

December 23, 2024

Honorable Scott D. Wiener, Chair Joint Legislative Budget Committee Senate Budget and Fiscal Review Committee

Honorable Anna M. Caballero, Chair Senate Appropriations Committee Honorable Jesse Gabriel, Chair Assembly Budget Committee

Honorable Buffy Wicks, Chair Assembly Appropriations Committee

Section 11.95 Notification—Home and Community-Based Services (HCBS) Spending Plan

Pursuant to the 2021, 2022, 2023, and 2024 Budget Acts, the following report is respectfully submitted.

Section 11.95 provides the Director of Finance with authority to make adjustments to effectively administer the HCBS Spending Plan upon 30-day notification to the Joint Legislative Budget Committee (JLBC). Attachment 1 provides detail of the adjustments described in this notification on the item and budget program level. The Department of Health Care Services (DHCS) has notified Centers for Medicare & Medicaid Services (CMS) of these adjustments in the November 2024 quarterly report via their submission of the information contained in Attachment 2, and the Department of Finance will process an executive order thereafter. In addition, Attachment 2 summarizes actual program expenditures through December 2024, and is submitted to the JLBC, as required by Section 11.95. Per the Administration's notification to the Legislature on November 20, 2024, the current deadline for programs to encumber, expend, and liquidate HCBS ARPA funding is January 31, 2025.

Request for Waiver of 30-day Waiting Period

Section 11.95 requires the Director of Finance to issue an Executive Order to distribute funding to departments in accordance with the HCBS Spending Plan not sooner than 30 days after notification in writing to the JLBC, or not sooner than whatever lesser time after that notification the chairperson of the joint committee, or the chairperson's designee, may in each instance determine. Given the limited time to spend these funds, Finance respectfully requests a waiver of the 30-day waiting period required by subdivision (h) of Section 11.95 to allow departments to close out spending in advance of the expenditure deadline.

<u>Background</u>

Section 11.95 of the 2021 Budget Act appropriates funding made available pursuant to Section 9817 of the federal American Rescue Plan Act of 2021 (Public Law 117-2), to enhance, expand, and strengthen HCBS.

The HCBS Spending Plan includes initiatives across DHCS, the Department of Social Services (DSS), the Department of Developmental Services (DDS), the Department of Aging (CDA), the Department of Health Care Access and Information, and the Department of Rehabilitation. The federal CMS approved California's HCBS Spending Plan on January 4, 2022. On January 11, 2022, the Administration notified the Legislature of initial allocations, pursuant to Section 11.95. Since then, the Administration has notified the Legislature of adjustments to these original allocations on May 17, 2022, July 27, 2022, January 26, 2023, May 15, 2023, February 6, 2024, and May 24, 2024. This letter provides the final adjustments to the HCBS program allocations.

Final Adjustments

Final expenditure adjustments reflect an increase of \$105,000 in available HCBS funding as compared to the 2024 Budget Act, based on revised claiming data (see Attachment 1). The total amount of enhanced HCBS funding available to California is determined on base HCBS program expenditures between April 1, 2021 and March 31, 2022. These baseline adjustments result in a net increase of HCBS Funds compared to the 2024 Budget Act, aligning with the amount of HCBS Funds projected to be available.

- Total expenditures for DDS have increased by \$2,000 HCBS Fund and \$16,289,000 Federal Fund since the 2024 Budget Act. The following change contributed to this expenditure increase:
 - Expenditures for DDS Developmental Services Rate Model Implementation have decreased by \$1,257,000 HCBS Fund and have increased by \$17,548,000 Federal Fund. Other net-zero adjustments reflect revised federal reimbursement assumptions.
- Total expenditures for DHCS have decreased by \$12,808,000 HCBS Fund and \$23,741,000 Federal Fund since the 2024 Budget Act. Changes that have resulted in this expenditure decrease include:
 - Expenditures for DHCS Contingency Management have decreased by \$12,448,000 and \$37,016,000 for the HCBS Fund and the Federal Fund, respectively.
 - Expenditures for the DHCS Eliminating Assisted Living Waiver Waitlist program have increased by \$3,731,000 and \$12,446,000 for the HCBS Fund and the Federal Fund, respectively.
 - Expenditures for DHCS Dementia Aware and Geriatric/Dementia Continuing Education have decreased by \$4,902,000 HCBS Fund.
 - Expenditures for DHCS Housing and Homelessness Incentive Program have increased by \$849,000 and \$989,000 for the HCBS Fund and the Federal Fund, respectively.
 - Expenditures for the DHCS Laguna Honda Enhanced Transition Services Bundles program have increased by \$49,000 HCBS Fund. This program will not be going forward as it is no longer needed.
 - Expenditures for DHCS Long-Term Services and Supports Data Transparency have increased by \$62,000 HCBS Fund.

