

MAY 28 2019

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**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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May 17, 2019

Alan Martin, Board Chairperson  
Regional Center of Orange County, Inc.  
1525 North Tustin Avenue  
Santa Ana, CA 92705

Dear Mr. Martin:

The Department of Developmental Services' (DDS) Audit Section has completed the audit of Regional Center of Orange County (RCOC). The period of review was from July 1, 2016, through June 30, 2018, with follow-up as needed into prior and subsequent periods. The enclosed report discusses the areas reviewed along with the findings and recommendations. The audit report includes the response submitted by RCOC, which is included as Appendix A, and DDS' reply, which is on page 18.

If there is a disagreement with the audit findings, a written "Statement of Disputed Issues" may be filed with DDS' Audit Appeals Unit, pursuant to California Code of Regulations (CCR), Title 17, Section 50730, Request for Administrative Review (excerpt enclosed). The "Statement of Disputed Issues" must be filed and submitted within 30 days of receipt of this audit report to the address below:

Department of Developmental Services  
Audit Appeals Unit  
Attn: John Doyle, Chief Deputy Director  
1600 Ninth Street, Room 240, MS 2-13  
Sacramento, CA 95814

The cooperation of RCOC's staff is appreciated in completing the audit.

**"Building Partnerships, Supporting Choices"**

Alan Martin, Board Chairperson  
May 17, 2019  
Page two

If you have any questions regarding the audit report, please contact Edward Yan,  
Manager, Audit Section, at (916) 651-8207.

Sincerely,



LEEANN CHRISTIAN  
Deputy Director  
Community Services Division

Enclosure(s)

cc: Larry Landauer, RCOC  
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**California Code of Regulations**  
**Title 17, Division 2**  
**Chapter 1 - General Provisions**  
**Subchapter 7 - Fiscal Audit Appeals**  
**Article 2 - Administrative Review**

**§50730. Request for Administrative Review.**

a) An individual, entity, or organization which disagrees with any portion or aspect of an audit report issued by the Department or regional center may request an administrative review. The appellant's written request shall be submitted to the Department within 30 days after the receipt of the audit report. The request may be amended at any time during the 30-day period.

(b) If the appellant does not submit the written request within the 30-day period, the appeals review officer shall deny such request, and all audit exceptions or findings in the report shall be deemed final unless the appellant establishes good cause for late filing.

(c) The request shall be known as a "Statement of Disputed Issues." It shall be in writing, signed by the appellant or his/her authorized agent, and shall state the address of the appellant and of the agent, if any agent has been designated. An appellant shall specify the name and address of the individual authorized on behalf of the appellant to receive any and all documents, including the final decision of the Director, relating to proceedings conducted pursuant to this subchapter. The Statement of Disputed Issues need not be formal, but it shall be both complete and specific as to each audit exception or finding being protested. In addition, it shall set forth all of the appellant's contentions as to those exceptions or findings, and the estimated dollar amount of each exception or finding being appealed.

(d) If the appeals review officer determines that a Statement of Disputed Issues fails to state the grounds upon which objections to the audit report are based, with sufficient completeness and specificity for full resolution of the issues presented, he/she shall notify the appellant, in writing, that it does not comply with the requirements of this subchapter.

(e) The appellant has 15 days after the date of mailing of such notice within which to file an amended Statement of Disputed Issues. If the appellant does not amend his/her appeal to correct the stated deficiencies within the time permitted, all audit exceptions or findings affected shall be dismissed from the appeal, unless good cause is shown for the noncompliance.

(f) The appellant shall attach to the Statement of Disputed Issues all documents which he/she intends to introduce into evidence in support of stated contentions. An appellant that is unable to locate, prepare, or compile such documents within the appeal period specified in Subsection (a) above, shall include a statement to this effect in the Statement of Disputed Issues. The appellant shall have an additional 30 days after the expiration of the initial 30-day period in which to submit the documents. Documents that are not submitted within this period shall not be accepted into evidence at any stage of the appeal process unless good cause is shown for the failure to present the documents within the prescribed period.



