



Developmental Services



DS NEWS

March 2017

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CAHF: Spring Legislative Conference

The CAHF Spring Legislative Conference is March 19 to March 21 at the Hyatt Regency, Sacramento. Please [click here](#) for our brochure. To register for the three-day event online, please [click here](#). The conference features various speakers from state government and related fields, educational offerings and special events. During this meeting, attendees are encouraged to visit their legislative representatives.

CDPH: Centralization of Applications

As of last month, the final district office (Sacramento) has been added to the CDPH Centralized Applications Unit (CAU). That means that ALL license-related transactions will be handled in Sacramento. Additional information on the CAU is [available here](#). Members should be aware that CAHF has received reports of prolonged processing times for new applications and changes in ownership. Please notify [Elaine Rawes](#), CAHF Director of Developmental Services, of any difficulties related to application processing.

CDPH: Improvement of the Survey Experience

CAHF requested to learn about your survey experiences. Seventeen varied providers completed the online questionnaire. Here is the summary of those responses:

- It is not routine for the district office to investigate a complaint along with the annual certification survey;

- The size of the survey team varied; however, the team size was routinely larger for the ICF/DD facility type;
- The amount of document copies varied; however, one isolated evaluator requested between 100 to 200 copies for a single DD-H facility;
- The professionalism of the evaluators to the staff varied with comments of direct rudeness or negative questions directed to staff members;
- The professionalism of one single evaluator at a DD-N facility was questioned when every shower for all clients was observed and techniques for showering were 'critiqued';
- Client complaints during the survey process manifested in behavioral changes;
- The survey team on two occasions failed to allow the facility to provide additional information during an exit meeting; and
- It remains a concern that the return of the CMS 2567 routinely exceeded the ten-day period.

Providers are urged to complete the *Evaluation Form*. If not provided, call the local district office to request a form. All positive and/or negative feedback is essential for the management to resolve any concerns with the survey processes or identify continuing education.

CDPH is launching a provider and consumer engagement expectations (PaCEE) project. This project involves CDPH seeing goals and identifying actions to address provider and consumer concerns and recommendations. This is an example of what a PaCEE project goal could look like:

"Provider Expectation: CDPH team/surveyor will conduct investigation and survey process in an unbiased and neutral manner with an open mind and non-judgmental approach."

Additionally, **CDPH has announced it is refining a Surveyor Code of Conduct that will be available in 2017.**

If you would like to complete the questionnaire, please [click here](#).

CMS: Emergency Preparedness Requirements

As members are aware, CMS has published revised and expanded disaster preparedness requirements that affect the ICFs/DD, DD-H and DD-N facilities. Although the regulations will not be in effect until November 2017, members may access a summary of the major provisions of the final CMS rule that includes notes and resources for providers. The document is available for download [on the CAHF website here](#). There are expanded and new requirements within the rule that CAHF will be costing. Please stay tuned in the near future for a CAHF survey that will gather additional information on costs facilities may incur in implementing the rule.

A free AHCA webinar is set for April 13 with CAHF's Jocelyn Montgomery. An *ID/DD* specific presentation on the final rule will be held on March 21 at the *ID/DD* committee in-person meeting at the ARCA offices in DC; also, there will be a panel discussion at *ID/DD Day* in Las Vegas on October 15.

CMS / CDPH: Life Safety Code (LSC)

CDPH, on behalf of CMS, began to survey facilities for compliance with the **2012 edition of the LSC on November 1, 2016.**

The new requirement for sprinklers in attics is as follows: **"Beginning July 5, 2019, an ICF-IID must be in compliance with Chapter 33.2.3.5.7.1, Sprinklers in attics, or Chapter 33.2.3.5.7.2, Heat detection systems in attics of the Life Safety Code."**

CAHF is working on a proposal for an add-on for the funding of the new requirements.

CAHF understands inconsistencies exist with different evaluators. Please let our Developmental Programs staff know so that inconsistencies may be addressed with CDPH.

Meanwhile, the CMS S&C Letter 13-58-LSC describes waivers permitted that may result in “unreasonable hardship” for which there are alternative approaches that provide an equal level of protection.”

The transmittal identifies a contact for any questions: Lieutenant Commander Martin Casey at Martin.Casey@cms.hhs.gov.

[Click here](#) for link.

CMS: Webinars

Providers have asked if CMS could make archived ICF/IID webinars on W249 (Continuous Active Treatment) and W120 (Outside Services) available to them. These webinars are about 90 minutes each and are now available for providers to view. Please follow the instructions below to access the webinars.

Click on ‘I am a Provider’, select Web-based Training and you will see the W249 and W120 archived webinars half-way down the page.

<http://surveyortraining.cms.hhs.gov/>

California Coalition for Compassionate Care (CCCC): Advance Care Planning

Many of the conversations that surround end-of-life care include concepts and language that are challenging to follow, especially for people with developmental disabilities. Together with their partners, CCCC created a guide that enables people with developmental disabilities to advocate for themselves and stay in control of their lives through the very end.

[Thinking Ahead: My Life at the End](#) (PDF) contains words, symbols and pictures that facilitate discussion with and decision-making by persons with developmental disabilities regarding their values, goals and treatment preferences at the end of life. [The video](#) serves as an instruction manual, containing vignettes that illustrate in simple, graphic format the purpose and use of the materials. To order a free hardcopy of the Thinking Ahead workbook and DVD, [contact us](#) today.

