b>Capital expenses</b>						
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Capital Subtotal			\$ -		\$ -	\$ -
<b>Total Concept Cost</b>			\$ 104,000		\$ -	\$ 104,000

See Attachment F for budget details and restrictions