

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.

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 number(s)	HB0150, PB1301
Contact Name	Terry Goodwin
Contact Email Address	tgoodwin@toolworks.org
Primary regional center	Regional Center of the East Bay
Service type(s)	Competitive Integrated Employment as an alternative to Day Programs and other group settings
Service code(s)	510, 605 (Adaptive Skills Training), 055, 954
Number of consumers typically and currently served	52 + clients (for Toolworks), 200+ for Coalition Members (Futures Explored, Eastbay Innovations, VistAbility, Adaptive Learning Center, Ability Now Bay Area, Mt Diablo Adult Ed to name a few)
Typical and current staff-to-consumer ratio	1:3

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?

Toolworks and other RCEB service providers offer day programs services such as pre-employment training and internships to persons served but due to a lack of job opportunities, a significant number of individuals receiving these integrated, choice driven services do not transition to Competitive Integrated Employment (CIE) as chosen. Many will then, contrary to their choice, be provided community-based day options or wait at home during the job development process, which is also not their choice. Currently approximately 50 individuals served at Toolworks and over 200 participants of HireAble members (see partial list of member agencies above) are experiencing this each year. This results in compliance issues with the choice and community integration requirements of the Final Rule. This is also contrary to California's Employment First philosophy. Of most concern is the knowledge that individuals are settling for other options out of necessity when CIE is their choice. In addition, Toolworks, as a member of HireAble, has heard from other agencies that they are having similar issues. Once a person served chooses CIE as an outcome, transitioning to other services or waiting at home is very disappointing.

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.

We are requesting funding to work in collaboration with HireAble on behalf of persons served by members of the HireAble coalition including Toolworks. Using these grant funds, Toolworks proposes to subcontract with HireAble to work in Alameda and Contra Costa counties to develop business relationships with employers who have

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locations in both counties. These business relationships will be for the purpose of opening doors to RCEB job seekers for CIE jobs. Additionally, training will be provided to HireAble members in the areas of customized employment, managing public benefits, person-centered practices, and discovery related to employment. We propose developing a business partnership model which will be evaluated for effectiveness that could be used throughout the State of CA. Current service models do not provide the resources necessary to engage businesses at the levels needed to assist all individuals seeking CIE to achieve that goal. Current funding models support assisting job seekers to apply for jobs, which results in few interview opportunities and even fewer hires. While the internship model has opened doors for individuals who need more pre-employment skill building or allows a business to verify a person's skill level, it is not able to support all individuals seeking CIE. Funding to break down the barriers such as online applications, online interviews and primary evaluation of prospective hires based on resumes or applications has created new and challenging barriers to get "one's foot in the door". This proposal will change that dynamic, work directly with businesses to address these systemic barriers that are blocking RCEB consumers from successfully competing for CIE positions for which they are qualified.

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?

Business Partnership Development Objective: to create job opportunities for RCEB consumers with multiple businesses. Outcome: Establishing a minimum of 5 new Regional Business Partnerships (RBP) within Alameda and Contra Costa counties. These partnerships will result in formal agreements to hire qualified RCEB job seekers into CIE jobs available in their local communities. Evaluation: track the development of the agreements, evaluating and summarizing the outcomes/success or challenges, provide copies of completed agreements, track hiring of consumers.

Business Partnership Development Objective: Create a business advisory group to inform decisions and increase prospective business partners. Outcome: Create one business advisory group across both counties to strengthen relationships with local businesses resulting in more CIE's for individuals with I/DD (at least 20 new jobs during the grant cycle). We will offer Disability Awareness Training for Business Partners resulting in new contacts and more willingness on the part of employers to hire individuals with disabilities.

Training Objective: Increase capacity and competency of staff in the areas of customized employment, managing public benefits, person-centered practices, and discovery. Outcome: Providing a minimum of 1 training each on 1) customized employment, 2) management of public benefits, 3) person-centered practices (by certified trainers), and 4) discovery for a minimum of 20 staff at each training. This will result in providers having a more skilled workforce. All objectives will be tracked and results reported quarterly.

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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.

People served in day programs and transition education programs are asked during the person-centered planning process (i.e., Individual Education Plans, Individual Program Plans) about employment and other options. Focus will always be on what is important to the person as well as what is important for the person. Based on compiling this individual information from multiple providers via surveys, meetings and conversations, we know the desire to work competitively in the community is frequently identified but the resources or the ability to access jobs do not exist. Based on this information and discussions at monthly HireAble meetings, the concept of developing business partnerships to open doors for CIE and increasing the competency of staff was identified as top priorities which lead to the development of this proposal.

6. Please describe how the concept you propose will enable you to provide more person-centered services to the individuals you serve.

