



CENTERS FOR INDEPENDENT LIVING
COMPLIANCE REVIEW REPORT

Ocean State Center for Independent Living (OSCIL)

Grant Award Number: H132A930033 (Warwick)

REVIEW DATES: March 12 – 14, 2012

Draft Report: April 9, 2012

CIL Response: May 1, 2012

Final Report: May 3, 2012

REHABILITATION SERVICES ADMINISTRATION

TABLE OF CONTENTS

I. PURPOSE OF THE ON-SITE MONITORING REVIEW1

II. METHODOLOGY1

III. MISSION AND DESCRIPTION2

IV. ORGANIZATIONAL STRENGTHS AND EMERGING PRACTICES2

V. OBSERVATIONS AND RECOMMENDATIONS3

VI. FINDINGS AND CORRECTIVE ACTIONS7

I. PURPOSE OF THE ON-SITE MONITORING REVIEW

Sections 706(c) and 722 of the *Rehabilitation Act of 1973, as amended* (the act) mandate that the Rehabilitation Services Administration (RSA) conduct on-site reviews of centers for independent living (CILs) funded under Title VII, Part C, Section 722. The objectives of on-site reviews are to:

- assess compliance with the requirements of Section 725(b) and (c)(3) of the act and 34 CFR 366.60-366.63;
- study program operations, organizational structure and administration of the CIL under Section 725(c)(1), (2), (5) and (6) of the act and 34 CFR 366.2 and 366.50;
- review documentation sufficient to verify the accuracy of the information submitted in the most recent 704 Annual Performance Report;
- verify that the CIL is managed in accordance with federal requirements in the Education Department General Administrative Regulations (EDGAR);
- assess CIL conformance with its work plan, developed in accordance with Section 725(c)(4) of the act and 34 CFR 366.50(d)(2), conditions of the CIL's approved application, and consistency with the State Plan for Independent Living (SPIL);
- identify areas of suggested or necessary improvements in the CIL's programmatic and fiscal operation and provide technical assistance resources available on the local, state, regional and national level;
- identify areas of exemplary work, projects and coordination efforts and make this information available to the larger CIL community; and
- provide an opportunity to share information with experienced nonfederal individuals involved in the operations of CILs and make available technical assistance to enhance CIL operations or to minimize or to eliminate problem areas.

II. METHODOLOGY

The on-site review was conducted from March 12-14, 2012. The program review covered the independent living (IL) operations and activities of the Ocean State Center for Independent Living (OSCIL), and the financial review examined the center's participation in Title VII, Part C, of the act. RSA used the On-Site Review Guide (ORG) to conduct the on-site review. During the review, interviews were conducted with the center's management, staff, consumers, and members of the board of directors. In addition to the interviews, program and financial documents were reviewed in accordance with the protocol required by RSA's ORG, including written policies and procedures, a sample of consumer service records (CSRs), and other documents that verified compliance with standards and indicators. CSRs were selected for review on a random basis. The review team conducted an exit conference at the conclusion of the review to provide feedback on initial impressions from the review.

The RSA review team included the following individuals:

- Elizabeth Akinola, RSA program specialist; and
- Rebecca Coffin, nonfederal reviewer

III. MISSION AND DESCRIPTION

Founded in January of 1988, the Ocean State Center for Independent Living (OSCIL) provides a range of independent living services to enhance, through self-direction, the quality of life for individuals with significant disabilities and to promote integration into the community. Located in Warwick, RI, the center serves Bristol, Kent, Providence, Newport, and Washington counties.

In addition to providing the four IL core services, OSCIL is involved in the programs and projects described below on behalf of individuals with significant disabilities.

- Gift of Hearing Project - This project is a collaboration between OSCIL, the University of Rhode Island, PARI Independent Living Center, and the Hearing Loss Association of Rhode Island to purchase and provide low-cost hearing aids to qualified individuals.
- Community Living Option - Nursing Home Transition Program - This program assists persons with disabilities who are self-directed to move from a nursing home setting to a less restrictive environment. The program provides support services such as assisting with finding accessible housing, establishing community connections, securing personal care attendant services, accessing public transportation services, acquiring appropriate assistive technology, and home safety devices.
- Assistive Technology Access Partnership - This program provides elders and persons with disabilities with information on how assistive devices can enhance their independence.
- Shake-Awake Smoke Detector Program - This program provides eligible persons who are deaf or hard of hearing with adaptive shake-awake smoke detectors.
- Native American & Hispanic Outreach Programs - These programs strive to increase access to independent living services and to assist Native Americans and Hispanics with direct services provision that supports individual goals related to increased independence.