**AUDIT OF THE  
REGIONAL CENTER OF ORANGE COUNTY  
FOR FISCAL YEARS 2015-16 AND 2016-17**

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**Department of Developmental Services**

**May 17, 2019**

# TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY .....	1
BACKGROUND .....	2
Authority .....	3
Criteria .....	3
Audit Period .....	3
OBJECTIVES, SCOPE, AND METHODOLOGY .....	4
I. Purchase of Service .....	5
II. Regional Center Operations.....	6
III. Targeted Case Management and Regional Center Rate Study .....	6
IV. Service Coordinator Caseload Survey .....	7
V. Early Intervention Program (Part C Funding) .....	8
VI. Family Cost Participation Program.....	8
VII. Annual Family Program Fee .....	8
VIII. Parental Fee Program.....	9
IX. Procurement .....	10
X. Statewide/Regional Center Median Rates .....	11
XI. Other Sources of Funding from DDS .....	12
XII. Follow-up Review on Prior DDS Audit Findings .....	12
CONCLUSIONS .....	13
VIEWS OF RESPONSIBLE OFFICIALS.....	14
RESTRICTED USE.....	15
FINDINGS AND RECOMMENDATIONS.....	16
EVALUATION OF RESPONSE .....	18
ATTACHMENT .....	A
REGIONAL CENTER'S RESPONSE.....	Appendix A

This audit report was prepared by the  
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For more information, please call: (916) 654-3695

## EXECUTIVE SUMMARY

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The Department of Developmental Services (DDS) conducted a fiscal compliance audit of Regional Center of Orange County (RCOC) to ensure RCOC is compliant with the requirements set forth in the Lanterman Developmental Disabilities Services Act and Related Laws/Welfare and Institutions (W&I) Code; the Home and Community-based Services (HCBS) Waiver for the Developmentally Disabled; California Code of Regulations (CCR), Title 17; Federal Office of Management and Budget (OMB) Circulars A-122 and A-133; and the contract with DDS. Overall, the audit indicated that RCOC maintains accounting records and supporting documentation for transactions in an organized manner.

The audit period was July 1, 2015, through June 30, 2017, with follow-up, as needed, into prior and subsequent periods. This report identifies some areas where RCOC's administrative and operational controls could be strengthened, but none of the findings were of a nature that would indicate systemic issues or constitute major concerns regarding RCOC's operations. A follow-up review was performed to ensure RCOC has taken corrective action to resolve the findings identified in the prior DDS audit report.

### **Findings that need to be addressed.**

#### **Finding 1: Remaining Trust Balances (Repeat)**

The review of the deceased consumer trust accounts revealed RCOC has not taken action to resolve \$11,649.95 still remaining in a consumer's account. This account has been inactive for over four years. The account should have been closed and remaining funds forwarded to the consumers' beneficiaries or escheated to the State. This is not in compliance with the California Code of Civil Procedure, Article 2, Section 1518(a)(1). This issue was also noted in the prior report.

#### **Finding 2: Client Trust Balance Over \$2,000 (Repeat)**

The sampled review of 26 Client Trust accounts revealed four accounts with balances that exceeded the \$2,000 resource limit. This is not in compliance with the Social Security Handbook, Chapter 21, Sections 2148.1 and 2153.2. This issue was also noted in the prior report.

#### **Finding 3: Deleted**

After further analysis of the additional documentation provided by RCOC in its response to the draft report, it has been determined that this was not an issue, and the finding has been deleted.

## BACKGROUND

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DDS is responsible, under the W&I Code, for ensuring that persons with developmental disabilities (DD) receive the services and supports they need to lead more independent, productive, and integrated lives. To ensure that these services and supports are available, DDS contracts with 21 private, nonprofit community agencies/corporations that provide fixed points of contact in the community for serving eligible individuals with DD and their families in California. These fixed points of contact are referred to as regional centers (RCs). The RCs are responsible under State law to help ensure that such persons receive access to the programs and services that are best suited to them throughout their lifetime.

DDS is also responsible for providing assurance to the California Health and Human Services (CHHS) Agency, Centers for Medicare and Medicaid Services (CMS), that services billed under California's HCBS Waiver program are provided and that criteria set forth for receiving funds have been met. As part of DDS' program for providing this assurance, the Audit Section conducts fiscal compliance audits of each RC no less than every two years, and completes follow-up reviews in alternate years. Also, DDS requires RCs to contract with independent Certified Public Accountants (CPAs) to conduct an annual financial statement audit. The DDS audit is designed to wrap around the independent CPA's audit to ensure comprehensive financial accountability.

