



## CENTERS FOR INDEPENDENT LIVING

### **COMPLIANCE REVIEW REPORT**

Wyoming Independent Living and Rehabilitation, Inc. (WILR)

Grant #:H132A930815

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**REHABILITATION SERVICES ADMINISTRATION**

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## **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 April 5-8, 2011. The program review covered the independent living (IL) operations and activities of the Wyoming Independent Living and Rehabilitation (WILR), 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 IL program specialist;

- Stephanie Jensen, Representative, designated state unit (Wyoming Division of Vocational Rehabilitation); and
- Robert Bruist, non-federal reviewer (Note: Due to a medical emergency encountered in route to the CIL, the non-federal reviewer was unable to participate in the on-site. Therefore, with the consent of the CIL board and management, the DSU representative identified above participated in the review (see attached consent letter)).

### III. MISSION AND DESCRIPTION

The Wyoming Independent Living and Rehabilitation, Inc. (WILR) was founded in June 1985. The center originally provided IL services to individuals with disabilities throughout the state of Wyoming. In 1994, a second Part C CIL, the Wyoming Services for Independent Living, was created in Lander to serve the western half of the state. WILR now uses Part C funds to serve the eastern half of the state.

The mission of WILR is to educate and empower Wyoming citizens with disabilities by providing the necessary tools to live with independence and dignity.

WILR has three offices in Casper, Laramie, and Cheyenne. The CIL also has 14 IL specialists, eight of whom work in home offices located in the more rural communities within the CIL's service area. WILR provides services to individuals with disabilities residing in the counties of Natrona, Laramie, Sheridan, Johnson, Converse, Platte, Goshen, Niobrara, Albany, Carbon, Campbell, Crook, and Weston.

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

- **Visually Impaired Program** – This program provides independent living services to individuals aged 55 or older who are blind and have a permanent visual impairment to maximize independence by utilizing low vision equipment, training, and referrals to other agencies. The program is funded with Title VII chapter 2 Independent Living Services for Older Individuals Who Are Blind (OIB) funds under a contract between WILR and the Wyoming Division of Vocational Rehabilitation to provide OIB services statewide. Visually impaired or blind individuals under age 55 residing in the CIL's service area receive IL services through the Part C program.
- **Transportation Check Program** – This program is designed to promote independence by providing access to transportation. Mobility managers work with consumers to develop individual transportation plans and help coordinate and improve transportation services within communities.
- **AgrAbility** – This program provides education and assistance to farmers, ranchers, and farm workers with disabilities who are engaged in production agriculture and want to continue farming or ranching.
- **Americans with Disabilities Act Consultation** – This program provides education and advocacy to consumers and other members of the community on issues of accessibility and the rights of individuals with disabilities in Wyoming. Information, individual advocacy, and systemic advocacy are provided.

- **Project Out** – This project provides independent living and other related services to consumers to prevent premature nursing home admission or assistance transitioning home from such institutions. Specialists facilitate in-home services and assist with consumer needs to return home.
- **Consumer Directed Care** – This program provides an alternative to home health agency care. It gives consumers the opportunity to hire their own personal care assistants who will provide care and work with them in their home. The program works with consumers to coordinate their own care.
- **Wyoming Technology Assistance Program Low Interest Loan** – This program assists qualified Wyoming residents with disabilities to purchase assistive technology, home modifications, and equipment related to personal independence through reduced interest rate loans.

#### IV. ORGANIZATIONAL STRENGTHS

WILR adapted its IL service delivery system to accommodate the rural nature of the frontier state in which it operates. Eight of WILR's 14 IL specialists operate from offices in their homes instead of from the CIL's business offices. WILR provides staff with the necessary equipment to perform their job duties within their home offices. WILR board and management indicated that IL specialists generally travel to consumers' home to provide services due to consumers' lack of transportation. This system of home offices allows WILR to be responsive to consumers in their local communities. The system also allows WILR to provide services to consumers with a minimum amount of travel. This is particularly important in Wyoming, a large rural and sparsely populated state with weather conditions that make travel difficult, especially during long winter months. WILR is also considering options for developing peer support groups within local communities to promote increased opportunities for community involvement.

#### V. OBSERVATIONS AND RECOMMENDATIONS

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

##### 1. Management Information System

**Observation:** WILR has a management information system (MIS) but its capacity needs to be expanded to provide broader utilization and functionality for all staff.