IV. ORGANIZATIONAL STRENGTHS AND EMERGING PRACTICES

Home Sweet Accessible Home Initiative: OSCIL receives a Tufts Health Plan Foundation, Inc., grant that focuses on helping seniors prevent falls and injuries in their homes. Through this initiative, OSCIL independent living specialists conduct home visits and assessments of individual needs to identify and provide such equipment as grab bars, bed rails, tub benches, raised toilet seats, interior and exterior railings, and other minor modifications to make homes safer and more accessible for seniors with disabilities aged 60 or older with limited incomes. Launched in 2007, the Tufts Health Plan Foundation funds programs in Massachusetts and Rhode Island to improve the well-being of older adults to enable them live healthier and more independent lives. To date, over 150 individuals have had their homes or lives made safer as a result of the grant.

Catherine T. Murray Memorial Scholarship Fund: This fund was established in 1995 by Catherine T. Murray, a board member and a dedicated volunteer at OSCIL, who wished to support the philosophy and spirit of OSCIL through a \$1,000 scholarship to facilitate access to post-secondary educational opportunities for Rhode Island residents with significant disabilities. Based on merit, educational goal and economic need, the scholarship provides financial assistance for enrollment in an academic, trade, or vocational program, or the attainment of assistive/adaptive equipment or device to access such educational opportunities. Since its

establishment, the Catherine T. Murray scholarship has been awarded to forty-two individuals with disabilities, one of whom is the current chairperson of the Rhode Island Statewide Independent Living Council. Another has completed his college education and is now a member of the OSCIL governing board.

V. OBSERVATIONS AND RECOMMENDATIONS

During its review activities, RSA identified the observations below and made recommendations that OSCIL may consider.

1. CSR management

Observation: RSA randomly selected and reviewed 15 (fifteen) Consumer Service Records (CSRs) at OSCIL. All the CSRs reviewed contain complete and specific information about services requested, services provided, IL goals or objectives established, and IL goals and objectives achieved, independent living plans (ILPs) and waivers, and other CSR documentation required by 34 CFR 364.53. However, the CSR information and accompanying narratives were not always consistent in layout, format and quality. For example, there was no uniformity in where documents are placed in files; the release of consumer information forms differed in format; and not all records reviewed contained the same level of detailed information about the consumer's roles and responsibilities for achieving their IL goals.

Recommendation: RSA recommends that OSCIL review and revise its training, supervision and quality assurance procedures related to case management and CSR documentation, including consumer forms. There should be uniformity in where documents are placed in files; all forms used by the CIL should be of the same format; and all records should contained the same level of detailed information about the consumer's roles and responsibilities for achieving their IL goals.

Technical Assistance: OSCIL staff may take the CSR rapid course at [the ILRU website](#). This module, the first in a three-part series, is offered by the Independent Living Resource Utilization and covers the CSRs and ILPs, fundamental federal requirements for record keeping and reporting, the importance of CSRs in meeting the reporting requirements for the annual federal 704 Report of services and activities, and useful practices for gathering consumer information, developing ILPs, and maintaining complete and accurate records. The primary audience is front line workers in CILs and it is designed to be used in orientation and training for new CIL staff and as a refresher for existing staff.

OSCIL Response: OSCIL Response from Lezlee Shaffer, Program Director: Several steps have already been taken since the on-site review in response to conversations with members of the Federal Review team. Other steps will be taking place in the upcoming weeks.

On March 14, 2012, OSCIL's Program Director completed the IL NET module titled, CSR Documentation: Consumer Service Records. Based on that training, conversations with the Federal Review team during the site visit, and sample documents faxed to OSCIL in response to Program Director's request for sample documentation being used by other CILs (provided by the ENDependence Center of Northern Virginia, Inc.), new procedures are either already in place or are in the process of being implemented.

