

**Regional Center of the East Bay
Home and Community-Based Services
1915(i) State Plan Amendment
Monitoring Review Report**

Conducted by:

**Department of Developmental Services
and
Department of Health Care Services**

January 23-February 10, 2023

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EXECUTIVE SUMMARY

The Department of Developmental Services (DDS) and the Department of Health Care Services (DHCS) conducted the federal compliance monitoring review of the Home and Community-Based Services (HCBS) 1915(i) State Plan Amendment (SPA) program from January 23 - February 10, 2023, at Regional Center of the East Bay (RCEB). The monitoring team members were Nora Muir (Team Leader), Bonnie Simmons, Kelly Sandoval, Natasha Clay, Fam Chao, Jenny Mundo, and Hope Beale from DDS, and Deanna Tran and Janie Hironaka from DHCS.

Purpose of the Review

DDS contracts with 21 private, non-profit corporations to operate regional centers, which are responsible under state law for coordinating, providing, arranging or purchasing the services needed for eligible individuals with developmental disabilities in California. All HCBS 1915(i) SPA services are provided through this system. It is the responsibility of DDS to ensure, with the oversight of DHCS, that the HCBS 1915(i) SPA is implemented by regional centers in accordance with Medicaid statute and regulations.

Overview of the HCBS 1915(i) SPA Programmatic Compliance Monitoring Protocol

The compliance monitoring review protocol is comprised of sections/components designed to determine if the consumers' needs and program requirements are being met and that services are being provided in accordance with the consumers' individual program plan (IPP). Specific criteria have been developed for the review sections listed below that are derived from federal/state statutes and regulations and from Centers for Medicare & Medicaid Services' directives and guidelines relating to the provision of HCBS 1915(i) SPA services.

Scope of Review

The monitoring team conducted a record review of a sample of 17 HCBS 1915(i) SPA consumers. In addition, a supplemental sample of consumer records were reviewed for five consumers who had special incidents reported to DDS during the review period of October 1, 2021 through September 30, 2022.

Overall Conclusion

RCEB is in substantial compliance with the federal requirements for the HCBS 1915(i) SPA program. Specific recommendations that require follow-up actions by RCEB are included in the report findings. DDS is requesting documentation of follow-up actions taken by RCEB in response to each of the specific recommendations within 30 days following receipt of this report.

Major Findings

Section I – Regional Center Consumer Record Review

Seventeen sample consumer records were reviewed for 24 documentation requirements (criteria) derived from federal and state statutes and regulations and HCBS 1915(i) SPA requirements. Criterion 1.3 was 82 percent in compliance because 3 of the 17 records did not contain documentation that the IPP was reviewed annually by the planning team. Criterion 1.4.a was 80 percent in compliance because 3 of the 15 applicable records did not contain documentation that the IPP was signed by the consumer and the regional center. Criterion 1.7.a was 53 percent in compliance because 8 of the 17 records did not contain documentation that the IPP included type and amount of all services purchased by regional center. Criterion 1.9.a was 60 percent in compliance because 5 of the 10 applicable records did not contain documentation of all required quarterly face-to-face visits. Criterion 1.9.b was 50 percent in compliance because 6 of the 10 applicable records did not contain documentation of all required quarterly reports of progress. Six criteria were rated as not applicable for this review.

The sample records were 86 percent in overall compliance for this review. RCEB's records were 93 and 98 percent in overall compliance for the collaborative reviews conducted in 2021 and in 2019, respectively.

Section II – Special Incident Reporting

The monitoring team reviewed the records of the 17 1915(i) SPA consumers and five supplemental sample consumers for special incidents during the review period. RCEB reported all special incidents timely for the sample selected for the HCBS 1915(i) SPA review. For the supplemental sample, the service providers reported all five incidents to RCEB within the required timeframes, and RCEB subsequently transmitted three of the five special incidents to DDS within the required timeframes. RCEB's follow-up activities on consumer incidents were timely and appropriate for the severity of the situation.

