

Service Provider Bulletin



Quarterly Publication of San Diego Regional Center (Wanda Bardwell, Editor) (Nicole Collins, Design Layout) April 2019

HCBS Final Rule, Heightened Scrutiny, PCP and HCBS Provider Compliance Funding

HCBS Final Rule - The Centers for Medicare and Medicaid (CMS) issued the Home and Community Based Services (HCBS) Final Rule in January 2014 to support full access to community life for individuals with disabilities. In order to receive the federal funding through their State's HCBS Waiver, **all HCBS settings must comply with the Final Rule by March 17, 2022**. The Final Rule sets specific requirements (see #1 below) for HCBS settings to offer opportunities that promote choice, rights, independence, integration, and access to the community. A study done through the Council on Quality Leadership (see #2 below) demonstrates the significant need to bring more knowledge or awareness of the HCBS settings rules to those most affected by the changes – individuals with developmental disabilities and their family members. The Council on Quality Leadership (CQL) offers great resources (see #3 below) in the form of guides, videos, and trainings to inform stakeholders, their families, service providers and professionals. These resources are presented in a very reader/viewer-friendly fashion.

Heightened Scrutiny - On March 22, 2019, CMS released guidance and responses to Frequently Asked Questions (FAQs), including information regarding settings that are presumed to have qualities of an institution and may come under heightened scrutiny review by CMS (see #4 below). The HCBS Advocacy Coalition published a statement regarding the guidance from CMS (see #5 below).

Person Centered Planning - A key component to implementing the Final Rule is Person Centered Planning. San Diego Regional Center conducted several Person Centered Thinking (PCT) trainings in 2018, of which all SDRC staff attended, as well as some vendors. A few SDRC staff and a vendor became certified as trainers in PCT. Additionally, some SDRC vendors applied for, and received HCBS Provider Compliance Funding (see #6 below) for a few of their staff become certified Person Centered Planning trainers.

HCBS Provider Compliance Funding - Since fiscal year 2016-17, the State has included funding in the budget for providers to develop and submit concepts that would help align their services with the Final Rule. The 2018 Budget Act (SB 840, Chapter 29, Budget Act 2018) contains \$15 million to fund changes that are necessary for providers to come into compliance with the HCBS rules by March 2022. For 2018-19 Fiscal Year submission, San Diego Regional Center received 18 concepts from different vendors, some operating multiple service settings. The 18 concepts, if approved, would impact 62 different service settings, including residential and non-residential settings. As of March 27, 2019, DDS has not yet announced which concepts will receive funding. Once a decision is made by DDS, the concepts that receive funding will be listed on the DDS website (see #6 below).

Resource Information Referenced Above

- 1) HCBS Final Rule requirements for providers: www.medicaid.gov/medicaid/hcbs/downloads/hcbs-setting-fact-sheet.pdf
- 2) Study on Stakeholder's HCBS Setting Knowledge: <https://journals.sagepub.com/doi/abs/10.1177/1540796917743210>
- 3) Council on Quality Leadership Resources, guides, videos, trainings, etc:
<https://c-q-l.org/resource-library/resource-library/all-resources/hcbs-settings-rule-approaching-the-original-deadline>
- 4) CMS Issued Frequently Asked Questions on 3/22/2019: HCBS Settings Regulations Implementation Heightened Scrutiny Reviews of Presumptively Institutional Settings: www.medicaid.gov/federal-policy-guidance/downloads/smd19001.pdf
- 5) HCBS Advocacy Coalition Statement on CMS's 3/22/2019 Guidance:
autisticadvocacy.org/wp-content/uploads/2019/03/HCBS-Coalition-statement-3.22.19-final.pdf
- 6) HCBS Provider Compliance Funding: www.dds.ca.gov/HCBS/

Additional Resources

- For resource information on Best Practices: <https://c-q-l.org/resource-library/resource-library/best-practices>
- "Getting the Community Life You Want - A Guide to HCBS Advocacy":
<http://rwjms.rutgers.edu/boggscenter/products/documents/GettingtheCommunityLifeYouWant7-15.pdf>
- California Statewide Transition Plan: <https://www.dhcs.ca.gov/services/litc/Pages/HCBSStatewideTransitionPlan.aspx>



San Diego Regional Center is sponsoring the following training session. Remember to keep written documentation of all training hours (workshops, videos, DVD's, etc.) on file. The target audience is service providers, administrators and staff. All of these classes are approved by Community Care Licensing for credit towards Administrator recertification.

Developmental Disabilities and Substance Use Disorder

Presented by:
Brian Newcomer, President
Center for Personal Growth Inc.

Tuesday
April 16, 2019
9:30 a.m. - 11:30 a.m.

SDRC
4355 Ruffin Road
Suite 118
San Diego CA 92123

\$5 per person

Assault Prevention

SafetyNet Learning Tools are designed to assist in providing information on a specific topic and to be used in a variety of learning environments. These Learning Tools can be used during one-on-one conversations with an individual, or with small and larger groups. Before beginning a learning session, the presenter should review all SafetyNet Learning Tools on the topic. The trainer can find additional material within the links provided on the SafetyNet Article and Newsletter.

BEFORE THE TRAINING

The presenter should:

- Arrange adequate time and comfortable space for the training and discussion.
- Arrange for any equipment needed, such as a laptop and projector.
- Set up necessary equipment.
- Print or photocopy enough materials for each individual to have their own copy.

TRAINING

The presenter:

- Shows video(s).
- Leads discussion of content and encourages open communication.
- Reviews and discusses information on each of the handouts.
- Asks questions to check for understanding.
- Follows up with additional review and discussion as needed.
- Provides training in multiple sessions to assure adequate coverage and understanding of the topic.

source: www.ddssafety.net



◆PRE-REGISTRATION IS REQUIRED◆

**PLEASE MAKE CHECKS PAYABLE TO SDICDSI AND RETURN THIS PORTION TO:
MYRIAM GONZALEZ, COMMUNITY SERVICES, SDRC, 4355 RUFFIN ROAD, SUITE 104, SAN DIEGO CA 92123**

Name of Service Provider: _____ Phone # _____

\$5 4/16/19 - Developmental Disabilities and Substance Use Disorder