New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Elderwood Assisted Living at Wheatfield | | |
| **Location of Setting**  2600 Niagara Falls Boulevard, Niagara Falls, New York 14304 **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Adult Home/Assisted Living Program | **Medicaid Home and Community-Based Services Being Provided at the Setting**  Personal care and other HCBS are provided as needed. |

**Heightened Scrutiny Prong**

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| **Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment.**  **Prong 2: Setting is in a building on the grounds of, or adjacent to, a public institution.**  **Prong 3: Setting has the effect of isolating individuals from the broader community.** |

**Qualification for Prong**

Describe briefly in the box below how the setting meets the prong indicated (what facility is it in or located on the grounds of, or adjacent to, etc.?)

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| This facility is co-located with Elderwood at Wheatfield Nursing Home. |

**Provider Compliance Summary**

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| **Requirements for All HCBS Settings** | | |
| **Compliant?** | **Federal Requirement** | **Summary** |
| *42 CFR 441.301(c)(4)(i)*  Yes  Partial  No | Settings are integrated and support 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. | Elderwood Wheatfield is located among other residences and commercial businesses. Residents have access to the greater community. Residents can seek employment or volunteer opportunities if they choose. Residents have the opportunity, as they are interested and able to participate in outings or run errands with their housemates/roommates, family, friends, or even independently. Residents  may access the community through events planned by Resident Council meetings held every month, or independent of the facility. Residents can come and go as they choose and are able. Residents have the opportunity and control of their resources needed for outings. Residents have control of their personal resources unless they have a designated payee/ authorized the facility to manage their finances. Residents can choose their medical providers.  There is a bus stop in front of the facility on Niagara Falls Boulevard, however, Elderwood Wheatfield provides or arranges for transportation to/from medical appointments, shopping, and activity outings within 10 miles. |
| *42 CFR 441.301(c)(4)(ii)*  Yes  Partial  No | Settings are 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. | Settings are selected by each resident. This is a voluntary participation, non-disability specific setting. Individuals receiving services are medically eligible for placement in a nursing home, but based on an individuals’ score on a uniform assessment tool (i.e., UAS-NY), it has been determined the individuals’ specific needs can be met in the Elderwood Assisted Living at Wheatfield with home care services, case management, and other supports. Residents have the option for a private room or semi-private room. Residents are informed of their room options at pre-admission. Residents who are in a semi-private room have a choice of roommate based on availability and compatibility. Facility staff have deployed person-centered policies to ensure application of person-centered characteristics within the person-centered service plan. |
| *42 CFR 441.301(c)(4)(iii)*  Yes  Partial  No | Settings ensure an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. | Elderwood Wheatfield ensures each residents’ rights are protected. It is each resident’s right to confidential treatment of personal and health records, to have privacy in caring for personal needs, and to receive courteous, fair and respectful care and treatment at all times, and to be free from coercion and restraint. Resident rooms are equipped with locks with only the resident/s and appropriate staff having keys. Each resident has the option to procure in-room telephone, their needs and preferences are respected. Each resident is provided lockable storage in his or her room. Residents are provided a copy of their rights upon admission. Residents are orientated to the Grievance Form and its location and are free to express complaints without fear of reprisal. The facility does not use restraints. |
| *42 CFR 441.301(c)(4)(iv)*  Yes  Partial  No | Settings optimize, but do 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. | Each resident controls his or her own schedule and activities. Based on observation, Elderwood Assisted Living at Wheatfield does not have any barriers preventing movement of the residents. As observed, Elderwood Assisted Living at Wheatfield offers many options for their residents to gather, both inside and out, and the resident’s private rooms, if applicable. Outdoor seating areas and a large room in which residents can reserve for family dinners/ celebrations are available. The facility develops an activity schedule with tasks and activities appropriate to individual attributes. Residents may participate in facility-scheduled activities and events or use their time as they choose. Participation in activities is encouraged, but not required. Residents can come and go as they choose. Residents are able to make personal decisions regarding all aspects of their lives (i.e., daily schedule, who they spend time with, where they go, what they eat, etc) and staff are supportive of their decisions. |
| *42 CFR 441.301(c)(4)(v)*  Yes  Partial  No | Settings facilitate individual choice regarding services and supports, and who provides them. | Elderwood Assisted Living at Wheatfield may only care for a person who voluntarily chooses to participate in the program after having been provided with sufficient information to make an informed choice. Upon interview, it was confirmed that residents are able to choose who provides the services they voluntarily receive. Tours are encouraged and welcomed prior to admission.  Resident schedules are individualized and updated regularly by the individual based on his/her circumstances. The facility ensures individuals are supported in developing care plans that support his/her needs and preferences**.** |
| **Additional Requirements for Provider-Owned or Controlled Settings** | | |
| **Compliant?** | **Federal Requirement** | **Summary** |
| ***Standards for Provider-Owned and Controlled Residential and Non-Residential Settings*** | | |
| *42 CFR 441.301(c)(4)(vi)(C)*  Yes  Partial  No | Individuals have the freedom and support to control their schedules and activities; and have access to food any time. | Residents have the freedom and support to control their schedules and activities. Residents are able to eat when they wish and, in the resident’s, preferred location. Residents are assigned a seat for dining; however, it is flexible. If a resident wants to change their seat they can. Residents have access to food throughout the day and may also choose to keep food in their rooms. Residents may choose when to participate in activities and when to eat their meals. The facility has scheduled activities that residents may choose to participate in or not. Residents are able to determine how they spend their time (participate in planned activities or not). Residents have the freedom and support to control their daily schedules. |
| *42 CFR 441.301(c)(4)(vi)(D)*  Yes  Partial  No | Individuals are able to have visitors of their choosing at any time. | Elderwood Wheatfield welcomes visitors at any time. Visitors are required to sign in and out. There are several areas throughout the facility that offer residents a private place to meet with their visitors, including their private room. if applicable. The doors are unlocked from morning through evening. During the evening and night hours the doors are secured but staff can admit visitors as necessary. Residents are able to have visitors at any time of their choosing and can decide who they would like to visit with. |
| *42 CFR 441.301(c)(4)(vi)(E)*  Yes  Partial  No | The setting is physically accessible to the individual.  (Not modifiable) | As observed, the facility is physically accessible; individuals have access to all common areas. The facility is free of inhibiting barriers. Assistive devices are available for those in need. Residents may come and go as they choose. Entry or egress is not inhibited from the facility. |
| *42 CFR 441.301(c)(4)(vi)(F)*  Yes  Partial  No | 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. | Care plan changes are assessed, discussed, and documented accordingly.  Remediation is in progress to procure an independent assessor/case management agency to determine the individual’s need for HCBS and develop a person-centered service plan. This is to ensure conflict-free case management. We expect remediation of this to be completed by July 1, 2024. |
| ***Standards for Provider-Owned and Controlled Residential Settings Only*** | | |
| *42 CFR 441.301(c)(4)(vi)(A)*  Yes  Partial  No  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. | Upon admission, each resident is provided with, and signs, a written admission agreement. The admission agreement includes required elements to protect the resident’s rights and specifies the services the resident can expect of Elderwood Wheatfield, as well as specifies conditions under which the admission agreement may be terminated, including right to pursue a challenge to termination in court. |
| *42 CFR 441.301(c)(4)(vi)(B)*  Yes  Partial  No  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. | Residents have privacy in their sleeping units. Residents have keys to their rooms with only appropriate staff having copies. Residents do not have keys to the facility, but if they need access after the doors lock, they are able to leave the building and re-enter. Residents are able to lock the bathroom doors to ensure privacy. Residents have the option for a private room. If applicable, individuals in a semi-private room have choice of roommate based upon availability and compatibility. As observed, residents have the opportunity to furnish and decorate their rooms as they wish. |