In addition to the fiscal compliance audit, each RC will also be monitored by the DDS Federal Programs Operations Section to assess overall programmatic compliance with HCBS Waiver requirements. The HCBS Waiver compliance monitoring review has its own criteria and processes. These audits and program reviews are an essential part of an overall DDS monitoring system that provides information on RCs' fiscal, administrative, and program operations.

DDS and Regional Center of Orange County, Inc., entered into State Contract HD149014, effective July 1, 2014, through June 30, 2021. This contract specifies that Regional Center of Orange County, Inc. will operate an agency known as the Regional Center of Orange County (RCOC) to provide services to individuals with DD and their families in Orange County. The contract is funded by state and federal funds that are dependent upon RCOC performing certain tasks, providing services to eligible consumers, and submitting billings to DDS.

This audit was conducted at RCOC from January 29, 2018, through February 23, 2018, by the Audit Section of DDS.



## **AUTHORITY**

The audit was conducted under the authority of the W&I Code, Section 4780.5 and Article IV, Section 3 of the State Contract between DDS and RCOC.

## **CRITERIA**

The following criteria were used for this audit:

- W&I Code,
- "Approved Application for the HCBS Waiver for the Developmentally Disabled,"
- CCR, Title 17,
- OMB Circulars A-122 and A-133, and
- The State Contract between DDS and RCOC, effective July 1, 2014.

## **AUDIT PERIOD**

The audit period was July 1, 2015, through June 30, 2017, with follow-up, as needed, into prior and subsequent periods.

## OBJECTIVES, SCOPE, AND METHODOLOGY

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This audit was conducted as part of the overall DDS monitoring system that provides information on RCs' fiscal, administrative, and program operations. The objectives of this audit were:

- To determine compliance with the W&I Code,
- To determine compliance with the provisions of the HCBS Waiver Program for the Developmentally Disabled,
- To determine compliance with CCR, Title 17 regulations,
- To determine compliance with OMB Circulars A-122 and A-133, and
- To determine that costs claimed were in compliance with the provisions of the State Contract between DDS and RCOC.

The audit was conducted in accordance with the Generally Accepted Government Auditing Standards issued by the Comptroller General of the United States. However, the procedures do not constitute an audit of RCOC's financial statements. DDS limited the scope to planning and performing audit procedures necessary to obtain reasonable assurance that RCOC was in compliance with the objectives identified above. Accordingly, DDS examined transactions on a test basis to determine whether RCOC was in compliance with the W&I Code; the HCBS Waiver for the Developmentally Disabled; CCR, Title 17; OMB Circulars A-122 and A-133; and the State Contract between DDS and RCOC.

DDS' review of RCOC's internal control structure was conducted to gain an understanding of the transaction flow and the policies and procedures, as necessary, to develop appropriate auditing procedures.

DDS reviewed the annual audit reports that were conducted by an independent CPA firm for Fiscal Years (FYs) 2014-15 and 2015-16, issued on March 31, 2016 and March 28, 2017, respectively. It was noted that no management letter was issued for RCOC. This review was performed to determine the impact, if any, upon the DDS audit and, as necessary, develop appropriate audit procedures.

The audit procedures performed included the following:

**I. Purchase of Service**

DDS selected a sample of Purchase of Service (POS) claims billed to DDS. The sample included consumer services and vendor rates. The sample also included consumers who were eligible for the HCBS Waiver Program. For POS claims, the following procedures were performed:

- DDS tested the sample items to determine if the payments made to service providers were properly claimed and could be supported by appropriate documentation.
- DDS selected a sample of invoices for service providers with daily and hourly rates, standard monthly rates, and mileage rates to determine if supporting attendance documentation was maintained by RCOC. The rates charged for the services provided to individual consumers were reviewed to ensure compliance with the provision of the W&I Code; the HCBS Waiver for the Developmentally Disabled; CCR, Title 17, OMB Circulars A-122 and A-133; and the State Contract between DDS and RCOC.
- DDS selected a sample of individual Consumer Trust Accounts to determine if there were any unusual activities and whether any account balances exceeded \$2,000, as prohibited by the Social Security Administration. In addition, DDS determined if any retroactive Social Security benefit payments received exceeded the \$2,000 resource limit for longer than nine months. DDS also reviewed these accounts to ensure that the interest earnings were distributed quarterly, personal and incidental funds were paid before the 10th of each month, and proper documentation for expenditures was maintained.
- The Client Trust Holding Account, an account used to hold unidentified consumer trust funds, was tested to determine whether funds received were properly identified to a consumer or returned to the Social Security Administration in a timely manner. An interview with RCOC staff revealed that RCOC has procedures in place to determine the correct recipient of unidentified consumer trust funds. If the correct recipient cannot be determined, the funds are returned to the Social Security Administration or other sources in a timely manner.
- DDS selected a sample of Uniform Fiscal Systems (UFS) reconciliations to determine if any accounts were out of balance or if there were any outstanding items that were not reconciled.
- DDS analyzed all of RCOC's bank accounts to determine whether DDS had signatory authority, as required by the State Contract with DDS.