SECTION I

REGIONAL CENTER CONSUMER RECORD REVIEW

I. Purpose

The review is based upon documentation criteria derived from federal/state statutes and regulations and from the Centers for Medicare & Medicaid Services' directives and guidelines relating to the provision of Home and Community-Based Services (HCBS) 1915(i) State Plan Amendment (SPA) services. The criteria address requirements for eligibility, consumer choice, notification of proposed action and fair hearing rights, individual program plans and periodic reviews and reevaluations of services. The information obtained about the consumers' needs and services is tracked as a part of the onsite program reviews.

II. Scope of Review

1. Seventeen HCBS 1915(i) SPA consumer records were selected for the review sample.
2. The review period covered activity from October 1, 2021, through September 30, 2022.

III. Results of Review

The sample consumer records were reviewed for 24 documentation requirements derived from federal and state statutes and regulations and HCBS 1915(i) SPA requirements. Six criteria were not applicable for this review.

- ✓ The sample records were in 100 percent compliance for ten applicable criteria. There are no recommendations for these criteria.
- ✓ Findings for eight criteria are detailed below.
- ✓ A summary of the results of the review is shown in the table at the end of this section.

IV. Findings and Recommendations

- 1.3 The IPP is reviewed (at least annually) by the planning team and modified, as necessary, in response to the consumer's changing needs, wants or health status. [42 CFR 441.301(b)(1)(I)]

Finding

Fourteen of the seventeen (82 percent) sample consumer records contained documentation that the consumer's IPP had been reviewed annually by the planning team. However, there was no documentation that the IPP for three consumers was reviewed annually as indicated below:

1. Consumer #3: The IPP was dated June 18, 2020. However, there was no annual review completed during the monitoring review period;
2. Consumer #6: The IPP was dated September 23, 2021. However, there was no annual review completed during the monitoring review period; and,
3. Consumer #15: The IPP was dated February 18, 2017. However, there was no annual review or IPP completed during the monitoring review period.

1.3 Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPPs for consumers #3, #6, and #15 are reviewed at least annually by the planning team.	<p>Consumer #3: has been seen since the time of this review, most recent review was 2/28/2023.</p> <p>Consumer #6: A review has been scheduled with the family and calendared for 4/29/2024 after attempts to reach were unsuccessful. Parent is hard of hearing and was unable to hear calls/messages from Case Manager.</p> <p>Consumer#15: A review has been scheduled with the family and calendared for 5/7/2024. Mother is receiving cancer treatment and unable to meet before.</p>

- 1.4.a The IPP is signed, prior to its implementation, by an authorized representative of the regional center and the consumer or, where appropriate, his/her parents, legal guardian, or conservator. [W&I Code §4646(g)]

Findings

Twelve of the fifteen (80 percent) applicable sample consumer records contained IPPs that were signed by RCEB and the consumers or conservators. However, three consumers' IPPs were not signed by the consumer or by the legal representative/guardian as indicated below:

1. Consumer #8: The IPP dated June 1, 2022, was not signed by the consumer;
2. Consumer #10: The IPP dated April 6, 2020, was not signed by the consumer; and,
3. Consumer #11: The IPP dated March 23, 2022, was not signed by the consumer.

1.4.a Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPPs for consumers #8, #10, and #11 are signed and dated by the consumer or by the legal representative/guardian. If the consumer does not sign, RCEB should ensure that the record addresses the reason why the consumer did not or could not sign.	<p>Consumer #8: IPP dated June 1, 2022 has been signed by consumer.</p> <p>Consumer# 10: An IPP dated March 15, 2023 has been signed by the consumer</p> <p>Consumer#11 IPP dated March 23, 2022 has been signed by consumer.</p>

- 1.6.d The IPP addresses the services which the supported living services agency or independent living provider is responsible for implementing.

Finding

Eight of the nine (89 percent) applicable sample consumer records contained IPPs that addressed the consumers' independent living services. The IPP for consumer #7 did not address the services which the independent living services provider is responsible for implementing.

1.6.d Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPP for consumer #7 addresses the services which the independent living provider is responsible for implementing.	Consumer #7: IPP Addendum was completed to include address the services which the independent living services provider is responsible for implementing.

