

**Home and Community-Based Services (HCBS) Rules
COMPLIANCE EVALUATION**

Enclosure C

The Home and Community-Based Services (HCBS) rules ensure that people with disabilities have full access to, and enjoy the benefits of, community living through long-term services and supports in the most integrated settings of their choosing. In order to assist in determining eligibility for compliance funding, providers must complete this evaluation. Both “Yes” and “No” answers require an explanation. A “No” response *could* mean a service setting is out of compliance with the HCBS rules and is potentially eligible for funding to make necessary modifications. Once this evaluation is completed, it should act as a guide for filling out the provider compliance funding concept, which is required for any provider to be eligible for compliance funding. **Completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that DDS may require to determine provider compliance with the HCBS settings rules. Only providers requesting compliance funding need to complete this evaluation.**

Federal Requirements #1-5 apply to providers of all services, including residential and non-residential settings. Federal Requirements #6-10 are additional requirements that apply only to provider-owned or controlled residential settings.

The column labeled “Guidance” contains a series of questions intended to help identify compliance or non-compliance with each requirement as it relates to the HCBS rules. While responses to these questions can help in the determination of whether or not a particular requirement is met, these responses may not be the sole factor in this determination.

More information on the HCBS rules and this form can be found at:
<http://www.dds.ca.gov/HCBS/>. Questions may be directed to HCBSregs@dds.ca.gov.

Date(s) of Evaluation: January 5, 2018_
Completed by: Deborah A. Lewallen_
Vendor Name, Address, Contact: Ability Road, Inc., 9734 State Hwy 281, PMB 5004,
Kelseyville, Ca 95451 707-349-3033
Vendor Number: HR0433.
Service Type and Code: Community Integration 055

<p><u>Federal Requirement #1:</u> <i>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS 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 Medicaid HCBS.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none">• Do individuals receive services in the community based on their needs, preferences and abilities?• Does the individual participate in outings and activities in the community as part of his or her plan for services?• If an individual wants to seek paid employment, does the home staff refer the individual to the appropriate community agency/resource?• Do individuals have the option to control their personal resources, as appropriate?
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Does the service and/or program meet this requirement? Yes X No

Please explain: Ability Road conducts 97% of all services in the community, along side community members taking part in the same activities; 3% of Ability Road instruction activities are classroom based. These “table top” activities include, but are not limited to: computer skills, office/retail business machines, functional math and reading, job development and resume writing. Individuals learn entry level job skills while volunteering for local agencies and they practice basic community/social skills by conducting their activities of community life, for example using the bank and other community resources, making doctor appointments, money handling, comparative shopping, appropriate social skills, etc. meeting their own personal needs, supported by staff. Competitive Integrated Employment (CIE) is the stated desire of those individuals choosing to utilize the Ability Road services, therefore formal goals are developed to improve skills and employ-ability. Though a very small program, over 35% of Ability Road participants are employed in CIE positions (and have been for well over 6 months) and another 35% are currently taking part in the Paid Internships Program (PIP) in a variety of work environments.

What sets Ability Road apart in service delivery is the predominance of opportunities we present to individuals to participate in “real life” situations and the emphasis Ability Road places on the experience gained due to practicing supported decision making through informed choice, and facilitated review of the natural consequences of said decisions. This is the area in which Ability Road excels and as a logical next step, an area where Ability Road must present the information and resources our participants require to be able to fully realize the fruits of their employment and community endeavors by utilizing and controlling their own personal financial resources.

Using the informed choice skills they acquire with Ability Road, our participants ask, 'Why work toward obtaining and maintaining employment and independence in the community, if you risk loosing your benefits and have to “spend down” any real savings you have just to meet governmental requirements.' To fully inform individuals in the new and complicated options available to them through Federal and State programs, such as the ABLE ACT, and to navigate the antiquated review processes of Social Security, Ability Road must have the resources to answer their questions and assist to meet their needs. One of our participants was recently forced to settle on purchasing a “Cruise” to spend down a considerable amount of money, rather than being able to save that money and continue to add to it through her paid work, until such a time as she could afford to invest in a manufactured home of her own. The professionals on her team were not able to ascertain the particular steps, nor find another professional in our rural area to set up a CalABLE Account in time, before the penalties would be assessed. Another Ability Road participant had to forgo taking part in the “splitting of tips” at his place of employment, even though his winning personality and great individualized service was a reason customers frequent the restaurant where he worked, because the tips continued to put him over his earnings limit. He chose to leave the job for a “sub -minimum wage” job. These are just two examples of the IMPOSSIBLE choices individuals face when all they want is to enjoy the options we all have in controlling our personal resources.