Currently there are many barriers to CIE, including the job application process, the interviewing process, and other business practices that prevent persons served by RCEB from competing for jobs that they are qualified to do. This project will assist Toolworks and HireAble Coalition Members to open doors for RCEB job seekers by working in partnership and collaboratively with businesses to remove those barriers. This will allow individuals with I/DD living in Alameda and Contra Costa Counties to compete for CIE jobs in their local communities. Targeting businesses that have multiple locations throughout the 2 counties will build a scaled-up approach into this concept and provide multiple opportunities. Job seekers would then have the choice of which jobs they want to apply for during their job seeking activities. In addition, Toolworks and HireAble will work with business partners to customize job opportunities while still meeting the business needs of the employers. This in essence creates a job customized to a specific individual. Through this project and joint community trainings (including Person-Centered Planning) we also help organizations develop a more agency wide focus on a person-centered approach that truly focuses on what is important to each individual. The pride that comes from doing a job well done, earning a paycheck, and being part of a team can truly make a difference in the lives of persons served. Having a job can be transformational for individuals with I/DD which is why this project is so valuable and will help HireAble member agencies achieve their goals to become more person-centered.

7. What percentage of individuals served by your program will directly benefit from implementation of this concept?

100% of current and future persons served should benefit from this project. While initially working with businesses based on current choices of persons served, this model will create relationships that will live on past the grant period and provide the creation of future opportunities for job seekers with I/DD. We expect the model to be expanded by the impact of the outcomes, driving a desire on the part of new businesses to participate thus creating ongoing opportunities and increasing business engagement beyond the scope of the grant.

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8. Please address your plan for maintaining the benefits, value, and success of your project at the conclusion of 2021-22 HCBS Funding.	
Staff who are trained during the grant will carry those skills onto the future and can mentor future staff in these important skills. This collaborative will be creating a more skilled workforce and HireAble will use its members and outside partners to continue the training of new staff and new members beyond the grant. HireAble has always provided training at its monthly meetings since its inception. That is one huge benefit for members to participate in HireAble. Also, the established partnerships, the new Business Advisory Council and all systems developed will be maintained through the work of HireAble's staff/consultants and Board of Directors and Toolworks.	
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 link .	
<p>Project Coordination: A part-time Toolworks employee will oversee and manage the contract with RCEB. Additional responsibilities will include subcontracting with HireAble for business partnership development, training and evaluation activities.</p> <p>Business Development: Contractors/consultants will work with local businesses to develop the relationships and partnerships leading to CIE opportunities. Targeted businesses will be in Alameda & Contra Costa Counties. This will include development and maintenance of agreements.</p> <p>Training Consultants: Certified and knowledgeable consultants will be secured to provide training to Toolworks and HireAble member staff in the areas of customized employment, person-centered practices, discovery and public benefits training.</p> <p>Evaluation Consultant: A consultant will be secured to set up and evaluate the effectiveness of the model developed, including satisfaction, lessons learned and recommendations for improvement.</p> <p>Recruitment, Contracting, On-boarding: Costs associated with securing the above contractors and consultants. Advertising, interviewing, orientation and contracting activities.</p> <p>No administrative costs are requested.</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.	
Because the goal is to develop ongoing relationships, current resources that come through existing services provided will allow the maintenance of these relationships	
11. Have you or the organization you work with been a past recipient of DDS	HCBS Funding ___ No <input checked="" type="checkbox"/> Yes. If Yes, FY(s) 18-2019, 2020-21 Service Access and Equity Funding ___ No ___ Yes. If Yes, FY(s) _____

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funding? If yes, what fiscal year(s)?	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
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.
Toolworks, through the HCBS funding 18-19 has increased internship options for 10 clients, and is continuing to expand internships options for 2021, but not so much CIE placements, which this collaborative will address.
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.
Toolworks has focused on building the steppingstones to CIE Placement through internships for our clients with our HCBS grants. This collaborative with HireAble and its membership will build a community foundation to institutionalize employer partnerships and build more options toward CIE placements for all providers.

HCBS CONCEPT BUDGET						
Vendor Name		Toolworks, Inc.				
Vendor Number(s)		HBO150, PB1301				
	Wage and Benefits	Year 1 Budget		Year 2 Budget		Total
		FTE	Annual Cost	FTE	Annual Cost	Cost
Personnel (wage + benefits)						
Project Coordinator	70000	0.10	\$ 7,000		\$ -	\$ 7,000
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Position Description			\$ -		\$ -	\$ -
Personnel Subtotal			\$ 7,000		\$ -	\$ 7,000
Operating expenses						
Contracted Business Developer(s)			\$ 125,000		\$ -	\$ 125,000
Training Consultants			\$ 25,000		\$ -	\$ 25,000
Evaluation Consultant			\$ 3,000		\$ -	\$ 3,000
Recruitment, Contracting, On-boarding			\$ 1,000		\$ -	\$ 1,000
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Operating Subtotal			\$ 154,000		\$ -	\$ 154,000
Administrative Expenses						
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Administrative Subtotal			\$ -		\$ -	\$ -
Capital expenses						
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
					\$ -	\$ -
Capital Subtotal			\$ -		\$ -	\$ -
Total Concept Cost			\$ 161,000		\$ -	\$ 161,000

See Attachment F for budget details and restrictions