- Expenditures for DHCS Non-In Home Supportive Services (IHSS) HCBS Care Economy Payments have decreased by \$1,000 for each the HCBS Fund and the Federal Fund, resulting in a total decrease in expenditures of \$2,000.
- Expenditures for DHCS PATH Funds for Homeless and HCBS Direct Care Providers have decreased by \$148,000 HCBS Fund and \$159,000 Federal Fund.
- Total expenditures for CDA have decreased by \$17,003,000 HCBS Fund since the 2024 Budget Act. The following changes contributed to this expenditure decrease:
 - Expenditures for the CDA Older Adult Resiliency and Recovery program decreased by \$12,250,000 HCBS Fund.
 - Expenditures for CDA Direct Care Workforce (Non-IHSS Training and Stipends) have decreased by \$4,753,000 HCBS Fund.
- Total expenditures for DSS have increased by \$29,914,000 HCBS Fund since the 2024 Budget Act. The following change contributed to this expenditure increase:
 - Expenditures for the DSS IHSS Career Pathways Proposal have increased by \$29,914,000 HCBS Fund.

DSS has fully expended its IHSS Career Pathways HCBS fund allocation. DSS is reconciling program claims to identify the total increased expenditures, which reflects higher program enrollment than previously anticipated. DSS ended the program on September 16, 2024, based on projected expenditures. The Administration has identified \$17,022,000 in HCBS savings from the Department of Aging – \$4,753,000 from the Direct Care Workforce program and \$12,268,000 from the Older Adult Resiliency and Recovery program – to offset the impact of the program overage.

If you have any questions or need additional information regarding this matter, please contact Megan Sabbah, Principal Program Budget Analyst, at (916) 445-6423 or at Megan.Sabbah@dof.ca.gov.

JOE STEPHENSHAW Director By:

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ERIKA LI Chief Deputy Director Attachments

cc: On following page

cc: Honorable Dr. Akilah Weber, Chair, Assembly Budget Subcommittee No. 1

Honorable Caroline Menjivar, Chair, Senate Budget and Fiscal Review Subcommittee No. 3

Honorable Roger W. Niello, Vice Chair, Senate Budget and Fiscal Review Committee Honorable Heath Flora, Vice Chair, Assembly Budget Committee Gabriel Petek, Legislative Analyst (3)

Elisa Wynne, Staff Director, Senate Budget and Fiscal Review Committee

Kirk Feely, Fiscal Director, Senate Republican Fiscal Office

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Christian Griffith, Chief Consultant, Assembly Budget Committee

Joseph Shinstock, Fiscal Director, Assembly Republican Caucus, Office of Policy and Budget

Paul Dress, Caucus Co-Chief of Staff, Assembly Republican Leader's Office Katja Townsend, Capitol Director, Assembly Republican Leader's Office Jason Sisney, Assembly Speaker's Office (2)

Mark McKenzie, Staff Director, Senate Appropriations Committee

Jay Dickenson, Chief Consultant, Assembly Appropriations Committee

Kim Johnson, Secretary, California Health and Human Services Agency

Brendan McCarthy, Acting Undersecretary, California Health and Human Services Agency

Samantha Lui, Deputy Secretary of Legislative Affairs, California Health and Human Services Agency

Sami Gallegos, Deputy Secretary of External Affairs, California Health and Human Services Agency

Michelle Baass, Director, Department of Health Care Services

Tyler Sadwith, State Medicaid Director, Department of Health Care Services

Sarah Brooks, Chief Deputy Director of Health Care Programs, Department of Health Care Services