<p><u>Federal Requirement #2:</u> <i>The setting is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider have a current regional center Individual Program Plan (IPP) on file for all individuals? • Does each individuals' IPP document the different setting options that were considered prior to selecting this setting?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Each individual has a current IPP on file that documents prior service/program considerations. Further, individuals are encouraged to try other programs if/when current services are no longer meeting the individual's needs. As an infrequent outcome of some individuals choosing to join Ability Road, the individual sometimes determines for them self, that they are not quite ready for such real world experiences or that they prefer more unstructured/free time to do social or leisure type activities. At that point, via a person-centered planning team meeting, Ability Road again uses supported decision making through informed choice to find more desirable options for the individual to choose from.</p>	
<p><u>Federal Requirement #3:</u> <i>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider inform individuals, in a manner they can understand, of their rights to privacy, dignity, respect, and freedom from coercion and restraint? • Does the provider communicate, both verbal and written, in a manner that ensures privacy and confidentiality? • Do staff communicate with individuals based on their needs and preferences, including alternative methods of communication where needed (erg., as sistive technology, Braille, large font print, sign language, participants' language, etc.)?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Individual's are instructed monthly in a review and individual consideration of their Title 17 Clients Rights. Quarterly, they attest to their rights having been respected and that they have input into their daily activities. Individuals are supported annually in their understanding of HIPPA, their right to privacy and self determination, Protection from Harassment and Discrimination, both while in the community and in the workplace. The above information is delivered in a wide variety of methods and modes, from Role Play to Translation to written Service Agreements.</p>	

<p><u>Federal Requirement #4:</u> <i>Optimizes but does not regiment individual initiative, autonomy, and independence in making life choices, including, but not limited to, daily activities, physical environment, and with whom to interact.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider offer daily activities that are based on the individuals' needs and preferences? • Does the provider structure their support so that the individual is able to interact with individuals they choose to interact with, both at home and in community settings? • Does the provider structure their support so that the individual is able to participate in activities that interest them and correspond with their IPP goals?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Individuals take part in the development of their schedule, through Person Centered planning; the goals for their community and work related skill building activities as well as the choice of types of agencies or groups they volunteer with, are re-evaluated on an on-going basis, of the individuals choosing. Formal review is conducted Quarterly, Annually and Semi-annually. All Skill Building activity consideration is made after observation of the individual doing normal activities, then sharing the data with the individual, noting areas of potential support/improvement that would be functionally beneficial. The individual decides their focus within their choice of lifestyle and in environments reflective of their priorities. Skills/Abilities training as utilized in their preferred choice of work and community activity, social and residential/home environments are offered.</p>	
<p><u>Federal Requirement #5:</u> <i>Facilitates individual choice regarding services and supports, and who provides them.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none"> • Does the provider support individuals in choosing which staff provide their care to the extent that alternative staff are available? • Do individuals have opportunities to modify their services and/or voice their concerns outside of the scheduled review of services?
<p>Does the service and/or program meet this requirement? <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Individuals are not only allowed, but encouraged to try different service providers, staff members, work sites, hours/days of attendance, etc. all as part of the INFORMED CHOICE decision making practices utilized within Ability Road. One can only make an informed choice with experience in the options available. Individualizing the service delivery to the unique needs and desires of each individual</p>	

serves to create better opportunities in which the individual can explore careers and work environments that represent the “best fit”.

Only providers of services in **provider-owned or controlled residential settings** need to complete the remainder of this evaluation. In **provider-owned or controlled residential settings**, in addition to the above requirements, the following requirements must also be met:

Federal Requirement #6:

The unit or dwelling is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city or other designated entity. For settings in which landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord tenant law.

Guidance:

- As applicable, does each individual have a lease, residency agreement, admission agreement, or other form of written residency agreement?
- Are individuals informed about how to relocate and request new housing?