- 1.7.a The IPP includes a schedule of the type and amount of all services and supports purchased by the regional center. [WIC §4646.5(a)(5)]

Findings

Nine of the seventeen (53 percent) sample consumer records contained IPPs that include all services and supports purchased by the regional center. However, the IPPs for the following consumers did not include RCEB funded services as indicated below:

1. Consumer #1: Community Integration Training Program, Transportation, and Supported Employment;
2. Consumer #2: Supported Employment and Independent Living Services;
3. Consumer #3: Supported Employment;
4. Consumer #7: Parenting Support Services and Independent Living Services;
5. Consumer #9: Independent Living Services;
6. Consumer #13: In-Home Day Program;
7. Consumer #15: Adult Development Center; and,
8. Consumer #16: Adaptive Center and Independent Living Services.

1.7.a Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPPs for consumers #1, #2, #3, #7, #9, #13, #15, and #16 include a schedule of the type and amount of all services and supports purchased by RCEB.	Consumer #1: IPP Addendum 12/21/2021 includes Community Integration Training Program, Transportation, and Supported Employment Services.

	<p>Consumer #2: IPP Addendum 11/16/2021 includes Supported Employment and Independent Living Services.</p> <p>Consumer #3: IPP completed 12/14/2022 includes Supported Employment.</p> <p>Consumer #7: IPP Addendum was completed 4/9/2024 to include Parenting Support Services and Independent Living Services.</p> <p>Consumer #9: IPP dated 12/17/2021 includes Independent Living Services.</p> <p>Consumer #13: IPP Addendum 3/8/2021 includes In-Home Day Program.</p> <p>Consumer #15: An IPP is scheduled 5/7/2024 to capture progress and current services funded by RCEB.</p> <p>Consumer #16: An IPP was completed 11/29/2023 that captured services Day Program, coded Adaptive Center and Independent Living Services.</p>
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- 1.8 The IPP identifies the provider or providers of service responsible for implementing services, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. (WIC § 4646.5(a)(4))

Finding

Fifteen of the sixteen (94 percent) applicable sample consumer records contained IPPs that identified the provider or providers that are responsible for implementing services. However, the IPP for consumer #7 did not indicate the provider for parenting support services and independent living services.

1.8 Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPP for consumer #7 identifies the provider or providers of service responsible for implementing services.	IPP Addendum was completed 4/9/2024 for Consumer #7 to indicate the provider for parenting support services and independent living services

- 1.9.a Quarterly face-to-face meetings are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 CCFs, family home agencies or supported living and independent living settings. (*Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement*)

Findings

Six of the ten (60 percent) applicable sample consumer records had quarterly face-to-face meetings completed and documented. However, the record for four consumers did not meet the requirement as indicated below:

1. The record for consumers #1 and #2 contained documentation of three of the required meetings.
2. The record for consumer #17 contained documentation of two of the required meetings.
3. The record for consumer #16 contained documentation of one of the required meetings.

1.9.a Recommendations	Regional Center Plan/Response
RCEB should ensure that all future face-to-face meetings are completed and documented each quarter for consumers #1, #2, #16, and #17.	Case Management Trainer has supplemented regularly scheduled Case Management training schedule which is a training to Case Managers and Case Manager Supervisors and Associate Directors to reiterate HCBS reporting mandates. Training was completed February 2024 and planned quarterly. Additionally, RCEB has identified a dedicated team to assist with face-to-face meetings.
In addition, RCEB should evaluate what actions may be necessary to ensure that all future face-to-face meetings are completed and documented each quarter for all applicable consumers.	RCEB is utilizing Associate Case Manager positions to ensure coverage and compliance with IPP review and completion.

- 1.9.b Quarterly reports of progress are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 CCFs, family home agencies or supported living and independent living settings. (*Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement*)

Findings

Five of the ten (50 percent) applicable sample consumer records had quarterly reports of progress completed for consumers living in community out-of-home settings. However, the record for five consumers did not meet the requirement as indicated below:

1. The record for consumers #1 and #4 contained documentation of three of the required quarterly reports of progress.
2. The record for consumers #2 and #17 contained documentation of two of the required quarterly reports of progress.
3. The record for consumer #16 did not contain documentation of any of the required quarterly reports of progress.