1. OSCIL has redesigned or created the following forms which will be included in all CSRs: Goal Setting Worksheet, Inactive Status Form, Photo/Publicity Release, Release of Information forms.
2. The layout of OSCIL's CSR has been completely revamped. All new CSRs will follow the same format throughout all our programs. All staff have been informed that maintaining this order is mandatory and not subject to their individual preferences.
3. Two staff meetings (held on March 13 & April 10) have been devoted to a discussion of changes being incorporated in the CSRs with particular emphasis on maintaining the integrity of the order of all documentation within the CSR. OSCIL's Program Director stressed the need for uniformity among all staff pursuant to a newly updated CSR layout.
4. All Direct Service staff were encouraged to participate in the first part of the ILRU webinar series on CSRs. All Direct Service staff will be required to participate in the second part of the ILRU webinar series on goal setting, once it becomes available, with follow-up discussion at an upcoming staff meeting.
5. All new hires will be required to participate in the three-part ILRU webinar series (once it is available), as part of their orientation and on the job training.
6. OSCIL's Program Director is initiating random checks of CSRs to confirm compliance and assure quality control.

Additional measures may be taken as needed, based on results of random checks of CSRs by Program Director.

2. Fiscal Reporting

Observation: OSCIL ensures that all revenue and expenses are recorded in the accounting system separately by funding source for accuracy. However, the amounts in the CIL's FY 2011 704 Report include revenues that run on funding cycles that are different from the federal fiscal year. As a result, the total income amount is higher than the actual revenue expended by the CIL on the IL Part C program from all sources for the federal fiscal year. For example, the amount of program income from state funds received in FY 2011 was \$15,000 higher than the actual amount of program income expended. The state fiscal year runs from July 1 of one year through June 30 of the next year while the federal fiscal year runs from October 1 of one year through September 30th of the next year.

Recommendation: RSA recommends that OSCIL develop a separate record to document the sources and amounts of funding needed for the annual 704 Part II report to ensure accuracy and consistency with the federal fiscal year.

OSCIL Response: Past fiscal reporting was reflecting the total grant amounts as dictated by various contracts (as described above.) As recommended by the RSA review team, OSCIL plans to report out the exact amounts received from all grant funding during the reporting year, Oct 1 – Sept 30. The 704 fiscal report will be congruent with our auditor's report for the particular fiscal year period.

3. Policies and Procedures

Observation: Regarding OSCIL policies and procedures, the review team observed the following:

- OSCIL has clearly defined travel policies for staff, but not for board members.
- OSCIL has a policy which states that staff must comply with state requirements regarding conflict of interest, but the policy does not state what those state requirements are. This information is included in the board policies and procedures.
- OSCIL conducts ongoing inventory and sets criteria for items to be included in the inventory but there is no written policy on inventory or capitalization of capital items. There is also no written policy or procedure for the disposal of property purchased with federal funds.
- OSCIL has a purchasing policy which states that the board will make decisions on all major purchases, but the policy does not specify a dollar amount for “major” purchases that would require board decisions. The purchasing policy also states that the executive director and/or office manager secures three bids on all large purchases, but does not specify a dollar amount for “large” purchases. This information is included in the CIL’s bylaws.
- OSCIL uses a form called the In-House Check Requisition Form in lieu of a purchase order that is signed by the Executive Director and is coded to the appropriate cost center, but the form is not pre-numbered. When office supplies are purchased, the packing slip/invoice is stamped with the allocation stamp and the date-line is completed to verify items have been received.
- Information provided by the bookkeeper and executive director indicates that the CIL follows the federal requirements with guidance from their auditor regarding recordkeeping; all records are kept for seven years. However, the CIL does not have a written recordkeeping policy.

Recommendation: RSA recommends that OSCIL make the following changes related to its policies and procedures:

- develop a written policy regarding board member travel;
- revise its policy on conflict of interest to reflect the state requirements with which the staff must comply;
- develop policies and procedures on inventory that include the standards specified in EDGAR Sections 74.41 through 74.48;
- specify a dollar amount for major purchases that would require board decisions, and a dollar amount for large purchases in its purchasing policy;
- include in its purchasing policy a requirement that along with the date line being completed, a signature or initials of the person receiving the item(s) should also be included on the packing slip to tighten procedures;
- develop a written recordkeeping policy;
- compare all administrative, fiscal policies and operating procedures with the CIL’s bylaws to insure consistency; and
- provide the corresponding CIL board, management and staff training to ensure that all policies and procedures are consistently followed.