Does the service and/or program meet this requirement? Yes No

Please explain: [Click or tap here to enter text.](#)

Federal Requirement #7:

Each individual has privacy in his/her sleeping or living unit:

1. *Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.*
2. *Individuals sharing units have a choice of roommates in that setting.*
3. *Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.*

Guidance:

- Do individuals have a choice regarding roommates or private accommodations?
- Do individuals have the option of furnishing and decorating their sleeping or living units with their own personal items, in a manner that is based on their preferences?
- Do individuals have the ability to lock their bedroom doors when they choose?

Does the service and/or program meet this requirement? Yes No

Please explain: [Click or tap here to enter text.](#)

<p><u>Federal Requirement #8:</u> <i>Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none">• Do individuals have access to food at any time?• Does the home allow individuals to set their own daily schedules?• Do individuals have full access to typical facilities in a home such as a kitchen, dining area, laundry, and comfortable seating in shared areas?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Click or tap here to enter text.</p>	
<p><u>Federal Requirement #9:</u> <i>Individuals are able to have visitors of their choosing at any time.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none">• Are visitors welcome to visit the home at any time?• Can individuals go with visitors outside the home; such as for a meal or shopping, or for a longer visit outside the home, such as for holidays or weekends?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Click or tap here to enter text.</p>	
<p><u>Federal Requirement #10:</u> <i>The setting is physically accessible to the individual.</i></p>	<p><u>Guidance:</u></p> <ul style="list-style-type: none">• Do individuals have the freedom to move about inside and outside the home or are they primarily restricted to one room or area?• Are grab bars, seats in bathrooms, ramps for wheelchairs, etc., available so that individuals who need those supports can move about the setting as they choose?• Are appliances and furniture accessible to every individual (e.g., the washer/dryer are front loading for individuals using wheelchairs)?
<p>Does the service and/or program meet this requirement? <input type="checkbox"/>Yes <input type="checkbox"/>No Please explain: Click or tap here to enter text.</p>	

**Home and Community-Based Services (HCBS) Rules
COMPLIANCE EVALUATION**

Enclosure C

CONTACT INFORMATION

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ACKNOWLEDGEMENT

By checking the box below, I acknowledge that completion of this evaluation is for the sole purpose of applying for compliance funding and does not take the place of future provider assessments that DDS may require to determine provider compliance with the HCBS settings rules.

X I AGREE

Existing regional center vendors may receive funding to make changes to service settings and/or programs to help them come into compliance with the HCBS rules. To be considered for funding, vendors must complete and submit this form and the provider compliance evaluation form as one packet, to the regional center with which it has primary vendorization.

Instructions:

- The concept form on the next page must be used, may not exceed three pages, and must be kept in Arial 12-point font. Submit the form in Microsoft Word.
- For providers that operate programs with several vendor numbers, one evaluation and concept form may be submitted, provided that the plan applies to all vendor numbers listed.
- The narrative should link to the federal requirement that is not currently being met. The results of the evaluation should be clearly laid out in the narrative. The narrative should describe how the funding would achieve compliance.
- Concepts should be developed with a person-centered approach, with proposed changes/activities focused on the needs and preferences of those who receive services.
- The estimated budget and timeline need not be detailed at this point but must include all major costs and benchmarks.

Examples of previously funded concepts:

- Identified the need as well as proposed a plan to provide outreach and education regarding the HCBS rules to consumers and members of their support teams
- Discussed the need for additional funds in order to effectively support consumers on a more individualized basis in overcoming barriers to community integration and employment, as appropriate
- Prioritized the preferences of consumers and utilized consumer feedback in the development of the concept

More information on the HCBS rules and this form can be found at:
<http://www.dds.ca.gov/HCBS/>

