

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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August 22, 2016

**Confidential Client Information  
See California Welfare and Institutions  
Code Sections 4514 and 5328**

Javier Zaldivar, Executive Director  
San Andreas Regional Center  
P.O. Box 50002  
San Jose, CA 95150-0002

Dear Mr. Zaldivar:

Enclosed is the report for the follow-up review of the Home and Community-Based Services (HCBS) Waiver program conducted on March 2, 2016, by the Department of Developmental Services (DDS) and the Department of Health Care Services (DHCS) at the San Andreas Regional Center (SARC). The follow-up review was conducted to verify that SARC has addressed the issues identified during the collaborative review conducted on October 13-23, 2014. The results of the follow-up review indicate that further improvement is necessary for SARC to meet the recommendations from the October 2014 collaborative review.

If there is a disagreement with the findings, a written "Statement of Disputed Issues" should be sent within 30 days from the date of this letter to:

Department of Developmental Services  
Attn: Erin Paulsen, Chief  
Federal Programs Monitoring Section  
1600 Ninth Street, Room 330, MS 3-11  
Sacramento, CA 95814

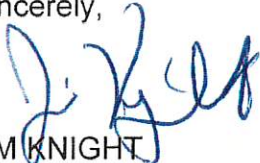
As part of DDS' commitment to comply with the HCBS Waiver requirements, a copy of the report will be sent to the Centers for Medicare and Medicaid Services.

**"Building Partnerships, Supporting Choices"**

Javier Zaldivar, Executive Director  
August 22, 2016  
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Thank you for your cooperation during the follow-up review. If you have any questions regarding the report, please contact Erin Paulsen, Chief, Federal Programs Monitoring Section, at (916) 654-2977.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Knight".

JIM KNIGHT  
Assistant Deputy Director  
Community Services Division

Enclosure

cc: Edgar Naranjo, SARC  
Arushie Nugapitiya, SARC

**San Andreas Regional Center  
Home and Community-Based Services Waiver  
Follow-up Review Report**

**Conducted by:**

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

**March 2, 2016**

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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 October 13-23, 2014, at San Andreas Regional Center (SARC). A final report including review findings and SARC's written responses to the findings was provided to SARC on November 23, 2015.

DDS and DHCS conducted a follow-up review on March 2, 2016, to ensure that issues raised during the collaborative review had been addressed. The monitoring team selected 10 consumer records for the HCBS Waiver follow-up review for the period of January 1, 2015, through December 31, 2015. 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 October 2014 collaborative review requested SARC to provide clarification or follow-up to the report findings and recommendations. SARC submitted a response to DDS on October 5, 2015. Based on the report recommendations and SARC'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 SARC's personnel.

### Summary of Follow-up Review Findings

The March 2016 follow-up review indicated that further action is needed to ensure that quarterly face-to-face meetings and reports of progress are completed. Also, one vendor did not report a special incident to SARC within the required timeframes and SARC's follow-up activities were timely and appropriate for the severity of the situations for all but one consumer incident.

## SECTION I

### REGIONAL CENTER CONSUMER RECORD REVIEW

#### Summary of the October 2014 Collaborative Monitoring Review Recommendations

The October 2014 monitoring review included findings related to ensuring that quarterly face-to-face meetings and reports of progress 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 March 2016 Follow-up Review Findings

Six of the ten (60 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 record for consumer #1 contained documentation of two quarterly face-to-face meetings, and consumers #6, #8, and #10 contained documentation of one quarterly face-to-face meeting.

Seven of the ten (70 percent) sample consumer records selected for the follow-up review contained documentation that quarterly reports were completed for consumers living in out-of-home community settings. However, the records for consumer #6 contained documentation of two quarterly reports of progress, and consumers #8 and #10 contained documentation of one quarterly report of progress.

#### Further Action Needed

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

## SECTION II

### SPECIAL INCIDENT REPORTING

#### Summary of the October 2014 Collaborative Monitoring Review Recommendations

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

#### Scope of the March 2016 Follow-up Review

1. Special incident reporting of deaths by San Andreas Regional Center (SARC) was reviewed by comparing deaths entered into the Client Master File for the review period with special incident reports (SIRs) of deaths received by the Department of Developmental Services (DDS).
2. The records of the 10 consumers selected for the Home and Community-Based Services (HCBS) Waiver sample were reviewed to determine that SARC's vendors reported nine of the ten special incidents within the required timeframes.
3. The records for the 10 consumers who had special incidents reported to DDS within the review period were assessed for timeliness of reporting and documentation of follow-up activities. The follow-up activities were assessed for being timely, appropriate to the situation, and resulting in an outcome that ensures the consumer is protected from adverse consequences, and that risks are either minimized or eliminated.

#### Results of the March 2016 Follow-up Review

1. SARC reported all deaths during the review period to DDS.
2. SARC reported all of the SIRs in the sample of 10 records selected for the HCBS Waiver review to DDS.
3. SARC's vendors reported nine of the ten (90 percent) special incidents within the required timeframes.
4. SARC reported all 10 (100 percent) special incidents to DDS within the required timeframes.
5. SARC's follow-up activities on consumer incidents were appropriate for the severity of the situations for nine of the ten consumer incidents.

#### Findings

Consumer #11: The incident occurred on February 20, 2015. However, the vendor did not send a written report to SARC until February 23, 2015.



Consumer #17: The incident occurred on August 29, 2015. The incident was one of five medication errors occurring under the same type of circumstances between March 2015 and January 2016. Subsequent to each incident, the vendor noted they disciplined staff and notified the consumer's mother, although the consumer is a non-conserved adult. There was no documentation of follow-up by SARC to determine what actions were taken, or needed to be taken, to rectify the situation and prevent reoccurrence, nor was there a review of a pattern with the vendor after the five incidents.

Further Action Needed

1. SARC should ensure that the vendors report special incidents within the required timeframes.
2. SARC should follow-up to determine what actions are needed to prevent a reoccurrence of medication errors for consumer #17.

### SAMPLE CONSUMERS

#### HCBS Waiver Review Consumers

#	UCI
1	6576275
2	8101963
3	6521504
4	6538300
5	6504377
6	6597938
7	8146303
8	5235882
9	6571012
10	6595360

#### SIR Review Consumers

#	UCI	Vendor #
11-S	6560841	HS0089
12-S	5807417	HS0861
13-S	4841268	HS0432
14-S	6542583	ZS0560
15-S	6571521	ZS0950
16-S	5784210	HS0589
17-S	5235882	ZS0278
18-S	6577040	HS0856
19-S	6592809	HS0142
20-S	4840559	HS0805