- DDS selected a sample of bank reconciliations for Operations (OPS) accounts and Consumer Trust bank accounts to determine if the reconciliations were properly completed on a monthly basis.

## **II. Regional Center Operations**

DDS selected a sample of OPS claims billed to DDS to determine compliance with the State Contract. The sample included various expenditures claimed for administration that were reviewed to ensure RCOC's accounting staff properly input data, transactions were recorded on a timely basis, and expenditures charged to various operating areas were valid and reasonable. The following procedures were performed:

- A sample of the personnel files, timesheets, payroll ledgers, and other support documents were selected to determine if there were any overpayments or errors in the payroll or the payroll deductions.
- A sample of OPS expenses, including, but not limited to, purchases of office supplies, consultant contracts, insurance expenses, and lease agreements were tested to determine compliance with CCR, Title 17, and the State Contract.
- A sample of equipment was selected and physically inspected to determine compliance with requirements of the State Contract.
- DDS reviewed RCOC's policies and procedures for compliance with the DDS Conflict of Interest regulations, and DDS selected a sample of personnel files to determine if the policies and procedures were followed.

## **III. Targeted Case Management (TCM) and Regional Center Rate Study**

The TCM Rate Study determines the DDS rate of reimbursement from the federal government. The following procedures were performed upon the study:

- Reviewed applicable TCM records and RCOC's Rate Study. DDS examined the months of May 2016 and April 2017 and traced the reported information to source documents.
- Reviewed RCOC's TCM Time Study. DDS selected a sample of payroll timesheets for this review and compared timesheets to the Case Management Time Study Forms (DS 1916) to ensure that the forms were properly completed and supported.

#### IV. Service Coordinator Caseload Survey

Under the W&I Code, Section 4640.6(e), RCs are required to provide service coordinator caseload data to DDS. The following average service coordinator-to-consumer ratios apply per W&I Code Section 4640.6(c)(1)(2)(3)(A)(B)(C):

- “(c) Contracts between the department and regional centers shall require regional centers to have service coordinator-to-consumer ratios, as follows:
- (1) An average service coordinator-to-consumer ratio of 1 to 62 for all consumers who have not moved from the developmental centers to the community since April 14, 1993. In no case shall a service coordinator for these consumers have an assigned caseload in excess of 79 consumers for more than 60 days.
  - (2) An average service coordinator-to-consumer ratio of 1 to 45 for all consumers who have moved from a developmental center to the community since April 14, 1993. In no case shall a service coordinator for these consumers have an assigned caseload in excess of 59 consumers for more than 60 days.
  - (3) Commencing January 1, 2004, the following coordinator-to-consumer ratios shall apply:
    - (A) All consumers three years of age and younger and for consumers enrolled in the Home and Community-based Services Waiver program for persons with developmental disabilities, an average service coordinator-to-consumer ratio of 1 to 62.
    - (B) All consumers who have moved from a developmental center to the community since April 14, 1993, and have lived continuously in the community for at least 12 months, an average service coordinator-to-consumer ratio of 1 to 62.
    - (C) All consumers who have not moved from the developmental centers to the community since April 14, 1993, and who are not described in subparagraph (A), an average service coordinator-to-consumer ratio of 1 to 66.”

DDS also reviewed the Service Coordinator Caseload Survey methodology used in calculating the caseload ratios to determine reasonableness and that supporting documentation is maintained to support the survey and the ratios as required by W&I Code, Section 4640.6(e).

**V. Early Intervention Program (EIP; Part C Funding)**

For the EIP, there are several sections contained in the Early Start Plan. However, only the Part C section was applicable for this review.