Erika Sperbeck, Chief Deputy Director of Policy and Program Support, Department of Health Care Services

Lori Walker, Fiscal Deputy Director and Chief Financial Officer, Department of Health Care Services

Jessica Bogard, Financial Management Chief, Department of Health Care Services Ryan Woolsey, Fiscal Forecasting Chief, Department of Health Care Services Jennifer Troia, Director, Department of Social Services

Claire Ramsey, Chief Deputy Director, Department of Social Services

Julianna Vignalats, Chief Operating Officer, Department of Social Services

Yang Lee, Deputy Director & Chief Financial Officer, Department of Social Services

Pete Cervinka, Acting Director, Department of Developmental Services Michi Gates, Chief Deputy Director of Program Services, Department of

Developmental Services

Carla Castañeda, Chief Deputy Director of Operations, Department of Developmental Services

Steven Pavlov, Chief Financial Officer, Department of Developmental Services Susan DeMarois, Director, California Department of Aging

Mark Beckley, Chief Deputy Director, California Department of Aging Elizabeth Landsberg, Director, Department of Health Care Access and Information Scott Christman, Chief Deputy Director, Department of Health Care Access and Information

Joe Xavier, Director, Department of Rehabilitation

Victor Duron, Chief Deputy Director, Department of Rehabilitation

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Modernize Regional Center Information Technology Systems \$ 6.075,000 \$ 1.425,000 \$ 7.500,000 \$ 3.90,001 \$ (39,000) \$ 4030-001-6507 \$ 0.0714,000 \$ 7.500,000 \$ 7.500,000 \$ 3.90,001 \$ (39,000) \$ \$ \$ (39,000) \$ \$ \$ \$ \$ <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Ľ.</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>							Ľ.								
4 300-001-8507 \$ 6,075,000 \$ 1,425,000 \$ 7,500,000 \$ 1,386,000 \$ 7,600,000 \$ 7,600,000 \$ 7,600,000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,00000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000 \$ 3,000000							\$								
Social Recretation and Camp Services for Individuals with Developmental Disabilities 4300-101-5507 10,714,000 6 6,428,000 5 11,91,000 5 5,241,000 5 11,87,000 5 (1,187,000) 5							1.								
Developmental Disabilities \$ 10.74.000 \$ 6.428.000 \$ 17.42.00 \$ 17.42.000 \$ 1.167.000 \$ 1.187.000 \$<		·					1 ·	.,	· ·	-,,	,,	•			
4300-101-4507 \$ 10,74.000 \$ 10,470.00 \$ 10,470.00 \$ 10,470.00 \$ 10,470.00 \$ 10,470.00 \$ 10,470.00 \$ 11,870.00 \$ 10,871.200.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 10,871.230.00 \$ 27,381.200.		\$	10,714,000	\$ 6,42	B,000	\$ 17,142,000	\$	11,901,000	\$	5,241,000	\$ 17,142,000	\$ 1,1	87,000	\$ (1,187,000) \$	-