“Thinking Ahead: My Life At The End” workbook available in:

- [English](#)
- [Spanish](#)
- [Korean](#)
- [Chinese](#)

CAHF: QIDP Class

CAHF has received requests for the QIDP class. **STAY TUNED....** Discussions are underway for a class in Southern California in April.

Two information sheets for the role of the QIDP are available.

[Role of the QIDP](#)
[What is a QIDP](#)

Legislative Analyst's Office (LAO): Development of Developmental Services Budget

The LAO Budget Analysis report prepared by Sonja Petek and reviewed by Mark C. Newton outlined the following:

EXECUTIVE SUMMARY:

1. Increases in Developmental Services budget “mostly due to caseload growth and funding to implement ‘State Minimum Wage’ increases”;
2. Keeping Developmental Center closures on track is of the utmost importance given increasing reliance on ‘General Fund and Federal Funding Risks’;
3. Trailer Bill changes intent for Community Placement Plan (CPP) Funding is raising issues for the Legislature to consider. CPP funding is currently used to develop residential and nonresidential services and supports for people moving out of the DCs. A proposed trailer bill would broaden the use of CPP funding, allowing DDS and the Regional Centers to develop resources for consumers who already live in the community.
4. DDS is falling behind in helping providers comply with new ‘Federal Rule’, risking potential loss of significant Federal funding in future years. A new federal rule passed in 2014 requires states to modify their HCBS programs to increase quality, consumer choice, and integration of consumers into the community. The State (and its service providers) must comply by *March 2019* or it risks potentially losing some or all of its federal waiver funding. DDS has provided relatively little guidance to the State’s tens of thousands of service providers on what compliance means or what programmatic changes they will need to make to reach compliance.
5. Rate study should evaluate ‘Rate-Setting Processes’ that adapt to changes in ‘Policies and Economic Conditions’. Last year, the Legislature provided \$3 million to DDS for a contractor to conduct a study to examine current provider rate-setting methods and to provide recommendations to restructure rates. (The current rate-setting processes are extremely complex and rigid. They have frequently been subject to incremental changes and do not adapt well to changes in policies and economic and market conditions.)
6. DDS’s New Program and Fiscal Research Unit Presents an opportunity for ‘Strategic Decision-Making’. The 2016-17 budget included \$1.2 million in ongoing funds and seven positions for DDS to create a fiscal and program research unit. Although the unit can play a helpful role in responding to legislative and other requests for information, we recommend the Legislature set more specific research goals for the unit that serve to encourage data-driven decision-making.

To request publications call (916) 445-4656. This report and others, as well as an e-mail subscription service are available on the LAO’s website at www.lao.ca.gov.

The LAO is located at 925 L Street, Suite 1000, Sacramento, CA 95814.

[Click here for link](#)

AB 251: Delay in adoption of regulations for ICF/DD-N and CNC facilities.

AB 251 will extend by one year the scheduled sunset of the 'Department of Public Health' and 'Department of Developmental Services' authority to use federal certification standards for certain types of specialty clinics and health care facilities as the state licensure standards for those types of clinics and facilities. The bill also extends the deadline by which the Departments shall adopt regulations relating to licensure of these types of specialty clinics and facilities. (ICF/DD-N facilities and the ICF/DD-CNC facilities).

[Click here for the AB 251 fact sheet](#)

The "CNC" facility type began as pilot program in **1999** and converted to a waiver program - currently under the AH/NF waiver of the DHCS and does not have regulations for the classification. There will be no rate setting for this provider category until the regulations have been promulgated. More importantly, the ICF-DD/N regulations have not been re-submitted to the Secretary of State for approval since **1989**.

A delay of the sunset date is unreasonable with the history of inability to fulfill the mandate to promulgate regulations for the ICF/DD-N and ICF/DD-CNC facility types.

DDNA

The 2017 Annual conference is set for April 6th in Dallas, Texas.

Online registration: [Download the Registration Form](#) (PDF)

2017: A challenging year of uncertainty ahead. Areas of focus will be:

- The State minimum wage and the ripple effect of the increase to other staff as well as staff retention;
- Review and discussion of the proposal for a four bed home in the community to include research for cost and operational processes. Routinely, the ICF DD-H or N is a six bed model;
- Submission of a proposal to DHCS for the transition from a two year to a five year TAR;
- CONSISTENCY in the application of the survey process and enforcement actions by CDPH L&C; and education to providers for the evidence based deficiency determination and what may constitute a further discussion with the Department.
- Clarification of the reporting requirements and clarification of an "UNUSUAL OCCURANCE" (Facilities report both to CDPH L&C and to the Regional Center under Title 17);
- The proposed closure of large DEVELOPMENTAL CENTERS presents a challenge for community placement of many individuals in need of developmental services;
- Understanding of the new LSC requirements, effective November 2016 and the 'protected' implementation date of July 5, 2019 for K359 (Impracticable Evacuation) versus the requirement K351 (Prompt Evacuation) which does not have a 'protected' date.

Staff contact: [Elaine Rawes](#), 916 432-5202



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2201 K Street, Sacramento, CA 95816