

**San Diego Regional Center
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**

April 19–30, 2021

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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 April 19–30, 2021, at San Diego Regional Center (SDRC). The monitoring team members were Nora Muir (Team Leader), Hope Beale, Bonnie Simmons, Kelly Sandoval, Natasha Clay, Nadia Flores, and Fam Chao from DDS, and JoAnn Wright and Brett Garbett 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 the 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 43 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 January 1, 2020 through December 31, 2020.

Overall Conclusion

SDRC is in substantial compliance with the federal requirements for the HCBS 1915(i) SPA program. Specific recommendations that require follow-up actions by SDRC are included in the report findings. DDS is requesting documentation of follow-up actions taken by SDRC 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

Forty-three sample consumer records were reviewed for 24 documentation requirements (criteria) derived from federal and state statutes and regulations and HCBS 1915(i) SPA requirements. Four criteria were rated as not applicable for this review.

The sample records were 98 percent in overall compliance for this review. SDRC's records were 97 percent in overall compliance for the collaborative review conducted in 2019.

Section II – Special Incident Reporting

The monitoring team reviewed the records of the 43 1915(i) SPA consumers and five supplemental sample consumers for special incidents during the review period. SDRC reported all special incidents timely for the sample selected for the HCBS 1915(i) SPA review. For the supplemental sample, the service providers reported four of the five incidents to SDRC within the required timeframes, and SDRC subsequently transmitted all five special incidents to DDS within the required timeframes. SDRC'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. Forty-three HCBS 1915(i) SPA consumer records were selected for the review sample.
2. The review period covered activity from January 1 to December 31, 2020.

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. Five criteria were not applicable for this review.

- ✓ The sample records were 100 percent in compliance for 13 applicable criteria. There are no recommendations for these criteria.
- ✓ Findings for six 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

Forty-two of the forty-three (98 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 one consumer was reviewed annually as indicated below:

Consumer #31: The Annual Review was dated December 19, 2019. However, there was no annual review or IPP completed until February 3, 2021. Accordingly, no recommendation is required.

- 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)]

Finding

Forty-two of the forty-three (98 percent) sample consumer records contained IPPs that were signed by SDRC and the consumers or their legal representatives. However, the IPP for consumer #1 had not been signed by the consumer.

1.4.a Recommendation	Regional Center Plan/Response
SDRC should ensure that the IPP for consumer #1 is signed.	IPP signed by all parties, dated and in the record.

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

Finding

Eighteen of the nineteen (95 percent) applicable sample consumer records contained IPPs that addressed the consumers' supported living services. The IPP for consumer #4 did not address the services which the independent living services provider is responsible for implementing.

1.6.d Recommendation	Regional Center Plan/Response
SDRC should ensure that the IPP for consumer #4 addresses the services which the independent living services provider is responsible for implementing.	SDRC SC has completed IPP to include all service providers and amounts. SDRC has developed training to address this issue.

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

Findings

Thirty-nine of the forty-three (91 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 the following supports purchased by the regional center:

1. Consumer #13: Transportation Additional Component;
2. Consumer #38: FMS F/FA and Self-Directed Transportation;
3. Consumer #39: Crisis Team. SDRC provided an addendum dated April 16, 2021, addressing the above purchase. Accordingly, no recommendation is required; and,
4. Consumer #43: FMS F/FA and Self-Directed Transportation. SDRC provided an addendum dated March 15, 2021, addressing the above purchase. Accordingly, no recommendation is required.

1.7.a Recommendations	Regional Center Plan/Response
SDRC should ensure that the IPPs for consumers #13 and #38 include a schedule of the type and amount of all services and supports purchased by the regional center.	#13 – IPP completed 6/15/2021 #38 – IPP completed 4/16/2021

- 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

Ten of the twelve (83 percent) applicable sample consumer records had quarterly face-to-face meetings completed and documented. However, the record for consumer #9 contained documentation of only three of the required meetings, and the record for consumer #28 contained documentation of only two of the required meetings.

1.9.a Recommendation	Regional Center Plan/Response
SDRC should ensure that all future face-to-face meetings are completed and documented each quarter for consumers #9 and #28. In addition, SDRC 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.	SDRC has developed and implemented training and tools for required documentation (focusing on quarterly and annual meetings) for all Client Services staff.

- 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

Ten of the twelve (83 percent) applicable sample consumer records had quarterly reports of progress completed for consumers living in community out-of-home settings. However, the record for consumer #9 contained documentation of only three of the required quarterly reports of progress, and the record for consumer #28 contained documentation of only two of the required quarterly reports of progress.

1.9.b Recommendation	Regional Center Plan/Response
SDRC should ensure that future quarterly reports of progress are completed for consumers #9 and #28.	Issue has been addressed for these individuals with Regional Manager, Program Manager and Service Coordinator.