- WILR utilizes the MIS to gather and compile data for the annual 704 Part II report. However, only the MIS specialist is able to enter information into the system. All other staff submits program data to the MIS specialist for entry into the MIS, including the eight rural IL specialists who work from home offices. There is no central database/MIS that all WILR employees can access to enter data. This method of using only one person for data entry is inefficient and can result in delays in data entry with a single MIS specialist entering data for all 14 IL specialists. The executive director indicated that WILR is in the process of researching database options that would be best suited to meet the needs of the staff and improve the process for collecting data for the annual 704 Part II report.

- WILR does not have a mechanism for maintaining CSRs online. The quality assurance system for reviewing CSRs requires the IL specialists, including those located in home offices, to send two CSRs each to the IL specialist supervisor in the Casper office for review. However, since WILR does not maintain electronic CSRs, the IL specialists must mail hard copies to the Casper office. This system is not only inefficient and time intensive but also can result in CSRs being lost in the mailing back and forth.

**Recommendation:** RSA recommends that WILR and its board complete their research and either purchase or develop a MIS that will increase the efficiency of data collection for the annual 704 Part II report, expand access to the system for all staff, and provide for online CSRs.

**WILR Response:** WILR currently uses a customized management information system that was developed specifically for use by WILR. It is highly adaptive to the many different types of programs administered by WILR and has been used effectively for many years. WILR will explore other options that will serve in its best interests. Options include an online 704 reporting type service or continued use of the current system with the implementation of an online case note system to be utilized by Specialists and Program Managers.

## **2. Staff Performance Appraisals**

**Observation:** WILR has policies and procedures in place to conduct annual evaluations and reviews for all staff by the executive director and for the executive director by the board. However, the staff and executive director indicated that the staff evaluation and reviews have not been conducted consistently, and the executive director has had an evaluation and review conducted by the board only twice in the last 12 years. The staff explained that the inconsistency in conducting evaluations and reviews is due to the fact that everyone is too busy trying to serve the increasing number of consumers in need of IL services. They explained that they constantly receive informal feedback and guidance about job performance from their supervisors.

The executive director indicated that WILR has decided to conduct staff evaluation and reviews on a quarterly basis to ensure consistency, and the board informed the team that they have decided to evaluate and review the job performance of the executive director annually for consistency.

**Recommendation:** RSA recommends that WILR comply with its own policies, procedures, and processes for conducting staff evaluation and reviews by the executive director; as well as evaluation and review of the executive director's job performance by the CIL's board.

**WILR Response:** WILR policy, Section 10.50 requires that the WILR board of directors shall complete an annual evaluation of the executive director. Section 20.40, requires that all program managers be evaluated annually by the executive director. The policy also requires that program managers complete an annual evaluation of employees.

The WILR board was provided the executive director self-evaluation at the June 10, 2011 board meeting, based on the last completed evaluation and the 2009 board strategic plan, which listed goals and objectives. The board chair is completing the formal evaluation form to be reviewed by the board and completed with the executive director at the August board meeting.

The executive director will complete evaluations of all program managers by September 30, 2011, and schedule to complete annual evaluations of program managers on that time schedule, to coincide with the end of each fiscal year. This will allow goals and objectives established for the year to be evaluated and establish new goals for the new fiscal year. Program managers have been completing annual evaluations of staff on the anniversary of the employee hire date. WILR is expanding human resources from a half-time position to a full time position, effective August 1, 2011. Human resources will inform program managers when staff annual evaluations are due, and ensure that completed evaluations are on file in the personnel files. WILR is in the process of reviewing the existing self –evaluation and formal evaluation form/process, and researching changes to this process. This should be completed by September 30, 2011.

### **3. IL training manual and other documents**

**Observation:** The review team observed that WILR’s IL training manual contained inaccuracies that could result in confusing the users of the manual. For example, the requirement for the protection, use, and release of consumer information is cited as 34 CFR 367.31. The correct citation is 34 CFR 364.56. Also, the manual states that IL specialists will complete independent living plans (ILPs) for consumers who sign an ILP waiver. IL specialists should document the goals developed by all consumers even when a consumer signs an ILP waiver. However, IL specialists should not complete an ILP for a consumer who waives their right to develop an ILP.

In some other documents reviewed by the team, WILR references state laws, federal statutes, and regulations but does not provide the citations for these. Including statutory and other legal citations where referenced in documents provides a basis for the references, and makes it easy for the reader to research and access pertinent information that provides a clear understanding of program and grant requirements.

