

DEPARTMENT OF DEVELOPMENTAL SERVICES

1215 O Street, MS 7-40
Sacramento, CA 95814
TTY: 711
(833) 421-0061



DATE: MARCH 17, 2022

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: SELF-DETERMINATION PROGRAM: HOME AND COMMUNITY-BASED SERVICES SETTING ASSESSMENT

The federal Home and Community-Based Services (HCBS) Final Rule requires individuals who receive services be provided full access to the benefits of community living and that services be offered in settings that are integrated in the community. Only services that are HCBS Final Rule compliant can be purchased through the Self-Determination Program (SDP). The purpose of this correspondence is to identify SDP service settings that require an assessment and provide information on how those settings will be reviewed to determine HCBS Final Rule compliance.

Settings that are designed specifically for groups of individuals with developmental disabilities must be assessed prior to beginning the SDP service. A list of those services can be found in Enclosure A. Providers of one of the services listed on Enclosure A who are both vendored with a regional center to provide services through the traditional service delivery system and plan to provide services to a participant in the SDP in the same setting as services in the traditional system are required to complete an assessment. Enclosure B is the assessment tool for this purpose.

There may be services not listed in Enclosure A that are not vendored by regional centers and are provided in settings that are not compliant with the HCBS Final Rule. The regional center, provider, and participant should work collaboratively to ensure compliance with the HCBS Final Rule in all settings where an SDP service is provided, including any not listed in Enclosure A. This may require a setting assessment using the form in Enclosure B. If it is determined the setting is not compliant, the regional center and participant should explore possible changes with the service provider, which would allow the participant to purchase the service using SDP funds. Examples of these types of settings are camps specifically for individuals with developmental disabilities that are used on greater than a temporary or intermittent basis.

“Building Partnerships, Supporting Choices”

Regional Center Executive Directors
March 17, 2022
Page two

The participant and the service provider must complete the assessment. It may be completed at the same time for all SDP participants interested in using the service. The participant's Financial Management Services provider and the participant will jointly review the initial assessment.

During annual reviews of the individual program plan, the planning team must review the initial assessment and determine if the setting continues to be HCBS Final Rule compliant. If the SDP participant is already receiving services from a setting that needs assessment, the planning team can wait for the next annual review to complete the assessment. Documentation of this review will be maintained by the regional center and may include, for example, documentation in the Individual Program Plan.

The setting must comply with the HCBS Final Rule prior to payment for services.

General information regarding the HCBS Final Rule can be found online at www.dds.ca.gov/initiatives/cms-hcbs-regulations. Information specifically for participants, families and service providers can be found at www.dds.ca.gov/initiatives/cms-hcbs-regulations/training-information.

If there are any questions regarding this information, please contact sdp@dds.ca.gov.

Sincerely,

Original signed by:

MARICRIS ACON
Deputy Director
Federal Programs Division

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies
State Council on Developmental Disabilities