Department of Rehabilitation \$ 5.000,000,00 \$ 5.000,000 \$		\$	10,714,000	\$ 6,42	3,000	\$ 17,142,000	\$	11,901,000	\$	5,241,000	\$ 17,142,000	\$ 1,1	87,000	\$ (1,187,000) \$	-
S160-001-8507 \$ 5.000.000 \$ 5.000.000 \$ 5.000.000 \$ \$ 5.000.000 \$ \$ 5.000.000 \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$ \$ \$ 5.000.000 \$<	Department of Rehabilitation	\$	5,000,000	\$	-	\$ 5,000,000	\$	5,000,000	\$		\$ 5,000,000	\$	-	\$-\$	
Department of Social Services \$ 407,209,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 186,716,000 \$ 575,925,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 55,50,50,7000 \$ 55,50,73,2000 \$ 5			-,	-		,,	\$	-,	\$,,	\$	-	\$ - \$	-
Community Care Expansion Program \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5 \$ 53,400,000 \$ 5		<u> </u>					\$		\$			\$	-	\$-\$	-
5180-101-8507 \$ 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 5 53,400,000 \$ 27,392,000 \$ 158,756,000 \$ 168,716,000 \$ 28,7392,000 \$ 150,710,000 \$ 28,7392,000 \$ 150,750,000 \$ 160,716,000 \$ 26,5047,000 \$ 26,5047,000 \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ - \$ \$ 29,914,000 \$ 29,914,000 \$ 222,309,000							<u> </u>		\$			\$ 29,9			
IHSS NCRS Care Economy Payments \$ 118,676,000 \$ 227,322,000 \$ 18,716,000 \$ 27,332,000 \$ \$ \$ \$ 1500-101-6507 \$ 118,6776,000 \$ 128,718,000 \$ 287,332,000 \$				s			\$		\$		• • • • • • • • • • • • • • • • • • • •	s		• •	
5180-101-8507 \$ 118,676,000 \$ 188,716,000 \$ 273,332,000 \$ 273,332,000 \$ 287,332,000 \$ 287,332,000 \$ 287,332,000 \$ 287,332,000 \$ 287,332,000 \$ 287,332,000 \$ 287,332,000 \$ 29,914,000 \$ 20,213,000 \$				\$			\$		\$			\$, ,	
In-Home Supportive Services (IHSS) Career Pathways Proposal \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 235,133,000 \$ - \$ 23,214,000 \$ -												\$	-	ə - S	-
5180-001-8507 \$ 12,824,000 \$ - \$ 12,824,000 \$ - \$ - \$ - 5180-101-8507 \$ 222,309,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 222,239,000 \$ 229,914,000 \$ \$ 29,914,000 \$ \$ 29,914,000 \$ \$ 29,914,000 \$ \$ 29,914,000 \$ \$ \$ 29,914,000 \$ \$ \$ 29,914,000 \$ \$ \$ \$ 29,914,000 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$												\$ 200	-	o - 3	
5180-101-8507 \$ 222,309,000 \$ \$ 222,309,000 \$ \$ 252,223,000 \$ \$ 252,223,000 \$ \$ 29,914,000 \$ - \$ 29,914,000				•			1 ·		-			¥ 29,9 S	,	• •	
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	Grand Total	\$ 2		\$ 1,938,18			\$		\$ 1	1,930,735,000				\$ (7,452,000) \$	