1.9.b Recommendations	Regional Center Plan/Response
RCEB should ensure that future quarterly reports of progress are completed for consumers #1, #2, #4, #16, and #17.	Case Management Trainer has supplemented regularly scheduled Case Management training schedule which is a training to Case Managers and Case Manager Supervisors and Associate Directors to reiterate HCBS reporting mandates. Training was completed February 2024 and planned quarterly. Additionally, RCEB has identified a dedicated team to assist with face-to-face meetings.
In addition, RCEB should evaluate what actions may be necessary to ensure that quarterly reports of progress are completed for all applicable consumers.	RCEB is utilizing Associate Case Manager positions to ensure coverage and compliance with IPP review and completion.

Regional Center Consumer Record Review Summary Sample Size = 17 Records						
	Criteria	+	-	N/A	% Met	Follow-up
1.0	The consumer is Medi-Cal eligible. (SMM 4442.1)	17			100	None
1.1	Each record contains a “1915(i) State Plan Amendment Eligibility Record” (DS 6027 form), signed by qualified personnel, which documents the date of the consumer’s initial 1915(i) SPA eligibility certification and annual reevaluation, eligibility criteria, and short-term absences. [SMM 4442.1; 42 CFR 483.430(a)]	Criterion 1.1 consists of four sub-criteria (1.1.a-d) that are reviewed and rated independently.				
1.1.a	The DS 6027 is signed and dated by qualified regional center personnel.			17	NA	None
1.1.b	The DS 6027 form indicates that the consumer meets the eligibility criteria for the 1915(i) SPA.			17	NA	None
1.1.c	The DS 6027 form documents annual reevaluations.			17	NA	None
1.1.d	The DS 6027 documents short-term absences of 120 days or less, if applicable.			17	NA	None
1.2	There is written notification of a proposed action and documentation that the consumer has been sent written notice of their fair hearing rights whenever services or choice of services are denied or reduced without the agreement of the consumer/authorized representative, or the consumer/authorized representative does not agree with all, or part, of the components in the consumer’s IPP. [42 CFR Part 431, Subpart E; WIC §4710(a)(1)]			17	NA	None
1.3	IPP is reviewed (<i>at least annually</i>) by the planning team and modified, as necessary, in response to the consumer’s changing needs, wants or health status. [42 CFR 441.301(b)(1)(I)]	14	3		82	See Narrative
1.4.a	The IPP is signed, prior to its implementation, by an authorized representative of the regional center and the consumer, or where appropriate, his/her parents, legal guardian, or conservator. [WIC §4646(g)]	12	3	2	80	See Narrative
1.4.b	IPP addendums are signed by an authorized representative of the regional center and the consumer, or where appropriate, his/her parents, legal guardian, or conservator.	5		12	100	None

Regional Center Consumer Record Review Summary Sample Size = 17 Records						
	Criteria	+	-	N/A	% Met	Follow-up
1.4.c	The IPP is prepared jointly with the planning team. [WIC §4646(d)]	15		2	100	None
1.5	The IPP includes a statement of goals based on the needs, preferences, and life choices of the consumer. [WIC §4646.5(a)(2)]	15		2	100	None
1.6	The IPP addresses the consumer's goals and needs. [WIC §4646.5(a)(2)]					
1.6.a	The IPP addresses the special health care requirements, health status and needs as appropriate.	2		15	100	None
1.6.b	The IPP addresses the services which the CCF provider is responsible for implementing.	2		15	100	None
1.6.c	The IPP addresses the services which the day program provider is responsible for implementing.	9		8	100	None
1.6.d	The IPP addresses the services which the supported living services agency or independent living services provider is responsible for implementing.	8	1	8	89	See Narrative
1.6.e	The IPP addresses the consumer's goals, preferences, and life choices.	16		1	100	None
1.6.f	The IPP includes a family plan component if the consumer is a minor. [WIC §4685(c)(2)]			17	NA	None
1.7.a	The IPP includes a schedule of the type and amount of all services and supports purchased by the regional center. [WIC §4646.5(a)(5)]	9	8		53	See Narrative
1.7.b	The IPP includes a schedule of the type and amount of all services and supports obtained from generic agencies or other resources. [WIC §4646.5(a)(5)]	16		1	100	None
1.7.c	The IPP specifies the approximate scheduled start date for new services and supports. [WIC §4646.5(a)(5)]	4		13	100	None
1.8	The IPP identifies the provider or providers of service responsible for implementing services, including, but not limited to, vendors, contract providers, generic service agencies, and natural supports. [WIC §4646.5(a)(4)]	15	1	1	94	See Narrative

