Regional Center of the East Bay

Home and Community-Based Services 1915(c) Self-Determination Program Waiver

Monitoring Review Report

Conducted by: Department of Developmental Services and Department of Health Care Services

Review Dates: February 10 – 28, 2025

DDS Department of Developmental Services

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SECTION 1: REGIONAL CENTER SELF-ASSSESSMENT

The Regional Center of the East Bay (RCEB) responded to questions that align with the California 1915(c) Home and Community-Based (HCBS) Self-Determination Program Waiver requirements. The regional center self-assessment addresses the California HCBS Waiver assurances criteria and is designed to provide information about the regional center's processes and practices.

The responses indicated that the regional center has systems and procedures in place for implementing the State and HCBS Waiver laws and regulations addressed in the self-assessment criteria.

The full response to the self-assessment provided by RCEB is available upon request.

SECTION II: REGIONAL CENTER RECORD REVIEW

For the review period of November 1, 2023, through October 31, 2024, a total of 17 records of individuals enrolled on the 1915(c) Home and Community-Based Services (HCBS) Self-Determination Program (SDP) Waiver and receiving services at Regional Center of the East Bay (RCEB), were reviewed for individual choice, notification of proposed action and fair hearing rights, level-of-care, individual program plans (IPP) and periodic reviews and reevaluations of services. In addition, four supplemental records were reviewed solely for verification that RCEB had issues appropriate documentation prior to disenrolling an individual from the HCBS Waiver. None of these HCBS Waiver disenrollments resulted in a loss of regional center or generic services. Lastly, four additional supplemental records were reviewed for documentation that RCEB determined the individual met the HCBS Waiver level-of-care requirements prior to receiving HCBS Waiver supports.

The 17 records reviewed were 93 percent in overall compliance for this review. Findings for eight criteria are detailed below:

2.2.a Each record contains a dated and signed Medicaid Waiver Consumer Choice of Services/Living Arrangements form (DS 2200). *[42 C.F.R. § 441.302(d) (2025)]*

Findings

Fifteen of the seventeen (88 percent) sample records of individuals contained a signed and dated DS 2200 form. However, there were identified issues regarding the DS 2200 form for the following individuals:

1. Individual #3: The DS 2200 in the record was not signed and dated; and,

2. Individual #10: The individual did not sign and date a new DS 2200 upon turning 18.

2.2.a Recommendation	Regional Center Plan/Response
RCEB should ensure that a DS 2200 form for individual #3 is signed and dated and a new DS 2200 is completed for individual #10.	RCEB has obtained signature of DS2200 for Individual #3. A new DS2200 has been completed for Individual #10.

2.6.a The IPP for every individual is reviewed, and revised as appropriate, based upon the reassessment of functional need at least every 12-months by the planning team and modified, as necessary, in response to the individual's changing needs, wants, or health status. *[42 C.F.R. § 441.301(C)(3) (2025)]; [W.I.C. §4646.5(b) (2023)]*

Findings

Twelve of the seventeen (71 percent) sample records of individuals contained documentation that the individual's IPP had been reviewed annually by the planning team. However, there was no documentation that the IPPs for five individuals were reviewed annually as indicated below:

1. Individual #2: The IPP was dated June 7, 2023. There was no documentation that the IPP was reviewed annually. A new IPP was completed on December 18, 2024;

2. Individual #3: The IPP was dated February 21, 2024. There was no documentation that an annual review of the IPP was conducted in 2023;

3. Individual #5: The IPP was dated July 3, 2023. There was no documentation that the IPP was reviewed annually. A new IPP was completed on September 10, 2024;

4. Individual #8: The IPP was dated November 13, 2023. There was no documentation that an annual review of the IPP was conducted in 2022; and,

5. Individual #10: The IPP was dated November 7, 2024. There was no documentation that an annual review of the IPP was conducted in 2023.