HCBS Expenditures and Remaining Funds (December 2024)

		Spent through December 2024*				Remaining		Total			
Dept	Expenditure Item*	State Funds	Federal Funds	Total Funds	State Funds	Federal Funds	Total Funds	State Funds	Federal Funds	Total Funds	
5180 DSS	In-Home Supportive Services (IHSS) Career Pathways Proposal	\$265,047,000	\$0	\$265,047,000	\$0	\$0	\$0	\$265,047,000	\$0	\$265,047,000	
4170 CDA	Direct Care Workforce (Non-IHSS) Training and Stipends	\$138,500,000	\$0	\$138,500,000	\$0	\$0	\$0	\$138,500,000	\$0	\$138,500,000	
5180 DSS	IHSS HCBS Care Economy Payments	\$118,676,000	\$168,716,000	\$287,392,000	\$0	\$0	\$0	\$118,676,000	\$168,716,000	\$287,392,000	
4260 DHCS	Non-IHSS HCBS Care Economy Payments	\$1,607,000	\$1,607,000	\$3,214,000	\$0	\$0	\$0	\$1,607,000	\$1,607,000	\$3,214,000	
4140 HCAI	Increasing Home and Community Based Clinical Workforce	\$75,000,000	\$0	\$75,000,000	\$0	\$0	\$0	\$75,000,000	\$0	\$75,000,000	
4260 DHCS	PATH Funds for Homeless and HCBS Direct Care Providers	\$45,229,000	\$45,218,000	\$90,447,000	\$0	\$0	\$0	\$45,229,000	\$45,218,000	\$90,447,000	
5160 DOR	Traumatic Brain Injury (TBI) Program	\$5,000,000	\$0	\$5,000,000	\$0	\$0	\$0	\$5,000,000	\$0	\$5,000,000	
4170 CDA	No Wrong Door/Aging and Disability Resource Connections	\$5,000,000	\$0	\$5,000,000	\$0	\$0	\$0	\$5,000,000	\$0	\$5,000,000	
4260 DHCS	Dementia Aware and Geriatric/Dementia Continuing Education	\$19,821,000	\$0	\$19,821,000	\$0	\$0	\$0	\$19,821,000	\$0	\$19,821,000	
4300 DDS	Language Access and Cultural Competency Orientations and Translations	\$13,098,000	\$3,618,000	\$16,716,000	\$0	\$0	\$0	\$13,098,000	\$3,618,000	\$16,716,000	
4260 DHCS	CalBridge Behavioral Health Pilot Program	\$40,000,000	\$0	\$40,000,000	\$0	\$0	\$0	\$40,000,000	\$0	\$40,000,000	
4260 DHCS	Eliminating Assisted Living Waiver (ALW) Waitlist	\$249,454,000	\$265,997,000	\$515,452,000	\$0	\$0	\$0	\$249,454,000	\$265,997,000	\$515,452,000	
4260 DHCS	Housing and Homelessness Incentive Program	\$470,843,000	\$575,466,000	\$1,046,309,000	\$0	\$0	\$0	\$470,843,000	\$575,466,000	\$1,046,309,000	
5180 DSS	Community Care Expansion Program	\$53,400,000	\$0	\$53,400,000	\$0	\$0	\$0	\$53,400,000	\$0	\$53,400,000	
4260 DHCS	Laguna Honda Enhanced Transition Services Bundles	\$49,000	\$0	\$49,000	\$0	\$0	\$0	\$49,000	\$0	\$49,000	
4170 CDA	Alzheimer's Day Care and Resource Centers	\$5,000,000	\$0	\$5,000,000	\$0	\$0	\$0	\$5,000,000	\$0	\$5,000,000	
4170 CDA	Older Adult Resiliency and Recovery	\$85,139,000	\$0	\$85,139,000	\$0	\$0	\$0	\$85,139,000	\$0	\$85,139,000	
4170 CDA	Adult Family Homes for Older Adults	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
4300 DDS	Coordinated Family Support Service	\$1,007,000	\$993,000	\$2,000,000	\$0	\$0	\$0	\$1,007,000	\$993,000	\$2,000,000	
4300 DDS	Enhanced Community Integration for Children and Adolescents	\$10,000,000	\$0	\$10,000,000	\$0	\$0	\$0	\$10,000,000	\$0	\$10,000,000	
4300 DDS	Social Recreation and Camp Services for Individuals with Developmental Disabilities	\$11,901,000	\$5,241,000	\$17,142,000	\$0	\$0	\$0	\$11,901,000	\$5,241,000	\$17,142,000	
4300 DDS	Developmental Services Rate Model Implementation	\$1,084,228,000	\$856,022,000	\$1,940,250,000	\$0	\$0	\$0	\$1,084,228,000	\$856,022,000	\$1,940,250,000	
4260 DHCS	Contingency Management	\$7,663,000	\$6,471,000	\$14,134,000	\$0	\$0	\$0	\$7,663,000	\$6,471,000	\$14,134,000	
4260 DHCS	Long-Term Services and Supports Data Transparency	\$3,759,000	\$0	\$3,759,000	\$0	\$0	\$0	\$3,759,000	\$0	\$3,759,000	
4300 DDS	Modernize Regional Center Information Technology Systems	\$6,114,000	\$1,386,000	\$7,500,000	\$C	\$0	\$0	\$6,114,000	\$1,386,000	\$7,500,000	
4170 CDA	Access to Technology for Seniors and Persons with Disabilities	\$48,408,000	\$0	\$48,408,000	\$C	\$0	\$0	\$48,408,000	\$0	\$48,408,000	
4170 CDA	Senior Nutrition Infrastructure	\$40,000,000	\$0	\$40,000,000	\$C	\$0	\$0	\$40,000,000	\$0	\$40,000,000	
	Totals	\$2,803,943,000	\$1,930,735,000	\$4,734,679,000	\$0	\$0	\$0	\$2,803,943,000	\$1,930,735,000	\$4,734,679,000	

*The deadline for programs to encumber, expend, and liquidate HCBS ARPA funding is January 31, 2025.