Vendor name	<u>Ability Road, Inc.</u>
Vendor number(s)	<u>HR0433</u>
Primary regional center	<u>Redwood Coast Regional Center</u>
Service type(s)	<u>Community Integration</u>
Service code(s)	<u>55</u>
Number of consumers currently serving	15
Please describe your person-centered approach ¹ in the concept development process; how did you involve the individuals for whom you provide services?	<p>The decision to work or not to work is a difficult one for our population . Not only do they have the concerns of their own personal skills and abilities, being sufficient to allow potential work success, but also they are fearful of losing their health benefits and Social Security benefits. It is often impossible for vendor staff to support the individual through the complicated Social Security process especially when the individual has some success in the work community. Success seems to mean to Social Security, “no longer needing financial support”. When the individual works for a period of time, they are penalized by not being allowed to have more than a per-determined amount of money saved and having to make purchases of often unnecessary or frivolous items to “spend down” their savings. This concern is repeated by every individual, and or family member/stakeholder, considering the decision to work or not.</p> <p>An informal survey of those individuals choosing NOT to be considered for the Paid Internship Program offered by Ability Road beginning late Summer 2017, resulted in 100% stating that they were not ready to have their Social Security Benefits stopped or decreased. Even after spending time with a staff member walking the individuals through the process of the “Benefits Calculator”- CA Disability Benefits 101 website, they were not convinced. Entitlement Programs are in some cases a generational and, or cultural norm that mires individuals in a mindset contrary to self-sufficiency. Only repeated, relate-able information (Community Information Sharing Events) , minimal/controlled risk (Paid Internship Program), neutral exposure (Return to normal benefits after Internship) and fool</p>

¹A person-centered approach emphasizes what is important to the individual who receives services and focuses on personal preferences, satisfaction, and choice of supports in accessing the full benefits of community living. For more information regarding person-centered practices, please visit <http://www.nasddd.org/resource-library/person-centered-practices/>

	<p>proof financial protections (CalABLE Accounts), have a chance to over come this mindset.</p>
<p>Does the concept address unmet service needs or service disparities? If so, how?</p>	<p>Having an in-house National Social Security Adviser would not only facilitate individual interactions with SSA, but also give the vendor staff more information about how to present the actual work competencies of the individual to SSA , therefore allowing for a more accurate evaluation of financial need. Once, there is enough earning potential, the individual needs to have readily understandable guidance and materials, explaining options for saving and ultimately utilizing savings to improve overall quality of life. This is the rationale behind the Federal ABLÉ ACT and the availability of CalABLE. Without additional training and resource materials, vendor support in both of these critical areas is not feasible. Therefore, Federal Regulation 1 states : Do individuals have the option to control their personal resources, as appropriate? With regard to the question of whether or not to work, this is obviously not <u>occurring</u>.</p>
<p>Barriers to compliance with the HCBS rules and/or project implementation</p>	<p>Community and familial pressures to “not risk” your benefits, is a potential barrier to the success of this project. But, by developing resources and informational/instructional material, by sharing with stakeholders over time and by pointing to personal success stories, we could potentially change minds.</p>
<p>Narrative/description of the project. Identify which HCBS federal requirements are currently out of compliance; include justification for funding request</p>	<p>To comply with Federal Requirement #1: Individuals having the option to control personal resources, Ability Road, Inc would like to request to hire/train a staff member and develop materials to inform and advise individuals and stakeholders about the Social Security Administration evaluation process and the availability of CalABLE Accounts. Ability Road requests \$20,500. to:</p> <ul style="list-style-type: none"> • Hire a quarter time employee (1020 hours over 2 years at \$15. per hour = 15,300.00) . • Participate in an accredited training for a National Social Security Adviser Certification program (\$700.) to better advise individuals who work to appropriately represent their work abilities to Social Security to ensure a fair and appropriate evaluation of benefit eligibility. • Travel to Sacramento, Ca to network and obtain expertise in the ABLÉ Act /Cal ABLÉ process, developing institutional and informational materials to facilitate informed choice and supported decision making with individuals and their families. • To conduct Community Information Events (in conjunction with CalABLE) twice a year over two years, to disseminate information of the foregoing, and as applicable

**Home and Community-Based Services (HCBS) Rules
CONCEPT FORM**

Enclosure C

	<p>success stories were acquired, sharing steps and the positive outcomes experienced by others.</p>
<p>Estimated budget; identify all major costs and benchmarks — attachments are acceptable</p>	<p>Staff wages = \$15,300. June 30, 2020 National Social Security Adviser Certification Training. \$700. Web Based On - Demand training.. Completed on or before October 1, 2018 Training and Informational Material Development \$1500. Competed on or before December 31, 2018 Travel/lodging to CalABLE Sacramento \$500. Completed before December 31, 2018 Vendor, Staff, Consumer, Stakeholder and Community Partner training and information dissemination event 4 times \$2,500. By June 30, 2020</p>
<p>Requested funding for 2017-18</p>	<p>\$20,500.00</p>
<p>Estimated timeline for the project</p>	<p>Completed by July 1, 2020</p>