**VI. Family Cost Participation Program (FCPP)**

The FCPP was created for the purpose of assessing consumer costs to parents based on income level and dependents. The family cost participation assessments are only applied to respite, day care, and camping services that are included in the child's Individual Program Plan (IPP)/Individualized Family Services Plan (IFSP). To determine whether RCOC was in compliance with CCR, Title 17, and the W&I Code, Section 4783, DDS performed the following procedures during the audit review:

- Reviewed the list of consumers who received respite, day care, and camping services, for ages 0 through 17 years who live with their parents and are not Medi-Cal eligible, to determine their contribution for the FCPP.
- Reviewed the parents' income documentation to verify their level of participation based on the FCPP Schedule.
- Reviewed copies of the notification letters to verify that the parents were notified of their assessed cost participation within 10 working days of receipt of the parents' income documentation.
- Reviewed vendor payments to verify that RCOC was paying for only its assessed share of cost.

**VII. Annual Family Program Fee (AFPF)**

The AFPF was created for the purpose of assessing an annual fee of up to \$200 based on the income level of families with children between the ages of 0 through 17 years receiving qualifying services through the RC. The AFPF fee shall not be assessed or collected if the child receives only respite, day care, or camping services from the RC and a cost for participation was assessed to the parents under FCPP. To determine whether RCOC was in compliance with the W&I Code, Section 4785, DDS requested a list of AFPF assessments and verified the following:

- The adjusted gross family income is at or above 400 percent of the federal poverty level based upon family size.
- The child has a DD or is eligible for services under the California Early Intervention Services Act.

- The child is less than 18 years of age and lives with his or her parent.
- The child or family receives services beyond eligibility determination, needs assessment, and service coordination.
- The child does not receive services through the Medi-Cal program.
- Documentation was maintained by the RC to support reduced assessments.

### VIII. Parental Fee Program (PFP)

The PFP was created for the purpose of prescribing financial responsibility to parents of children under the age of 18 years who are receiving 24-hour, out-of-home care services through an RC or who are residents of a state hospital or on leave from a state hospital. Parents shall be required to pay a fee depending upon their ability to pay, but not to exceed (1) the cost of caring for a child without DD at home, as determined by the Director of DDS, or (2) the cost of services provided, whichever is less. To determine whether RCOC is in compliance with the W&I Code, Section 4782, DDS requested a list of PFP assessments and verified the following:

- Identified all children with DD who are receiving the following services:
  - (a) All 24-hour, out-of-home community care received through an RC for children under the age of 18 years;
  - (b) 24-hour care for such minor children in state hospitals. Provided, however, that no ability to pay determination shall be made for services required by state or federal law, or both, to be provided to children without charge to their parents.
- Provided DDS with a listing of new placements, terminated cases, and client deaths for those clients. Such listings shall be provided not later than the 20th day of the month following the month of such occurrence.
- Informed parents of children who will be receiving services that DDS is required to determine parents' ability to pay and to assess, bill, and collect parental fees.
- Provided parents a package containing an informational letter, a Family Financial Statement (FFS), and a return envelope within 10 working days after placement of a minor child.
- Provided DDS a copy of each informational letter given or sent to parents, indicating the addressee and the date given or mailed.

## IX. Procurement

The Request for Proposal (RFP) process was implemented to ensure RCs outline the vendor selection process when using the RFP process to address consumer service needs. As of January 1, 2011, DDS requires RCs to document their contracting practices, as well as how particular vendors are selected to provide consumer services. By implementing a procurement process, RCs will ensure that the most cost-effective service providers, amongst comparable service providers, are selected, as required by the Lanterman Act and the State Contract, as amended. To determine whether RCOC implemented the required RFP process, DDS performed the following procedures during the audit review:

- Reviewed RCOC's contracting process to ensure the existence of a Board-approved procurement policy and to verify that the RFP process ensures competitive bidding, as required by Article II of the State Contract, as amended.
- Reviewed the RFP contracting policy to determine whether the protocols in place included applicable dollar thresholds and comply with Article II of the State Contract, as amended.
- Reviewed the RFP notification process to verify that it is open to the public and clearly communicated to all vendors. All submitted proposals are evaluated by a team of individuals to determine whether proposals are properly documented, recorded, and authorized by appropriate officials at RCOC. The process was reviewed to ensure that the vendor selection process is transparent and impartial and avoids the appearance of favoritism. Additionally, DDS verified that supporting documentation is retained for the selection process and, in instances where a vendor with a higher bid is selected, written documentation is retained as justification for such a selection.