2.6.a Recommendations	Regional Center Plan/Response
RCEB should ensure that the IPP for individuals #2, #3, #5, #8, and #10 are reviewed at least annually by the planning team.	Staff for Individual #2 has been informed of timely annual review requirement expectations. Annual Review occurred for Individual #3. An IPP extension for the 2023 period led to a new IPP being completed December 2024. Staff for Individual #5 has been informed of timely annual review requirement expectations. Staff for Individual #8 has been informed of timely annual review requirement expectations. Staff for Individual #10 has been informed of timely annual review requirement expectations.
In addition, RCEB should evaluate what actions may be necessary to ensure that	RCEB implemented targeted meetings with the Case Manager and Case Management

IPP are reviewed annually for all individuals.	Supervisors prior to services beginning to train on necessary requirements for SDP cases.

2.7.a The IPP is prepared jointly with the planning team and a list of agreed upon services is signed, prior to its implementation, by an authorized representative of the regional center and the individual or, where appropriate, his/her parents, legal guardian, conservator or the authorized representative. [*W.I.C. § 4646(d) (2023)]; [W.I.C. § 4646(i) (2023)]; [42 C.F.R. § 441.301(c)(1)(i) (2025)]; [42 C.F.R. § 441.301(c)(2)(ix) (2025)]*

Findings

Twelve of the seventeen (71 percent) sample records of individuals contained IPPs that were signed by RCEB and the individuals, or their legal representatives. However, the following IPPs were not signed by the appropriate individual:

1. Individual #3: The IPP dated February 21, 2024 was not signed by the individual and the regional center until January 29, 2025. Accordingly, no recommendation is required;

2. Individual #5: The IPP dated September 10, 2024 was not signed by the individual and the regional center;

3. Individual #7: The IPP dated June 21, 2024 was not signed by the individual and the regional center;

4. Individual #8: The IPP dated November 23, 2023 was not signed by the individual and the regional center; and,

5. Individual #16: The IPP dated December 30, 2024 was not signed by the individual and the regional center.

2.7.a Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPPs for individual #3, #5, #7, #8, and #16 are signed. If the individual does not sign, RCEB should ensure that the IPP addresses the reason why the individual did not or could not sign.	The IPP for Individual #5 has been signed. The IPP for Individual #8 has been signed. The IPP for Individual for #7 and #16 have been sent for signature.
In addition, RCEB should evaluate what actions may be necessary to ensure that all IPPs are signed by the appropriate individuals.	RCEB implemented targeted meetings with the Case Manager and Case Management Supervisors prior to services beginning to train on necessary requirements for SDP cases.

2.10.a The IPP includes a schedule of the type and amount of all services and supports purchased by the regional center. *[W.I.C. § 4646.5(a)(5) (2023)]; [42 C.F.R. § 441.301(c)(2)(v) (2025)]*

Findings

Twelve of the seventeen (71 percent) sample IPPs of individuals included a schedule of the type and amount of all services and supports purchased by the regional center. However, IPPs for five individuals did not include RCEB funded services as indicated below:

1. Individual #3: Financial Management Services was not included for the months covering January 2024 through February 2024, in the IPP dated February 21, 2024;

2. Individual #4: Financial Management Services was not included for the months covering April 2024 through May 2024, in the IPP dated December 17, 2024;

3. Individual #7: Financial Management Services was not included in the IPPs covering the review period;

4. Individual #10: Financial Management Services was not included in the IPPs covering the review period; and,

5. Individual #16: Financial Management Services was not included for the months covering January 2024 through September 2024, in the IPP dated November 21, 2023 and December 30, 2024.

