

New York State Medicaid Home and Community-Based Services

Heightened Scrutiny Evidence Packet

Setting Information

Provider Name Fort Hudson Social Day		
Location of Setting 319 Broadway, Fort Edward, NY 12828	Type of Setting Social Adult Day Care (SADC)	Medicaid Home and Community-Based Services Being Provided at the Setting Social Adult Day Care (SADC) Services

Heightened Scrutiny Prong

Yes	Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment.
No	Prong 2: Setting is in a building on the grounds of, or adjacent to, a public institution.
Yes	Prong 3: Setting has the effect of isolating individuals from the broader community.

Qualification for Prong

The SADC site is located in the same building as a nursing home. Additionally, the SADC site has the effect of isolating individuals from the broader community. Details on isolating characteristics, which are being or were already remediated, are found in the All HCBS Settings and Additional Requirements for Provider-Owned or Controlled Settings sections below.

Provider Compliance Summary

Requirements for All HCBS Settings		
Compliant?	Federal Requirement	Summary
<p><i>42 CFR 441.301(c)(4)(i)</i></p> <p>Partially Compliant</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</p>	<p>DOH verified members have access to the greater community by confirming transportation options, support for volunteer/employment opportunities, staff resources, and that member preferences are accommodated by reviewing activity calendars, transportation schedules, daily sign-in/out sheets, and inclusion of preferences in members' PCSPs. The SADC has demonstrated compliance in all areas of the standard except for</p>

Requirements for All HCBS Settings

Compliant?	Federal Requirement	Summary
		<p>the following: The SADC PCSP does not indicate any community integration options being offered to the members. Remediation efforts will be concluded by 09/20/2023 and include: Obtaining input from members about community integration activities at monthly formal council meetings and by using suggestion boxes. Staff will provide needed supports for members to participate in selected community integration activities.</p>
<p><i>42 CFR 441.301(c)(4)(ii)</i> Compliant</p>	<p>The setting is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.</p>	<p>The member must choose the SADC site prior to attending. This is done through the person-centered planning process, which is conducted by the MLTC plan. If it is determined the member qualifies and needs SADC, the MLTC plan care manager supplies a list of available SADC site options, and the member makes their selection of where they would like to attend and receive services. The MLTC plan care manager documents the need and the choice of SADC site in the MLTC plan PCSP.</p>
<p><i>42 CFR 441.301(c)(4)(iii)</i> Compliant</p>	<p>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>	<p>DOH verified members have privacy, are treated with respect and dignity, and are supported to choose their own schedules and activities based on their preferences by reviewing member PCSPs, SADC policy manuals, member experience surveys, staff training topics, and observing the spaces allocated for privacy.</p>
<p><i>42 CFR 441.301(c)(4)(iv)</i> Partially Compliant</p>	<p>Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including</p>	<p>DOH verified staffing ratios, programming, and recreational areas as well as any barriers to free movement, and those</p>

Requirements for All HCBS Settings		
Compliant?	Federal Requirement	Summary
	but not limited to, daily activities, physical environment, and with whom to interact.	individualized activities are offered by reviewing staff schedules, member PCSPs, activity schedules, and through on-site observation. The SADC has demonstrated compliance in all areas of the standard except for the following: member has few or no health/safety needs which would hinder them from integrating with the community. However, the PCSP also does not show any community integration being offered and goals or activities listed are only at the SADC, the SADC does not offer male staff options to members. Remediation efforts will be concluded by 09/20/23 and include: Obtaining input from members about community integration activities at monthly formal council meetings and by using suggestion boxes. Staff will provide needed supports for members to participate in selected community integration activities. SADC will begin efforts to recruit a male PCA.
42 CFR 441.301(c)(4)(v) Compliant	Facilitates individual choice regarding services and supports, and who provides them.	DOH verified staff knowledge of members' needs and interests, as well as members' individual choice regarding their activities and supports, and the staff who provide them by evaluating member experience survey results, and reviewing SADC policies, and member handbooks, as well as through observation during the virtual on-site review.
Additional Requirements for Provider-Owned or Controlled Settings		
Compliant?	Federal Requirement	Summary
<i>Standards for Provider-Owned and Controlled Residential and Non-Residential Settings</i>		

42 CFR 441.301(c)(4)(vi)(C) Compliant	Individuals have the freedom and support to control their schedules and activities; and have access to food any time.	DOH verified the availability for meal options, private dining spaces, activity modifications, and the freedom to take breaks and eat meals at the member's request by reviewing weekly menus, policy manuals, and through on-site observation.
42 CFR 441.301(c)(4)(vi)(D) Compliant	Individuals are able to have visitors of their choosing at any time.	DOH verified the acceptance of visitors during program hours by reviewing visitor policies and sign-in/out forms.
42 CFR 441.301(c)(4)(vi)(E) Compliant	The setting is physically accessible to the individual. (Not modifiable)	DOH verified accessibility of the facility through observation, during the virtual on-site review.
42 CFR 441.301(c)(4)(vi)(F) Not Compliant	Any modifications of the additional conditions under 441.301(c)(4)(vi)(A) through (D) for provider-owned and controlled settings must be supported by a specific assessed need and justified in the person-centered service plan.	The member SADC PCSPs reviewed did not require a modification however, the SADC PCSP template does not have a section for indicating any necessary modifications. Remediation efforts will be concluded by 09/20/23 and include: Adding a section to the PCSP where modifications and justifications can be documented.
Standards for Provider-Owned and Controlled Residential Settings Only		
42 CFR 441.301(c)(4)(vi)(A) Not Applicable	The unit or dwelling is a specific physical place that is owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has the same responsibilities and protections from eviction as all tenants under landlord/tenant law of the State, county, city, or other designated entity. In settings where tenant laws do not apply, a lease, residency agreement or other written agreement is in place providing protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord/tenant law.	SADC sites are non-residential, and therefore this standard is not applicable.