**Recommendation:** RSA recommends that WILR review all policies, procedures, and other operational documents to ensure that all legal citations are accurately and appropriately included in order to provide additional resource information to users. RSA also recommends that the CIL change the language in the IL training manual to reflect that IL specialists should complete a goal sheet for consumers who sign ILP waivers since CIL staff need not complete an ILP where there is an ILP waiver signed by the consumer.

**WILR Response:** WILR will formally review all policies, procedures, and other operational documents to ensure that all legal citations are accurately and appropriately included in order to provide additional resource information to users. Human resources will initiate the process on August 1, 2011 and will be responsible for completing this process by September 30, 2011.

The WILR administration team, independent living (IL) specialists, visually impaired program (VIP) specialists, and Project Out Transition specialists all reviewed the technical information provided by RSA and developed a Goal/Independent living plan (ILP) form at WILR’s in service on May 9 – 11, 2011. The Goal/ILP form is being utilized in the field to determine the adequacy of the form for staff at all levels as well as the consumer. WILR is utilizing the form on a trial basis until June 30, 2011. At that time, we will evaluate if additional changes need to be completed or if the Goal/ILP form is adequate to comply with the requirements of RSA. The IL

Training Manual will be changed no later than September 30, 2011 to reflect the utilization of the new Goal/ILP form so that a Goal form is completed for consumers who sign ILP waivers.

## **VI. FINDINGS AND CORRECTIVE ACTIONS**

RSA identified the compliance findings below. Within 30 days of receipt of the final report, WILR 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.

### **Finding 1: 704 Part II Reporting of FTEs and Consumer Demographics**

#### **Legal Requirement:**

34 CFR 364.35

In addition to complying with applicable EDGAR recordkeeping requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will maintain--

- 1) Records that fully disclose and document--
  - a) The amount and disposition by the recipient of that financial assistance;
  - b) The total cost of the project or undertaking in connection with which the financial assistance is given or used;
  - c) The amount of that portion of the cost of the project or undertaking supplied by other sources; and
- 2) Compliance with the requirements of chapter 1 of title VII of the Act and this part; and
- 3) Other records that the Secretary determines to be appropriate to facilitate an effective audit.

34 CFR 364.36 With respect to the records that are required by Sec. 364.35, the State plan must include satisfactory assurances that all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will submit reports that the Secretary determines to be appropriate.

34 CFR 366.50(h) To be eligible for assistance under this part, an eligible agency shall provide satisfactory assurances that the applicant will conduct an annual self-evaluation, prepare an annual performance report, and maintain records adequate to measure performance with respect to the standards in subpart G.

34 CFR 366.50 (i) The annual performance report and the records of the center's performance required by paragraph (h) of this section must each contain information regarding, at a minimum (1) The extent to which the center is in compliance with the standards in section 725(b) of the Act and subpart G of this part (Cross-reference: See Secs. 366.70(a)(2) and 366.73); (2) The number and types of individuals with significant disabilities receiving services through the

center; (3) The types of services provided through the center and the number of individuals with significant disabilities receiving each type of service.

**Facts and Analysis:** The review of CSRs, data collection and recording practices of WILR demonstrated that the data reported by the CIL in the 704 Report Part II are not statistically accurate. Information provided in WILR's most recent 704 Part II report is inaccurate for the below reasons.

- The CIL has dollar amounts in subpart I section A item 5 – pass through funds, but WILR does not receive any pass through funds on behalf of consumers that are subsequently passed on to consumers. The dollar amounts are from fees for service under the CDC program and should be entered in subpart I section A item 4(k).
- WILR reports having 1.00 FTE decision-making staff in subpart IV item (B) of the report. Information provided to the review team by the management and staff indicates that the CIL has seven decision-making staff, including the CIL executive director.
- The data information provided in the goal set/goals achieved section of the report does not correspond with the data information provided in the services requested/services provided section. e.g., in subpart III section B, CIL reports 397 communications goals set. However, in subpart III section A, only three communication services are provided.
- WILR indicates that the CIL provides services such as therapeutic treatment, mental restoration, physical restoration, and preventive services. However, information provided to the review team by staff indicates that these services are only provided through information and referral since the CIL does not have professionals on staff who are licensed or able to directly provide the services.
- WILR subcontracts Part B funds to the Wyoming traumatic brain injury (TBI) Association to provide IL services to individuals with TBI; however the data on consumers receiving services through the association is not included in the CIL's 704 Part II report.