2.10.a Recommendation	Regional Center Plan/Response
RCEB should ensure that the IPPs for individuals #3, #4, #7, #10, and #16 include a schedule of the type and amount of all services and supports purchased by RCEB.	RCEB has completed an IPP Addendum to include a schedule of the type and amount of RCEB services for Individual #4. The 2024 IPP contains a schedule of the type and amount of RCEB services for Individual #10. RCEB has created and mailed IPP addendums to address FMS services in IPP for Individuals #3, #7 and #16.
In addition, RCEB should evaluate what actions may be necessary to ensure that IPPs include a schedule of the type and amount of services and supports purchased by RCEB.	RCEB implemented targeted meetings with the Case Manager and Case Management Supervisors prior to services beginning to train on necessary requirements for SDP cases.

2.11.c The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures, or the IPP team identifies prior needs or resources that were unaddressed in the IPP, which would have resulted in an increase or decrease in purchase of service expenditures. When adjusting the budget, the IPP team shall document the specific reason for the adjustment in the IPP. *[W.I.C. § 4685.8(m)(1)(A)(ii)(I) (2023)]*

Two of the three (68 percent) applicable records of individuals served had IPPs that documented the reason for the increase or decrease of individual budgets. However, the IPP for individual #2 did not document the reason for the change.

2.11.c Recommendation	Regional Center Plan/Response
RCEB should ensure the IPP for individual #2 document the reason for the individual budget change.	An IPP addendum has been completed for Individual #2 indicating the change in circumstance.

2.11.d Transfers in excess of 10 percent of the original amount allocated to any budget category may be made upon the approval of the regional center or the participant's IPP team. (Living Arrangement (SC 310-330); Employment & Community (SC 331-355); and Health and Safety (SC 356-399)) within the budget year. *[W.I.C. § 4685.8(n) (2023)].*

None of the one (0 percent) applicable records of individuals served had approval for transfers over 10% of any budget category. The record for individual #2 did not indicated planning team agreement of a transfer that occurred in excess of 10%.

2.11.d Recommendation	Regional Center Plan/Response
RCEB should ensure that any transfers over 10% for individual #2 have IPP team approval.	RCEB has documented in IPP Addendum although the agreement was documented in a signed Spending Plan which is also in records for Individual #2.

2.12.a Quarterly face-to-face meetings with the individual are completed for individuals living in community out-of-home settings, i.e., Service Level 2-7 community care facilities, family home agencies, or supported living and independent living settings. *[Cal. Code. Regs tit. 17, § 56047 (2023)]; [Cal. Code. Regs tit. 17, § 56095 (2023)]; [Cal. Code. Regs tit. 17, § 58680 (2023)]; (Contract requirement)*

Findings

Two of the five (40 percent) applicable sample records of individuals contained quarterly face-to-face meetings completed and documented. However, the records for three individuals did not meet the requirement as indicated below:

1. The record for individual #6 contained documentation of two for the four required meetings that were consistent with the quarterly timeline; and,

2. The record for individuals #8 and #10 did not contain documentation of any of the four required meetings that were consistent with the quarterly timeline.

2.12.a Recommendations	Regional Center Plan/Response
RCEB should ensure that all future face-to-face meetings are completed and documented each quarter for individuals #6, #8, and #10.	Targeted training on quarterly requirements are conducted on a monthly basis.
In addition, RCEB should evaluate what actions may be necessary to ensure that quarterly face-to face meetings are completed and documented for all applicable individuals.	As a part of corrective action initiatives, RCEB is meeting with the Department of Developmental Services. RCEB is committed to take actions necessary ensure that quarterly face-to face meetings are completed and documented for all applicable individuals.

2.12.b Quarterly reports of progress toward achieving IPP objectives are completed for individuals living in community out-of-home settings, i.e., service Level 2-7 community care facilities, family home agencies, or supported living and independent living settings. *[Cal. Code. Regs tit. 17, § 56047 (2023)]; [Cal. Code. Regs tit. 17, § 56095 (2023)]; [Cal. Code. Regs tit. 17, § 58680 (2023)]; (Contract requirement)*

Findings

Two of the five (40 percent) applicable sample records of individuals contained quarterly reports of progress completed for individuals living in community out-of-home settings. However, the records for three individuals did not meet the requirement as indicated below:

1. The record for individual #6 contained documentation of one of the four required quarterly reports of progress that were consistent with the quarterly timeline; and,

2. The record for individuals #6 and #8 did not contain documentation of any of the four required quarterly reports of progress that were consistent with the quarterly timeline.

