

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered on the slide.

HCBS VALIDATION & REMEDIATION

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DATE: May 20, 2022

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: HOME AND COMMUNITY-BASED SERVICES (HCBS) FINAL RULE:
PLANS FOR THE VALIDATION AND REMEDIATION OF SERVICE
PROVIDERS

Background

The federal Centers for Medicare and Medicaid Services (CMS) issued requirements referred to as the Home and Community-Based Services (HCBS) Final Rule, which affect services provided to individuals with developmental disabilities through California's regional center system. The HCBS Final Rule focuses on the quality of individuals' experiences and not just the settings where the services are delivered. The Final Rule was developed to ensure that individuals have full access to the benefits of community living and the opportunity to receive services in the most appropriate integrated setting.

The [California Statewide Transition Plan \(STP\)](#) outlines the steps the State will take to be in alignment with the HCBS Final Rule. The first step was for HCBS service providers, including both non-residential and residential programs, to complete a provider self-assessment that measured their current level of compliance with the HCBS Final Rule. This online process was closed in September 2020, and regional centers were sent copies of each provider's report. The next step in the provider assessment process is to complete the validation of the results of the self-assessment. This process is underway, and described in more detail below.

Providers must achieve compliance by March 17, 2023, the date by which states have to implement the federal requirements.

Validation of Provider Self-Assessments

The Department of Developmental Services (Department) contracted with Public Consulting Group (PCG) to conduct on-site assessments of a randomized, statistically valid sample of 1,200 HCBS providers among all 21 regional centers. Due to COVID-19 State of Emergency, the on-site assessments were conducted virtually to ensure the safety and well-being of everyone involved. This process was completed in November 2021, and regional centers were sent copies of each provider's report on April 25, 2022.

“Building Partnerships, Supporting Choices”

VALIDATION VS REMEDIATION (419)

- VALIDATION (229)

Providers who did not receive a virtual site assessment, providers who reported in the self-assessment to be fully compliant are required to submit existing evidence supporting their compliant status.

- REMEDIATION (190)

Providers who reported to not be fully compliant in the self-assessment, or who were determined to not fully meet the requirements through the virtual site assessment process, are required to submit a plan for remediating each area out of compliance.

VALIDATION VS REMEDIATION (419) CONTINUES.....

- VALIDATION (229)

Each provider required to submit a Validation MUST complete either the non-residential (2a) or residential validation (2b) template form and return to SCLARC with all supporting documentation no later than June 30, 2022.

Instructions on completion of the form are included within the document, and also posted to the department's [website](#), along with updated frequently asked questions.

- REMEDIATION (190)

Each providers that are required to submit a Remediation Plan MUST complete either the non-residential (4a) or residential remediation plan (4b) and return to SCLARC no later than July 22, 2022.

Instructions on completion of the form is included within the document, and also posted to the department's [website](#), along with frequently asked questions.

VALIDATION - “ALL SUPPORTING DOCUMENT....”

Please check which documents are submitted (be sure to remove any individual identifiable information), and explain in the box below how compliance is confirmed, include the page number(s) in the documentation submitted that supports compliance and the original date of the document:

- A. SEGMENT FROM PROGRAM DESIGN THAT INCLUDES LANGUAGE SUPPORTING COMPLIANCE.
- B. PROVIDER POLICY OR PROCEDURE THAT INCLUDES LANGUAGE SUPPORTING COMPLIANCE.
- C. SEGMENT FROM CLIENT HANDBOOK THAT INCLUDES LANGUAGE SUPPORTING COMPLIANCE.
- D. SCHEDULE OR CALENDAR OF ACTIVITIES SUPPORTING COMPLIANCE.
- E. MONTHLY CLIENT MEETING RECORD. (NAMES REMOVED)
- F. STAFF TRAINING CURRICULUM AND SCHEDULE.
- G. OTHER: (PLEASE LIST ADDITIONAL DOCUMENTS SUBMITTED)

**California Department of Developmental Services
Home and Community-Based Services (HCBS) Final Rule Requirements
Non-Residential Provider – Compliance Validation**

Vendor Name	
Vendor Number	
Service Code	
Regional Center	

Please see guidance on completing this form posted on the Department's website: <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/>. If you have questions, please contact your regional center HCBS Program Evaluator.

