

**Tri-County Regional Center
Home and Community-Based Services Waiver
Follow-up Review Report**

Conducted by:

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

February 15-17, 2023

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INTRODUCTION

The Department of Developmental Services (DDS) and the Department of Health Care Services (DHCS) conducted a collaborative federal compliance monitoring review of the Home and Community-Based Services (HCBS) Waiver from February 22-March 4, 2022, at Tri-County Regional Center (TCRC). A final report including review findings and TCRC's written responses to the findings was provided to TCRC on October 28, 2022.

DDS and DHCS conducted a follow-up review on February 15-17, 2023, to ensure that issues raised during the collaborative review had been addressed. The monitoring team selected 20 consumer records for the HCBS Waiver follow-up review for the period of November 1, 2021, through October 31, 2022. In addition, the team reviewed a supplemental sample of 10 records of consumers who had special incidents reported to DDS during this review period.

Purpose of the Follow-up Review

DDS contracts with 21 private, not-for-profit corporations to operate regional centers, which are responsible under state law for coordinating, providing, arranging or purchasing all services needed for eligible individuals with developmental disabilities in California. All HCBS Waiver services are provided through this system. It is the responsibility of DDS to ensure, with the oversight of DHCS, that the HCBS Waiver is implemented by regional centers in accordance with Medicaid statute and regulation. As stipulated in the HCBS Waiver application approved by the Centers for Medicare & Medicaid Services (CMS), the monitoring review process is a two-year cycle with a collaborative review in the first year, and a smaller, focused review in the second year addressing issues raised during the collaborative review.

Overview of the HCBS Waiver Federal Follow-up Review

The collaborative monitoring review protocol is composed of sections/components designed to determine if the consumer's needs and program requirements are being met, and that services are being provided in accordance with the consumer's individual program plan. Specific criteria have been developed that are derived from federal/state statutes and regulations and from CMS directives and guidelines relating to the provision of the HCBS Waiver services.

The DDS and DHCS monitoring report from the February 2022 collaborative review requested TCRC to provide clarification or follow-up to the report findings and recommendations. TCRC submitted a response to DDS on November 16, 2022. Based on the report recommendations and TCRC's response, the monitoring team evaluated supporting documents to determine the degree and completeness of the implementation process. Specifically, the team reviewed, evaluated and made determinations based on the selected HCBS Waiver eligible consumers' records and discussions with TCRC's personnel.

Summary of Follow-up Review Findings

The February 2023 follow-up review indicated that further action is required to ensure that quarterly face-to-face meetings and reports of progress are completed. Also, one vendor did not report a special incident to TCRC and TCRC did not report a special incident to DDS within the required timeframes. Additionally, TCRC did not report one special incident to DDS at all.

SECTION I

REGIONAL CENTER CONSUMER RECORD REVIEW

Summary of the February 2022 Collaborative Monitoring Review Recommendations

The February 2022 monitoring review included findings related to ensuring that quarterly face-to-face meetings are completed for consumers living in community out-of-home settings, i.e., Service Level 2, 3 or 4 community care facilities, family home agencies or supported living and independent living settings.

Summary of the February 2023 Follow-up Review Findings

2.13.a - Fifteen of the twenty (75 percent) sample consumer records selected for the follow-up review contained documentation that quarterly face-to-face meetings were completed for consumers living in out-of-home community settings. However, the records for consumers #4 and #15 contained documentation of only two quarterly face-to-face meetings, and consumers #11, #12, and #16 contained documentation of only three quarterly face-to-face meetings.

2.13.b - Fifteen of the twenty (75 percent) sample consumer records selected for the follow-up review contained documentation that quarterly reports of progress were completed for consumers living in out-of-home community settings. However, the records for consumers #4 and #15 contained documentation of only two quarterly reports of progress, the record for consumer #11, #12, and #16 contained documentation of only three quarterly reports of progress.

Recommendations

TCRC should ensure that face-to-face visits for consumers who live in community out-of-home settings are completed quarterly.

SECTION II

SPECIAL INCIDENT REPORTING

Summary of the February 2022 Collaborative Monitoring Review Recommendations

TCRC should continue to determine what actions are necessary to ensure that vendors report special incidents within the required timeframes.

Scope of the February 2023 Follow-up Review

1. Special incident reporting of deaths by TCRC was reviewed by comparing deaths entered into the Client Master File for the review period with special incident reports (SIR) of deaths received by the Department of Developmental Services (DDS).
2. The records of the 20 consumers selected for the Home and Community-Based Services (HCBS) Waiver sample were reviewed to determine that all required special incidents were reported to DDS during the review period.
3. A supplemental sample of 10 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.

Results of the February 2023 Follow-up Review

1. TCRC reported all deaths during the review period to DDS.
2. TCRC reported 19 of the 20 (95 percent) SIRs in the sample of 20 records selected for the HCBS Waiver review to DDS.
3. TCRC vendors reported 9 of the 10 (90 percent) special incidents within the required timeframes.
4. TCRC reported 9 of the 10 (90 percent) special incidents to DDS within the required timeframes.
5. TCRC's follow-up activities on consumer incidents were appropriate for the severity of the situations for 10 of the 10 consumer incidents.

Findings

SIR #1: The incident occurred on June 27, 2022. However, the vendor did not send a written report to TCRC until July 9, 2022.

SIR #1: The incident was reported to TCRC on July 9, 2022. However, TCRC did not send a written report to DDS until July 13, 2022.

Consumer #18: SIR incident dated June 1, 2022, was not reported to DDS.

Further Action Needed

TCRC should ensure that all special incidents are reported to DDS within the required timeframes. Also, TCRC should ensure its vendors report all special incidents within the required timeframes.

SAMPLE CONSUMERS

HCBS Waiver Review Consumers

#	UCI
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	

SIR Review Consumers

#	UCI	Vendor #
SIR1		
SIR2		
SIR3		
SIR4		
SIR5		
SIR6		
SIR7		
SIR8		
SIR9		
SIR10		