2.12.b Recommendation	Regional Center Plan/Response
RCEB should ensure that future quarterly reports of progress are completed for individuals #6, #8, and #10.	Targeted training on quarterly requirements are conducted on a monthly basis.
In addition, RCEB should evaluate what actions may be necessary to ensure that quarterly reports of progress are completed for all applicable individuals.	As a part of corrective action initiatives, RCEB is meeting with the Department of Developmental Services. RCEB is committed to take actions necessary

	ensure that quarterly face-to face meetings are completed and documented for all applicable individuals.

New Enrollees

Four supplemental records were reviewed for documentation that RCEB determined the HCBS Waiver level-of-care prior to receipt of HCBS Waiver supports. Three of the four records (75 percent) contained a DS 3770 showing that the level-of-care was determined before the receipt of HCBS services. However, there was no documentation provided for NE # 4.

Recommendation	Regional Center Plan/Response
RCEB should ensure that level-of-care is determined prior to the receipt of HCBS services.	RCEB has included the DS3770 for NE#4 in client record, for enrollment 8/1/2024. RCEB has incorporated an administrative responsibility to ensure that level-of-care is determined prior to the receipt of HCBS services.

SECTION III: OBSERVATIONS AND INTERVIEWS WITH INDIVIDUALS

Twelve of the seventeen individuals supported by Regional Center of the East Bay (RCEB), or in the case of minors, their parents, interviewed and/or observed at their day programs, employment sites, community care facilities, or in independent living settings to verify that the individuals appear to be supported and healthy. Interview questions focused on the individuals' satisfaction with their financial management service provider, independent facilitator, participation in developing budget and spending plan, and regional center services.

Eleven of the twelve individuals/parents of minors interviewed, indicated satisfaction with their financial management service provider, independent facilitator, living situation, day program, work activities, health, choice, and regional center services. However, individual #8 was dissatisfied with their Financial Management Service (FMS) provider. The appearance for all of the individuals that were interviewed and observed reflected personal choice and individual style.

Recommendations	Regional Center Plan/Response
RCEB should follow up with individual #8 regarding concerns with their FMS provider.	RCEB has setup monthly recurring meetings with the FMS for Individual #8 to discuss any concerns.

SECTION IV: REGIONAL CENTER STAFF INTERVIEWS

SECTION IV A: SERVICE COORDINATOR INTERVIEWS

The monitoring team interviewed three service coordinators (SC). The interviews determined that all of the SCs, are knowledgeable about the desires, preferences, life circumstances and service needs of the individuals they support. The SCs had knowledge of the processes for individual program planning, knowledge of self-determination program services and periodic review as well as monitoring the services, health, and safety of the individuals they support.

SECTION V: SPECIAL INCIDENT REPORTING

The records of the 17 individuals supported by Regional Center of the East Bay (RCEB) and selected for the Home and Community-Based (HCBS) Self-Determination Program waiver sample were reviewed to verify that special incidents have been reported. A supplemental sample of three records were also reviewed to verify that special incident reports (SIR) 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 appropriate and complete. In addition, the monitoring team verifies that an incident report was completed for all individuals on the waiver supported by RCEB who passed away during the review period.

Summary of Findings

RCEB reported all special incidents in the sample of 17 records selected for the HCBS Self-Determination Waiver follow-up review to the Department. RCEB's vendors reported all (100 percent) incidents in the supplemental sample to the regional center within the required timeframes. RCEB reported all (100 percent) incidents in the supplemental sample to the Department within the required timeframe. RCEB's follow-up activities on incidents in the supplemental sample were appropriate for the severity of the situations for all (100 percent) incidents. In addition, RCEB reported all deaths during the review period.