

**New York State Medicaid Home and Community-Based Services**

**Heightened Scrutiny Evidence Packet**

**Setting Information**

<b>Provider Name</b> Chenango Valley Adult Enrichment Center		
<b>Location of Setting</b> 14 Canasawacta St., Norwich, NY 13815	<b>Type of Setting</b> Social Adult Day Care (SADC)	<b>Medicaid Home and Community-Based Services Being Provided at the Setting</b> Social Adult Day Care (SADC) Services

**Heightened Scrutiny Prong**

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

**Qualification for Prong**

The SADC is located next door to an assisted living facility. 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**

<b>Requirements for All HCBS Settings</b>		
<b>Compliant?</b>	<b>Federal Requirement</b>	<b>Summary</b>
<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>The reviewer 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
		the following: Activity calendar did not show individualized community integration. Remediation efforts will be concluded by 08/24/2023 and include providing a list of community activities as well as proof of job/volunteer postings.
<p style="text-align: center;"><i>42 CFR 441.301(c)(4)(ii)</i></p> <p>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 style="text-align: center;"><i>42 CFR 441.301(c)(4)(iii)</i></p> <p>Partially Compliant</p>	<p>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>	<p>The reviewer 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. The SADC has demonstrated compliance in all areas of the standard except for the following: The Participant Rights document states, the member has the right to be free from "unnecessary restraints", restraints should never be used. The SADC employs female staff only, which does not allow for member preferences to be accommodated. Remediation</p>

## Requirements for All HCBS Settings

Compliant?	Federal Requirement	Summary
		<p>efforts will be concluded by 08/24/2023 and includes updating staffing requirements in relation to DOH guidelines to ensure proper staff-member ratio and to offer member-choice of staffing gender to assist with any personal needs as required. Revise Participant Rights document and any other associated policy/procedure to reflect that restraints not be used in any situation.</p>
<p>42 CFR 441.301(c)(4)(iv)  Partially Compliant</p>	<p>Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>	<p>The reviewer verified staffing ratios, programming, and recreational areas as well as any barriers to free movement, and those 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: The Members Rights states the member "participates" in planning, whereas the member should lead the PCSP process. Policy and Procedures document states members care plans are written "in conjunction with" the member. Remediation efforts will be concluded by 08/24/2023 and includes updating staffing requirements in relation to DOH guidelines to ensure proper staff-member ratio and so as to offer member-choice of staffing gender to assist with any personal needs as required. Revision of language within Member Rights document and any pertinent policies/procedures so as to address that member's should be driving their PCSP</p>

<b>Requirements for All HCBS Settings</b>		
<b>Compliant?</b>	<b>Federal Requirement</b>	<b>Summary</b>
		with assistance from the SADC staff as a resource.
42 CFR 441.301(c)(4)(v) Compliant	Facilitates individual choice regarding services and supports, and who provides them.	The reviewer 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.
<b>Additional Requirements for Provider-Owned or Controlled Settings</b>		
<b>Compliant?</b>	<b>Federal Requirement</b>	<b>Summary</b>
<b><i>Standards for Provider-Owned and Controlled Residential and Non-Residential Settings</i></b>		
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.	The reviewer 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.	The reviewer 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)	The reviewer 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	No completed member SADC PCSPs were available for review due to no members from the MLTC plan the virtual on-site visit was conducted attending the SADC site at the time. However, the SADC PCSP template does not have a section

	the person-centered service plan.	for indicating any necessary modifications. Remediation efforts will be concluded by 08/24/2023 and include revising the PCSP template to evaluate/document/justify any modification to the freedoms allotted to all members via the HCBS Final Rule.
<b>Standards for Provider-Owned and Controlled Residential Settings Only</b>		
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.
42 CFR 441.301(c)(4)(vi)(B) Not Applicable	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.	SADC sites are non-residential, and therefore this standard is not applicable.

## 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

<b>Date(s) Conducted:</b> 5/2/2023	<b>State Agency/Entity that Conducted the On-Site Visit:</b> NYS DOH & iCircle Services of Finger Lakes Inc / Christopher Retamar
<b>Description of the Setting:</b>  The Chenango Valley Adult Enrichment Center is operated on the first floor of a two-story residential home which was remodeled to house the center. The site is accessible via ramp and has an ADA compliant bathroom. The SADC can accommodate 15 participants and is in a rural setting in Norwich, NY. The Chenango Valley Adult Enrichment Center offers meals and snacks all day, has areas for individual activities and socializing, as well as a large room for activities. There are outside areas for the participants to use, and the program combines community outings with their program schedule.	

## Section Two

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

<b>Individual (Recipient) Interviews</b>  The SADC site does not currently have Medicaid enrolled members; therefore, no member experience surveys were conducted during the virtual on-site review. However, during future ongoing monitoring and compliance verification efforts, DOH and the MLTC plans will conduct member experience surveys.
<b>Employee Interviews</b>

## Section Three

### Additional Evidence

<b>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.</b>  2022 Employee Handbook.doc April 2023 Activity Schedule.pdf Contacts for assistance.jpg CVAEC Policies.docx CVAEC Program Features .docx Locked Drawer Member Files.jpg Main Activity Area.JPG May menu.pdf Photo of Quiet room.JPG Photo of Snacks.jpg Prong 2_Google Map Verification.docx SAD Service Plan Template.docx SADC HCBS Virtual On-Site Verification_s0086.pdf Staff Training log .jpg Transportation Information.jpg Visitors log .jpg Visitors Policy.jpg
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## Section Four

### Public Comments Summary

<b>Public Comment Period</b> <b>From:</b> Click or tap to enter a date. <b>To:</b> Click or tap to enter a date.
<b>Summary of Public Comments Received for the Setting</b> Click or tap here to enter text.
<b>Summary of the State's Response to the Public Comment Received</b> Click or tap here to enter text.