DDS performed the following procedures to determine compliance with Article II of the State Contract for contracts in place as of January 1, 2011:

- Selected a sample of Operations, Community Placement Plan (CPP), and negotiated POS contracts subject to competitive bidding to ensure RCOC notified the vendor community and the public of contracting opportunities available.
- Reviewed the contracts to ensure that RCOC has adequate and detailed documentation for the selection and evaluation process of vendor proposals and written justification for final vendor selection decisions and that those contracts were properly signed and executed by both parties to the contract.



In addition, DDS performed the following procedures:

- To determine compliance with the W&I Code, Section 4625.5 for contracts in place as of March 24, 2011: Reviewed to ensure RCOC has a written policy requiring the Board to review and approve any of its contracts of two hundred fifty thousand dollars (\$250,000) or more before entering into a contract with the vendor.
- Reviewed RCOC Board-approved Operations, Start-Up, and POS vendor contracts of \$250,000 or more, to ensure the inclusion of a provision for fair and equitable recoupment of funds for vendors that cease to provide services to consumers; verified that the funds provided were specifically used to establish new or additional services to consumers, the usage of funds is of direct benefit to consumers, and the contracts are supported with sufficiently detailed and measurable performance expectations and results.

The process above was conducted in order to assess RCOC's current RFP process and Board approval for contracts of \$250,000 or more, as well as to determine whether the process in place satisfies the W&I Code and RCOC's State Contract requirements, as amended.

#### **X. Statewide/Regional Center Median Rates**

The Statewide and RC Median Rates were implemented on July 1, 2008, and amended on December 15, 2011 and July 1, 2016, to ensure that RCs are not negotiating rates higher than the set median rates for services. Despite the median rate requirement, rate increases could be obtained from DDS under health and safety exemptions where RCs demonstrate the exemption is necessary for the health and safety of the consumers.

To determine whether RCOC was in compliance with the Lanterman Act, DDS performed the following procedures during the audit review:

- Reviewed sample vendor files to determine whether RCOC is using appropriately vendorized service providers and correct service codes, and that RCOC is paying authorized contract rates and complying with the median rate requirements of W&I Code, Section 4691.9.
- Reviewed vendor contracts to ensure that RCOC is reimbursing vendors using authorized contract median rates and verified that rates paid represented the lower of the statewide or RC median rate set after June 30, 2008. Additionally, DDS verified that providers vendorized before June 30, 2008, did not receive any unauthorized rate increases, except in situations where required by regulation, or health and safety exemptions were granted by DDS.

- Reviewed vendor contracts to ensure that RCOC did not negotiate rates with new service providers for services which are higher than the RC's median rate for the same service code and unit of service, or the statewide median rate for the same service code and unit of service, whichever is lower. DDS also ensured that units of service designations conformed with existing RC designations or, if none exists, ensured that units of service conformed to a designation used to calculate the statewide median rate for the same service code.

**XI. Other Sources of Funding from DDS**

RCs may receive other sources of funding from DDS. DDS performed sample tests on identified sources of funds from DDS to ensure RCOC's accounting staff were inputting data properly, and that transactions were properly recorded and claimed. In addition, tests were performed to determine if the expenditures were reasonable and supported by documentation. The sources of funding from DDS identified in this audit are:

- CPP;
- Denti-Cal;
- Part C – Early Start Program;
- Family Resource Center;

**XII. Follow-up Review on Prior DDS Audit Findings**

As an essential part of the overall DDS monitoring system, a follow-up review of the prior DDS audit findings was conducted. DDS identified prior audit findings that were reported to RCOC and reviewed supporting documentation to determine the degree of completeness of RCOC's implementation of corrective actions.

## CONCLUSIONS

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Based upon the audit procedures performed, DDS has determined that except for the items identified in the Findings and Recommendations section, RCOC was in compliance with applicable sections of the W&I Code; the HCBS Waiver for the Developmentally Disabled; CCR, Title 17; OMB Circulars A-122 and A-133; and the State Contract between DDS and RCOC for the audit period, July 1, 2015, through June 30, 2017.

The costs claimed during the audit period were for program purposes and adequately supported.

From the review of the four prior audit findings, it has been determined that RCOC has taken appropriate corrective action to resolve two findings.