Regional Center Consumer Record Review Summary Sample Size = 43 Records						
	Criteria	+	-	N/A	% Met	Follow-up
1.0	The consumer is Medi-Cal eligible. (SMM 4442.1)	43			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.			43	NA	None
1.1.b	The DS 6027 form indicates that the consumer meets the eligibility criteria for the 1915(i) SPA.			43	NA	None
1.1.c	The DS 6027 form documents annual reevaluations.			43	NA	None
1.1.d	The DS 6027 documents short-term absences of 120 days or less, if applicable.			43	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; W&I Code §4710(a)(1)]			43	NA	
1.3	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)]	42	1		98	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. [W&I Code §4646(g)]	42	1		98	See Narrative

Regional Center Consumer Record Review Summary Sample Size = 43 Records						
	Criteria	+	-	N/A	% Met	Follow-up
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.	11		32	100	None
1.4.c	The IPP is prepared jointly with the planning team. <i>W&I Code §4646(d)</i>	43			100	None
1.5	The IPP includes a statement of goals based on the needs, preferences, and life choices of the consumer. <i>[W&I Code §4646.5(a)(2)]</i>	43			100	None
1.6	The IPP addresses the consumer's goals and needs. <i>[W&I Code §4646.5(a)(2)]</i>	Criterion 1.6 consists of six sub-criteria (1.6.a-f) that are reviewed independently.				
1.6.a	The IPP addresses the special health care requirements, health status and needs as appropriate.	1		42	100	None
1.6.b	The IPP addresses the services which the CCF provider is responsible for implementing.	2		41	100	None
1.6.c	The IPP addresses the services which the day program provider is responsible for implementing.	15		28	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.	18	1	24	95	See Narrative
1.6.e	The IPP addresses the consumer's goals, preferences, and life choices.	43			100	None
1.6.f	The IPP includes a family plan component if the consumer is a minor. <i>[W&I Code §4685(c)(2)]</i>	14		29	100	None
1.7.a	The IPP includes a schedule of the type and amount of all services and supports purchased by the regional center. <i>[W&I Code §4646.5(a)(5)]</i>	39	4		91	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. <i>[W&I Code §4646.5(a)(5)]</i>	43			100	None
1.7.c	The IPP specifies the approximate scheduled start date for new services and supports. <i>[W&I Code §4646.5(a)(5)]</i>	11		32	100	None

Regional Center Consumer Record Review Summary Sample Size = 43 Records						
	Criteria	+	-	N/A	% Met	Follow-up
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. <i>[W&I Code §4646.5(a)(4)]</i>	43			100	None
1.9	Periodic reviews and reevaluations are completed (at least annually) 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. <i>[W&I Code §4646.5(a)(8)]</i>	43			100	None
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. <i>(Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement)</i>	10	2	31	83	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. <i>(Title 17, CCR, §56047; Title 17, CCR, §56095; Title 17, CCR, §58680; Contract requirement)</i>	10	2	31	83	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 43 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. SDRC reported all special incidents in the sample of 43 records selected for the HCBS 1915(i) SPA review to DDS.
2. SDRC's vendors reported four of the five (80 percent) special incidents in the supplemental sample within the required timeframes.
3. SDRC reported all five (100 percent) incidents to DDS within the required timeframes.
4. SDRC's follow-up activities on consumer incidents were appropriate for the severity of the situations for the five incidents.

IV. Finding and Recommendation

#SIR 1: The incident occurred on August 25, 2020. However, the vendor did not submit a special incident report to the regional center until August 31, 2020.

Recommendation	Regional Center Plan/Response
SDRC should ensure that vendors submit special incidents within the required timeframe.	SDRC SC did send reporting requirement to vendor at time of late reporting.

SAMPLE CONSUMERS

HCBS 1915(i) State Plan Amendment Review Consumers

#	UCI	#	UCI
1	XXXXXXXX	23	XXXXXXXX
2	XXXXXXXX	24	XXXXXXXX
3	XXXXXXXX	25	XXXXXXXX
4	XXXXXXXX	26	XXXXXXXX
5	XXXXXXXX	27	XXXXXXXX
6	XXXXXXXX	28	XXXXXXXX
7	XXXXXXXX	29	XXXXXXXX
8	XXXXXXXX	30	XXXXXXXX
9	XXXXXXXX	31	XXXXXXXX
10	XXXXXXXX	32	XXXXXXXX
11	XXXXXXXX	33	XXXXXXXX
12	XXXXXXXX	34	XXXXXXXX
13	XXXXXXXX	35	XXXXXXXX
14	XXXXXXXX	36	XXXXXXXX
15	XXXXXXXX	37	XXXXXXXX
16	XXXXXXXX	38	XXXXXXXX
17	XXXXXXXX	39	XXXXXXXX
18	XXXXXXXX	40	XXXXXXXX
19	XXXXXXXX	41	XXXXXXXX
20	XXXXXXXX	42	XXXXXXXX
21	XXXXXXXX	43	XXXXXXXX
22	XXXXXXXX		

SIR Review Consumers

#	UCI	Vendor
SIR 1	XXXXXXXX	XXXXXX
SIR 2	XXXXXXXX	XXXXXX
SIR 3	XXXXXXXX	XXXXXX
SIR 4	XXXXXXXX	XXXXXX
SIR 5	XXXXXXXX	XXXXXX