OSCIL Response:

1. As per RSA recommendation, the following new section regarding board member travel will be added to OSCIL's Bylaws:

Board members traveling in-state on OSCIL business, i.e., authorized to represent OSCIL at the state house or public events, will be reimbursed for their travel at .585 cents per mile (congruent with staff travel reimbursement.) A travel sheet will be completed and required to accompany this request indicating date and odometer readings. Reimbursement for bus fare and/or taxi service will be provided. Board members traveling outside the state representing OSCIL at National Conferences, etc. will be reimbursed fully for their travel expenses with submission of all receipts to OSCIL.

2. OSCIL's Personnel Policy Conflict of Interest page will include following language: As stated in R.I. Consts. Art. III, Section 8) "A conflict of interest arises when an employee develops a private interest of any nature which is in substantial conflict with the proper execution of his or her duties of employment."

3. OSCIL currently has policy regarding inventory/equipment lists and disposal of capital assets and property. As stated in OSCIL's Administrative and Fiscal Policies and Operating Procedure: "Equipment List: All items purchased by the Center will be listed on an Equipment List form. This form will contain the following information:

- Item Description
- Date of Purchase
- Serial Number
- Funder Source
- Vendor & Condition (N-new, U-used)
- Location of Item"

"Disposal of Capital Assets/Property: All property/items purchased through grant-funding will be listed on an Equipment List. At the time of disposal of such property (worn out, broken, outdated), OSCIL will notify (written, email) the funding source of the intent to dispose. If the funding source does not wish to have the item returned, OSCIL will discard broken items and give usable property to the Salvation Army or other charitable organization."

4. Board approval will be required of all "major purchases" costing \$5,000 and over. These major purchases will require three bids with documentation of research and bids. "Large purchase", that of \$500 or more, will require research and documentation of the best value. These figures and procedures will also be included in fiscal operating procedure manual.

5. All persons receiving an item purchased by OSCIL will initial/sign the invoice/packing slip indicating that he/she received the item.

6. Our office manager has developed a record keeping timeline of equipment purchase and disposal and this policy will be included in our Office Operating Procedure Manual.

7. OSCIL's Board of Directors will establish an ad hoc "Document Review" committee comprised of board and staff members to review and compare OSCIL's bylaws, personnel policies, administrative and fiscal policies to insure consistency and that all procedures are followed.

4. CIL Work Plan

Observation: OSCIL has not established three-year program and financial planning objectives for the center as required at 34 CFR 366.50(d).

The CIL has a current annual work plan for achieving CIL goals and mission that includes specific objectives, service priorities and types of services to be provided consistent with the requirements at 34 CFR 366.50(d)(2). The work plan also includes a description that demonstrates how the proposed activities of the CIL are consistent with the most recent three-year State Plan under section 704 of the Act consistent with the requirement at 34 CFR 366.50(d)(3).

However, the annual work plan does not include strategies/action steps, responsible parties and timelines for achieving each goal, or the evaluation/method to measure goal performance. Additionally, information provided to the review team by staff and consumers of the CIL indicated that they are not involved in developing the CIL's annual work plan.

Recommendation: RSA recommends that OSCIL:

- 4.1 use data from its 704 Part II report and the goals/objectives and priority services outlined in the State Plan for Independent Living to establish a three-year program and financial plan that contains objectives for the center;
- 4.2 include measurable goals and objectives, strategies/action steps, responsible parties and timelines for achieving each goal and objective, and the evaluation/method to measure goal performance; and
- 4.3 include plans for training governing board members, employees, volunteers and consumers; and
- 4.4 involve staff and consumers in the annual work plan development process and solicit their input.