## **VIEWS OF RESPONSIBLE OFFICIALS**

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DDS issued the draft audit report on November 6, 2018. The findings in the draft audit report were discussed at a formal exit conference with RCOC on November 8, 2018. The views of RCOC's responsible officials are included in this final audit report.

## **RESTRICTED USE**

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This audit report is solely for the information and use of DDS, CHHS Agency, Department of Health Care Services, CMS and RCOC. This restriction does not limit distribution of this audit report, which is a matter of public record.

## FINDINGS AND RECOMMENDATIONS

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### Findings that need to be addressed.

#### **Finding 1: Remaining Trust Balances (Repeat)**

The review of RCOC's deceased consumer trust accounts revealed one consumer with a balance totaling \$11,649.95 in their account. This account should have been closed and remaining funds forwarded to the consumers' beneficiaries or escheated to the State, as the consumer has been deceased for more than four years. This issue with the consumer was also noted in the prior report. RCOC agreed with the finding; however, RCOC has not taken corrective action to resolve the issue.

California Code of Civil Procedure (CCP), Article 2, Section 1518(a)(1).

"All intangible personal property, including intangible personal property maintained in a deposit or account, and the income or increment on such tangible or intangible property, held in a fiduciary capacity for the benefit of another person escheats to this state if for more than three years after it becomes payable or distributable, the owner has not done any of the following:

- (A) Increased or decreased the principal.
- (B) Accepted payment of principal or income.
- (C) Corresponded in writing concerning the property.
- (D) Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary."

#### **Recommendation:**

RCOC must ensure deceased consumer funds are forwarded to the consumers' beneficiaries, or if unclaimed for more than three years, funds must be escheated to the State.

#### **Finding 2: Client Trust Balance Over \$2,000 (Repeat)**

The sample review of 26 Client Trust accounts revealed four accounts with balances that exceeded the \$2,000 resource limit. By exceeding the resource limit, consumers are at risk of losing SSI benefits that are used to offset the costs of residential services. Any residential costs not offset by

SSI benefits are charged in full to the State. This was also noted in the prior report. RCOC indicate this occurred due to an oversight. (See Attachment A)

Social Security Handbook, Chapter 1, Section 113.2 states:

“In order to receive SSI benefits, you cannot own countable real or personal property (including cash) in excess of a specified amount at the beginning of each month. For an individual with an eligible or ineligible spouse, the applicable limit is one and one-half times as much as that for an individual without a spouse. These limits are set by law, and they are not subject to regular cost-of-living adjustments. But they are subject to change. The limits for January 2009 are \$2,000 for an individual and \$3,000 for a couple.”

**Recommendation:**

RCOC should ensure all consumer balances remain within the resource limits established by the Social Security guidelines.

**Finding 3: Deleted**

After further analysis of the additional documentation provided by RCOC in its response to the draft report, it has been determined that this was not an issue, and the finding has been deleted.

## EVALUATION OF RESPONSE

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As part of the audit report process, RCOC was provided with a draft audit report and requested to provide a response to the findings. RCOC's response dated December 11, 2018, is provided as Appendix A.

DDS' Audit Section has evaluated RCOC's response and will confirm the appropriate corrective actions have been taken during the next scheduled audit.

**Finding 1: Remaining Trust Balances (Repeat)**

RCOC agrees with the finding and indicated it submitted an Estate Recovery Questionnaire (Notice of Death) to the Department of Health Care Services, Estate Recovery Section, earlier this year, but has not received a response.

**Finding 2: Client Trust Balance Over \$2,000 (Repeat)**

RCOC agrees that four client trust accounts exceed the \$2,000 resource limit and has issued a spend down for three consumers, while one consumer remains unresolved. As the representative payee, RCOC must ensure all consumer balances remain within the resource limits established by the Social Security guidelines.

**Finding 3: Deleted**

After further analysis of the additional documentation provided by RCOC in its response to the draft report, it has been determined that this was not an issue, and the finding has been deleted.



