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GAVIN NEWSOM  
GOVERNOR

January 8, 2024

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: HOME AND COMMUNITY-BASED SERVICES (HCBS) FINAL RULE:  
MONITORING AND COMPLIANCE REPORTING

In accordance with Welfare and Institutions Code Section 4685.10, the Department of Developmental Services (Department) is issuing this directive to provide regional centers with guidelines for reporting monitoring activities and compliance data to the Department as referenced in the directive of [December 1, 2023](#). This directive defines the data the Department requires from the regional centers for reporting for Home and Community-Based Services (HCBS) settings to the federal Centers for Medicare and Medicaid Services (CMS) and provides options on how to obtain and report the data to the Department in a timely manner.

### Required Data

Per the State's [approved Corrective Action Plan \(CMS-CAP\)](#), the Department is required to regularly report to CMS throughout 2024 on progress with the key compliance indicators:

1. Number of settings reviewed on-site since March 18, 2023.
2. Number of HCBS-compliant settings upon initial on-site review.
3. Number of settings with an HCBS-related corrective action plan (CAP) in progress.
4. Number of settings in remediation with technical assistance.
5. Number of HCBS-compliant settings after remediation is complete.
6. Number of settings currently appealing the on-site HCBS review findings.
7. Number of settings that have been issued sanctions in accordance with the [December 1, 2023](#), directive.

### Regional Center Reporting

The Department recognizes that regional centers have begun efforts to complete on-site visits and record findings and may have quality assurance practices and tools already in place. Regional Centers shall report to the Department the required data listed above in alignment with the milestones in the CMS-CAP. A regional center shall report this information to the Department through one of these options:

Regional Center Executive Directors  
January 8, 2024  
Page two

Option One:

Regional centers will complete the enclosed spreadsheet (Enclosure) and provide bi-weekly submissions to the Department by 5:00 pm every first and third Friday of the month via email to [hcbsregs@dds.ca.gov](mailto:hcbsregs@dds.ca.gov).

Option Two:

Regional centers will utilize the Department's Microsoft Forms (MS Forms) evaluation tool, which allows a regional center reviewer to record provider information and their compliance status for each applicable HCBS settings requirement. Should a reviewer determine a provider's implementation of HCBS to be insufficient, the reviewer will mark the relevant requirement as "Not Met" and include an explanation for the finding. A link to the MS Forms evaluation tool will be provided to regional centers via email.

Information recorded with the MS Forms evaluation tool for each visit will auto-populate into the corresponding regional centers' Excel spreadsheet, accessible to regional centers through the Department's SharePoint. Each spreadsheet will include the information captured through the MS Forms evaluation tool and provide space for regional centers to enter additional notes and update the compliance status, as necessary. The spreadsheet will also automatically calculate all recorded data and depict the key compliance indicators listed above. This information will be recorded automatically as the MS Forms evaluation tool is completed at or after each site visit. Regional centers shall update compliance status as providers progress to compliant in the SharePoint Excel sheet by 5:00 pm every first and third Friday of the month.

By January 31, 2024, regional centers shall report to the Department via email to [hcbsregs@dds.ca.gov](mailto:hcbsregs@dds.ca.gov): a) the total number of settings identified which require monitoring per the December 1, 2023, directive, b) the data for site visits completed between March 18, 2023, and now. Either reporting option above may be used to provide that data to the Department. Providers vendored after March 18, 2023, do not need to be included in this data, as regional centers have ensured policies and practices are aligned with the federal requirements at the start of service.

The Department will post in the DDS SharePoint, video instructions walking through the reporting options. If you have trouble accessing the MS Forms link (to follow), or the DDS SharePoint site, please contact [hcbsregs@dds.ca.gov](mailto:hcbsregs@dds.ca.gov). Please direct questions regarding this directive to Susan Crow, [susan.crow@dds.ca.gov](mailto:susan.crow@dds.ca.gov).

Regional Center Executive Directors  
January 8, 2024  
Page three

Sincerely,

*Original Signed by:*

VICKI L. SMITH, Ph.D.  
Deputy Director  
Policy and Program Development Division

Enclosure

cc: Regional Center Administrators  
Regional Center Directors of Consumer Services  
Regional Center Community Services Directors  
Regional Center HCBS Program Evaluators  
Association of Regional Center Agencies  
State Council on Developmental Disabilities  
Nancy Bargmann, Department of Developmental Services  
Brian Winfield, Department of Developmental Services  
Carla Castañeda, Department of Developmental Services  
Jim Knight, Department of Developmental Services  
Ernie Cruz, Department of Developmental Services  
Suzy Requarth, Department of Developmental Services  
Susan Crow, Department of Developmental Services