OSCIL Response: In keeping with 704 and state plan requirements, OSCIL will develop program objectives for three years and financial support of objectives. The proposed work plan will be available at OSCIL's annual meeting for members to review and comment. In addition, a question will be added to the Consumer Satisfaction Survey asking for volunteers to help us develop our future annual and long term work plans. Consumers who indicate interest will be invited to the planning meeting. The planning committee will consist of representation from staff, consumers, board members and fiscal and program director.

The strategic planning committee is finalizing an RFP to secure a facilitator to assist with long term planning and development of a five year plan. This facilitator will reach out to staff, consumers, funders, and other community organizations.

VI. FINDINGS AND CORRECTIVE ACTIONS

RSA identified the compliance findings below. Within 30 days of receipt of the final report, OSCIL must submit a corrective action plan (CAP) to RSA for review and approval. The CAP should include: (1) the specific corrective actions that the CIL will undertake in response to each finding; (2) the methodology that the CIL will utilize to evaluate if each corrective action has

been effective; and (3) the timetable for the implementation and evaluation of the corrective action.

RSA reserves the right to pursue enforcement action related to these findings as it deems appropriate, including the recovery of funds, draw down restrictions, funds withholding, or grant terminations, pursuant to 34 CFR 74.60 and 34 CFR 74.62 of the Education Department General Administrative Regulations (EDGAR).

Finding 1: Ongoing Drug-free Workplace Program

Legal Requirement:

EDGAR 84.215 - You must establish an ongoing drug-free awareness program to inform employees about--

- (a) The dangers of drug abuse in the workplace;
- (b) Your policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (d) The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

Facts and Analysis: OSCIL states that it provides information to all staff about the requirements to have a drug-free workplace when the individual is hired. Copies of the drug free workplace forms were found in the personnel files but they were unsigned. Therefore, there is no official documentation that the employees were shown the form or had the policies explained to them. The policies and forms are also contained in the personnel manual that is provided to each employee of the CIL. However, OSCIL does not have any ongoing drug-free awareness program to remind and update the employees of the policies, resources and the consequences of not following the policies.

Finding: OSCIL is not in compliance with EDGAR 34 CFR 84.210 and 84.215 because the CIL does not have documentation confirming that its employees received a copy of the drug free workplace statement nor that it has established an on-going drug-free workplace awareness program to educate its staff about the dangers of drug usage, CIL policies, resources, and the consequences they may face for not complying with the policies.

Technical Assistance: One way the CIL could ensure compliance with the ongoing drug-free workplace awareness program requirement is to dedicate time periodically at staff meetings to conduct an overview of the CIL's drug-free workplace policies and resources and document this activity in meeting minutes along with the list of staff participating in the meeting. This documentation could then serve as the CIL's official record that it meets the requirement to establish an ongoing drug-free awareness program.

Corrective Action: OSCIL must develop a means of documenting that the employees have been informed of the drug-free workplace policies and implement an ongoing drug-free awareness program that addresses the requirements in EDGAR 34 CFR 84.210 and 84.215.

OSCIL Response: Prior to RSA On-Site Review conducted March 12-14, 12 OSCIL's Personnel Policy Committee had been working on updating OSCIL's Personnel Policies and presented these changes to the Board of Directors 4-2-12. The Board accepted the proposed policy changes with implementation on 4-3-12. These policies included recommendations made at RSA's On-Site Review Exit Conference regarding Drug Free Work Place and on-going awareness training.

OSCIL revised its personnel policies to include language regarding the drug-free workplace annual awareness program (approved by the OSCIL Board of Directors 4-2-12). Copies of the revised Drug Free Workplace policy and substance abuse resource list were distributed to all staff on 4-24-12 with signatures maintained verifying their review of the material. Staff training in substance abuse, including how to recognize substance abuse, is scheduled to take place on 5-8-12 at OSCIL's staff meeting conducted by a representative from Bridgemark, an agency licensed to provide substance abuse treatment services as recommended by the Department of BHDDH Division of Behavioral Healthcare.

Following the May 8th, 2012 training, annual awareness training will then be conducted each year in October (Substance Abuse Prevention Month.) The activity will be included in the minutes and attendance at meetings documented with any absentee being provided the information at a later date with OSCIL attaching signature as to the receipt of the information. Meeting minutes and attendance/verification of this information will be kept on file in the Executive Director's office.