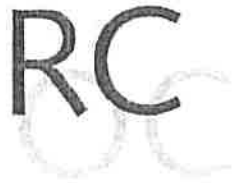
**Regional Center of Orange County  
Client Trust Balance Over \$2,000  
Fiscal Years 2015-16 and 2016-17**

<b>No.</b>	<b>Unique Client Identification Number</b>	<b>Balance as of 6/1/2018</b>
1	6856970	\$2,290.50
2	6804110	\$5,524.14
3	5370150	\$6,444.33
4	6808229	\$2,430.43

**APPENDIX A**

**REGIONAL CENTER OF ORANGE COUNTY**

**RESPONSE  
TO AUDIT FINDINGS**



REGIONAL CENTER  
OF ORANGE COUNTY

December 11, 2018

Mr. Edward Yan, Manager  
Audit Branch  
Department of Developmental Services  
1600 Ninth Street, Room 230, MS 2-10  
Sacramento, CA 95814

Dear Mr. Yan:

The Regional Center of Orange County's (RCOC's) response to the draft report of the audit conducted by the Department of Developmental Services (DDS) for the fiscal years ended June 30, 2016 and 2017, is as follows.

There were no findings or exceptions noted in the following areas:

- Purchase of Services (POS) payments
- POS payment rates
- Uniform Fiscal Systems reconciliations
- Signatory authority
- Bank reconciliations
- Regional Center Operations, including
  - Personnel files,
  - Time sheets,
  - Payroll ledgers,
  - Operating expenses,
  - Equipment inventory and
  - Conflict of Interest.
- Targeted Case Management and Regional Center Rate Study
- Service Coordinator Caseload Survey calculations
- Early Intervention Program (Part C funding)
- Family Cost Participation Program
- Annual Family Program Fee
- Parental Fee Program (PFP)
- Procurement

December 11, 2018

RCOC's Response to DDS' Draft Audit Report

- Board approval of contracts over \$250,000
- Statewide/Regional Center Median rates, and
- Other Sources of Funding from DDS, including Community Placement Plan, Denti-Cal, Part C – Early Start Program and Family Resource Center.

There were findings in the following three areas.

DDS Finding 1: Remaining Consumer Trust Balances (Repeat)

“The review of the deceased Consumer Trust Accounts revealed RCOC has not taken action to resolve \$11,649.95 of funds still remaining in one consumer's account, UCI Number 6802305. The account has been inactive for over four years and should have been closed with any remaining funds forwarded to the consumer's beneficiaries or escheated to the State. In its response to the prior audit report, RCOC agreed with the finding; but has not taken corrective action to resolve the issue.”

RCOC's Response to Finding 1

RCOC agrees with the finding in the general; however, RCOC has taken corrective action. RCOC submitted the Estate Recovery Questionnaire (Notice of Death) to the Department of Health Care Services, Estate Recovery Section, earlier this year and did not receive a response; RCOC resubmitted the Notice of Death in November.

DDS Finding 2: Client Trust Balance Over \$2,000 (Repeat)

“The sample review of 26 Consumer Trust accounts revealed four accounts with balances that exceeded the \$2,000 resource limit. By exceeding the resource limit, consumers are at risk of losing SSI benefits that are used to offset the costs of residential services. Any residential costs not offset by SSI benefits are charged in full to the State. In its prior response, RCOC agreed with finding but has not resolved the issue and indicated this occurred due to an oversight on its part.”

RCOC's Response to Finding 2

RCOC agrees with the finding that it was not resolved; however, it was not an oversight.

DDS Finding 3: Personal and Incidental Funds Disbursed Late

“The sampled review of 26 Consumer Trust accounts, revealed four consumers' P&I allowances were not disbursed by the 10<sup>th</sup> of the month. RCOC indicated that its practice is to disburse the P&I funds for consumers who reside in an Intermediate Care Facility (ICF) on the 15<sup>th</sup> of each month, and does not believe there is any regulation that requires it to disburse the P&I funds by the 10<sup>th</sup> of the month for consumers who reside in ICFs.”

RCOC's Response to Finding 3

RCOC disagrees with the finding. DDS cites Title 17, Section 56917, as the requirement to disburse P&I by the 10<sup>th</sup> of the month. Residential Service Provider is defined in Title 17, Section 56002. The definitions in 56002 apply to regulations used in the 56000 subchapter which includes 56917. A "Residential Service Providers means an individual or entity which has been licensed by the Department of Social Services as a community care facility..." Intermediate Care Facilities are licensed by the Licensing and Certification Division of the California Department of Public Health.

Please call me if you have any questions at (714) 796-5296.

Sincerely,



Bettie Baber  
CFO

c: Larry Landauer  
Marta Vasquez  
Raudel Perez  
Veronica Flores  
Linda Pham