Regional Center Consumer Record Review Summary
Sample Size = 17 Records

	Criteria	+	-	N/A	% Met	Follow-up
1.9	Periodic reviews and reevaluations are completed (<i>at least annually</i>) to ascertain that planned services have been provided, that consumer progress has been achieved within the time specified, and that the consumer and his/her family are satisfied with the IPP and its implementation. [WIC §4646.5(a)(8)]	15	2		88	See Narrative
1.9.a	Quarterly face-to-face meetings with the consumer are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 CCFs, family home agencies or supported living and independent living settings. (Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement)	6	4	7	60	See Narrative
1.9.b	Quarterly reports of progress toward achieving IPP objectives are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 CCFs, family home agencies or supported living and independent living settings. (Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement)	5	5	7	50	See Narrative

SECTION II

SPECIAL INCIDENT REPORTING

I. Purpose

The review verifies that special incidents have been reported within the required timeframes, that documentation meets the requirements of Title 17, California Code of Regulations, and that the follow-up was complete.

II. Scope of Review

1. The records of the 17 consumers selected for the HCBS 1915(i) State Plan Amendment (SPA) sample were reviewed to determine that all required special incidents were reported to Department of Developmental Services (DDS) during the review period.
2. A supplemental sample of five consumers who had special incidents reported to DDS within the review period was assessed for timeliness of reporting and documentation of follow-up activities. The follow-up activities were assessed for being timely, appropriate to the situation, resulting in an outcome that ensures the consumer is protected from adverse consequences, and that risks are either minimized or eliminated.

III. Results of Review

1. RCEB reported all special incident in the sample of 17 records selected for the HCBS 1915(i) SPA review to DDS.
2. RCEB's vendors reported all of the five (100 percent) special incidents in the supplemental sample within the required timeframes.
3. RCEB reported three of the five (60 percent) incidents to DDS within the required timeframes.
4. RCEB's follow-up activities on consumer incidents were appropriate for the severity of the situations for the five incidents.

IV. Findings and Recommendations

SIR #3: The incident was reported to RCEB on October 3, 2022. However, RCEB did not report the incident to DDS until October 11, 2022.

SIR #5: The incident was reported to RCEB on August 8, 2022. However, RCEB did not report the incident to DDS until August 15, 2022.

Recommendation	Regional Center Plan/Response
RCEB should ensure that all special incidents are reported to DDS within the required timeframe.	Since the time of this review, RCEB has implemented a quality assurance email accessible by all department Specialists in contrast to direct correspondence with Case Managers. Additionally, all Case Managers with an applicable caseload have included this contact email as part of their signature response in each correspondence to consumers and providers.

SAMPLE CONSUMERS

HCBS 1915(i) State Plan Amendment Review Consumers

#	UCI
1	XXXXXXX
2	XXXXXXX
3	XXXXXXX
4	XXXXXXX
5	XXXXXXX
6	XXXXXXX
7	XXXXXXX
8	XXXXXXX
9	XXXXXXX
10	XXXXXXX
11	XXXXXXX
12	XXXXXXX
13	XXXXXXX
14	XXXXXXX
15	XXXXXXX
16	XXXXXXX
17	XXXXXXX

SIR Review Consumers

#	UCI	Vendor
SIR 1	XXXXXXX	XXXXXXX
SIR 2	XXXXXXX	XXXXXXX
SIR 3	XXXXXXX	XXXXXXX
SIR 4	XXXXXXX	XXXXXXX
SIR 5	XXXXXXX	XXXXXXX