<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit: (1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors. (2) Individuals sharing units have a choice of roommates in that setting. (3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>SADC sites are non-residential, and therefore this standard is not applicable.</p>
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Recommendation

As required by 42 CFR 441.301(c)(5), the State of New York submits this request for heightened scrutiny review of the SADC site identified above. The State has validated and compiled evidence that the SADC site is not institutional in nature and will have remediated all isolating characteristics prior to March 17, 2023.

Section One

On-Site Visit Observation

<p>Date(s) Conducted: 7/11/2023</p>	<p>State Agency/Entity that Conducted the On-Site Visit: NYS DOH & Nascentia Health Options / Jennifer Demarco/ Nicole Popplewell</p>
<p>Description of the Setting:</p> <p>The Fort Hudson Social Day is a Social Adult Day Care (SADC) center located in the rural town of Fort Hudson. The SADC is part of the Fort Hudson Health System and shares a building with the Fort Hudson Nursing Home. The SADC operates independently of the nursing home, with separate entrances, staff, and programs. This SADC currently serves members who are in a moderate to advanced state of dementia. Despite the health status of members, the SADC provides members with internal and external activities. At the SADC, members engage in activities such as: origami, noodle hockey, trivia, and t- shirt design. Members also enjoy patio visits, movies, and summer concerts in the park. Members are given the opportunity to volunteer and to seek employment.</p>	

Section Two

Community Integration Observations and Input from Individuals Served (without observation by staff), Family Members/Guardians, and Staff

<p>Individual (Recipient) Interviews</p> <p>The MLTC plan contracted with the SADC site conducted a member experience survey to ascertain how members feel about the SADC. DOH utilized responses on the survey to identify any potential areas of possible non-compliance and investigated thoroughly during the virtual on-site review, to confirm validity of the responses. DOH's determination and observations are documented in the Provider Compliance Summary section.</p> <p>Details received and investigated by DOH are as follows:</p> <ol style="list-style-type: none"> 1. Are you able to be in private for this call or interview? – Yes 2. Did you (or your legal representative/guardian) choose this program for yourself to attend? – Yes

3. Are you able to leave the SADC for outside activities you wish or need to attend? If not, does the SADC coordinate someone to support you in doing so? (Ex. community activities, volunteer work) – Yes
4. Do you get the help you need while you are at the program, for example with using the restroom, grooming, feeding, setting up appointments, taking medications, etc.? – Yes
5. Do staff treat you and those around you with respect and care? – Yes
6. If you have a problem or concern, do you know who to go to? – Yes
7. If you have a problem or concern, and you speak to someone about it, does it get resolved and do you feel listened to? – Yes
8. Do you get to choose when and with whom you get to eat with, or can you eat alone if you want to? – Yes
9. Can you make private phone calls? – Yes
10. Are you allowed to have visitors while you are here? – Yes
11. Do you have a safe place store your personal belongings while you are here (coat, purse, etc.) – Yes
12. Do you get to choose which activities you will or will not participate in, and with whom? – Yes
13. Are you able to interact and talk with whoever you would like while here? – Yes
14. Are you allowed to move around the building alone? If not, are staff available when you choose to move around? – Yes
15. Is transportation and support to obtain transportation available to you, at your request, for outings of your choosing? (Ex. community activities, volunteer work) – Yes

Employee Interviews

Section Three

Additional Evidence

The following evidence has been compiled that demonstrates the setting is integrated in, and supports full access of, individuals receiving HCBS into the greater community.

Access to Food & Dining Policy.pdf
 Activity Calendar.pdf
 Alternative Food Items.pdf
 Community Access Policy.pdf
 Community Events and Resources.jpg
 HCBS Training Presentation.pptx
 Member Experience Survey_1.xlsx
 Member Experience Survey_2.xlsx
 Menu.pdf
 Outings Sign Up Sheet.pdf
 Participant Rights and Responsibilities Policy.pdf
 PCSP Policy.pdf
 Program Information for Members.pdf
 Prong#1_Google Maps Verification.PNG
 Quiet Room.jpg
 Remediation Plan.xlsx
 SADC HCBS Virtual On-Site Verification_s0121.pdf
 SADC Monthly Meetings.pdf
 SADC PCSP_1.pdf
 SADC PCSP_2.pdf
 Staff Training Log.pdf