WILR initiated corrective actions to address these concerns during the course of the review. The MIS specialist began updating data in the MIS. The executive director and staff also began discussing ways to better capture all required data to ensure that the information provided in all future 704 Part II reports is statistically accurate.

**Finding:** WILR is not in compliance with the requirements of 34 CFR 366.50(h) and 34 CFR 366.50 (i) because the review of CSRs, data collection, and recording practices indicated that the data submitted in WILR's FY 2010 704 Part II Report were not statistically accurate.

**Corrective Action:** WILR must take the steps necessary to report accurate data in its annual 704 Part II Report consistent with the requirements at 34 CFR 366.50(h) and 34 CFR 366.50 (i).

The CIL must report the number of consumers who receive IL services provided indirectly to consumers through licensed professionals as information and referral services.

The CIL must also include the relevant data and number of consumers receiving IL services through subcontracts with other service providers using Part B or Part C funds in the annual 704 Part II report.

**WILR Response:** WILR will clarify on the 704 Report the number of consumers who receive licensed professional services as a result of information and referral provided by WILR. The 704 Report for FY 2010-11 will indicate these services are provided only by licensed professionals not employed by WILR or by WILR employees.

WILR is in the process of reviewing the subcontract with the Brain Injury Association of Wyoming (BIAW). WILR has historically received quarterly reports from the BIAW, which are also provided to the SILC in the WILR quarterly report. We will clarify the services provided to determine the extent of information and referral conducted for consumers by BIAW and the number of CSR files completed on behalf of consumers. These numbers will then be accurately reported on the 704 Report for FY 2010-11.

**RSA Response:** RSA agrees with this corrective action plan.

## **Finding 2: Consumer Service Records Documentation**

### **Legal Requirement:**

34 CFR 364.53

For each applicant for IL services (other than information and referral) and for each individual receiving IL services (other than information and referral), the service provider shall maintain a consumer service record that includes--

- a) Documentation concerning eligibility or ineligibility for services;
- b) The services requested by the consumer;
- c) Either the IL plan developed with the consumer or a waiver signed by the consumer stating that an IL plan is unnecessary;
- d) The services actually provided to the consumer; and
- e) The IL goals or objectives--
- f) Established with the consumer, whether or not in the consumer's IL plan; and
- g) Achieved by the consumer.

A consumer service record may be maintained either electronically or in written form, except that the IL plan and waiver must be in writing.

34 CFR 366.63(c)(1)(ii) Compliance indicator 3 – Independent living goals. (1) The center shall provide evidence in its most recent annual performance report that it-(ii) Facilitates the development of IL goals selected by individuals with significant disabilities who request assistance from the center.

**Facts and Analysis:** RSA reviewed 15 randomly selected active CSRs at the Casper office of WILR. All the CSRs reviewed contained complete and specific information about services requested, services provided, IL goals and objectives established, and IL goals and objectives achieved, ILPs and waivers, and other CSR documentation required by 34 CFR 364.53. Ten CSRs did not specify the consumers' responsibilities for achieving their IL goals or the IL specialist role in assisting the consumer to achieve those goals consistent with 34 CFR 366.63(c)(1)(ii).

The staff and management explained that IL specialists do facilitate the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the CIL but that staff needs to do a better job of documenting evidence of such facilitation.

**Finding:** WILR is not in compliance with the requirements of 34 CFR 366.63(c)(1)(ii) because not all the CSRs maintained by the CIL contain the CIL's facilitation of the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the CIL.

**Corrective Action:** WILR must take necessary steps to document the consumers' responsibilities for achieving their IL goals or the IL specialist role in assisting the consumer to achieve those goals.

**Technical Assistance:** WILR should improve its oversight and quality assurance processes to ensure that every CSR contains all required documentation and necessary information. All CSRs should contain information that clearly specifies the responsibilities of consumers to achieve their IL goals, and the role of the IL specialist in assisting the consumers to achieve those goals.

**WILR Response:** The WILR administration team, IL specialists, VIP specialists, and Project Out Transition specialists all reviewed the technical information provided by RSA and developed a Goal/ILP form at WILR in service on May 9 – 11, 2011 (see attached). The Goal/ILP form is being utilized in the field to determine the adequacy of the form for staff at all levels as well as the consumer. WILR is utilizing the form on a trial basis until June 30, 2011. At that time, we will evaluate if additional changes need to be completed or if the Goal/ILP form is adequate to comply with the requirements of RSA.

**RSA Response:** RSA agrees with this corrective action plan.