DETERMINATION OF COMPLIANCE IS AS FOLLOWS:

✓ **Full compliance was reported, and more information is needed to support this determination.** Please refer to the self-assessment report as needed and submit existing documentation for each federal requirement that shows compliance with the requirements. **Submit this form along with all required documentation by attaching documents in a reply to the email within 30 days of receipt of the email.**

For each federal requirement, the Department has listed examples of documents that can be submitted to support the determination of compliant.

Please Note:

- DO NOT submit documents with individual identifiable information.
- DO NOT submit entire program designs or policies/procedures. ONLY submit the page(s) that are applicable as evidence of compliance.
- Providers must complete a separate form for each service, each vendored program, which they operate.

Federal Requirement 1: Access to the Community

The setting/service is integrated in and supports full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving regional center services.

REMEDIATION PLAN.....

- Provide either a plan to meet compliance for this requirement OR
- A summary of attached documents and how compliance is achieved for each requirement.

Ideas look at slide 5 – all supporting documents.

California Department of Developmental Services
Home and Community-Based Services (HCBS) Final Rule Requirements
Non-Residential Provider - Remediation Plan

Vendor Name	
Vendor Number	
Service Code	
Regional Center	

Please see guidance on completing this form posted on the Department's website: <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/>. If you have questions, please contact your regional center HCBS Program Evaluator.

DETERMINATION OF COMPLIANCE IS AS FOLLOWS:

✓ **Not yet compliant in one or more of the HCBS requirements.** Please refer to the self-assessment report or, if received, the virtual on-site assessment report and submit a plan for how compliance will be achieved for each federal requirement. **Submit this required plan by responding to the email within 45 days of receipt of the email.** If already compliant with one of the requirements, please provide evidence that confirms compliance.

Please note: Providers must complete a separate form for each service, each vendored program, which they operate.

[Frequently Asked Questions \(FAQs\)](#) and additional information can be found on the Department's website that provides suggestions for ways to comply with the HCBS requirements, as well as acceptable documents to submit that confirms compliance with a requirement.

Training on the HCBS Final Rule and person-centered practices can be found on the Department's website: <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/training-information/>

Federal Requirement 1: Access to the Community

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SEAMLESS DOC

<https://seam.ly/0bzipnk8P>

1. SCLARC will directly send the Virtual Site Assessment and/or Self-Assessment to the providers (6/17/2022).
2. All Providers use the above link (seamlessdoc) to submit their forms and attachments.
3. Questions in Seamlessdoc:
 - Vendor Name
 - Vendor Number
 - Service Code
 - Contact name, email & phone number
 - Select Validation or Remediation
 - Attach documents
4. Deadline:
 - Validation – June 30, 2022
 - Remediation – July 22, 2022
5. Questions: Email – HCBS@sclarc.org

FOR ALL STAKEHOLDERS:

- [DDS HCBS TRAINING WEBSITE; : HTTPS://WWW.DDS.CA.GOV/INITIATIVES/CMS-HCBS-REGULATIONS/TRAINING-INFORMATION/](https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/training-information/)
- HCBS FINAL RULE WEBINAR: [STRATEGIES FOR PROVIDING SERVICES IN ALIGNMENT WITH THE FINAL RULE](#)
- AN HCBS WORKBOOK WAS CREATED THROUGH DDS HCBS FUNDING TO HELP PEOPLE WITH DISABILITIES AND SERVICE PROVIDERS BETTER UNDERSTAND THE RIGHTS AND ROLES FOR LIVING WELL IN THE COMMUNITY. [HTTPS://WWW.TRI-COUNTIES.ORG/LIVING-WELL-IN-MY-COMMUNITY/](https://www.tri-counties.org/living-well-in-my-community/)
- [DISABILITY THRIVE INITIATIVE: HCBS SETTINGS RULE WEBINAR](#)
- THE NATIONAL CENTER ON ADVANCING PERSON-CENTERED PRACTICES AND SYSTEMS (NCAPPS) HAS SEVERAL RESOURCES AND TRAININGS AVAILABLE ON THEIR RESOURCE WEBSITE ON TOPICS RELATING TO COMPONENTS OF THE HCBS FINAL RULE. [HTTPS://NCAPPS.ACL.GOV/RESOURCES.HTML](https://ncapps.acl.gov/resources.html)

The image features a light gray background with a subtle grid pattern. In the top-left and bottom-right corners, there are several realistic-looking water droplets of various sizes, some overlapping. The text "QUESTIONS???????" is centered in the middle of the page.

QUESTIONS???????