**Recommendation**

As required by 42 CFR 441.301(c)(5), the State of New York submits this request for heightened scrutiny review for the setting identified above. The State has compiled evidence that the setting is integrated in and supports full access of individuals to the greater community, is selected by the individual from among disability and non-disability specific settings, ensures individual rights, and promotes individual initiative, autonomy, choice, and independence.

**Instructions for Completing Sections One through Four**

**The following four (4) sections may be expanded in length to capture evidence of HCBS Final Rule compliance. However, a complete heightened scrutiny packet may be no longer than ten (10) pages in length. The ten (10) pages should include documentation that demonstrates support of the statements made here. Any additional supporting documentation should be kept by agencies/offices/units for the recommended amount of time.**

**Section One**

**On-Site Visit Observation**

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| **Date(s) Conducted**  **10/28/2019, 11/06/2019, 02/18/2020** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Elderwood Assisted Living at Wheatfield is an Adult Home with an Assisted Living Program (ALP). As an Adult Home, the facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The Assisted Living Program (ALP) provides services to persons who are medically eligible for nursing home placement but in a less medically intensive, lower cost setting. The ALP provides personal care, room, board, housekeeping, supervision, home health aides, personal emergency response services, nursing, physical therapy, occupational therapy, speech therapy, medical supplies and equipment, adult day health care, home health services, and the case management services of a registered professional nurse.  The total bed capacity 65 adult home beds with 37 of these beds designated for ALP capacity. The facility is located in Niagara County, in a community among other residence and commercial businesses. Elderwood Assisted Living at Wheatfield is located on a park-like campus that also features Elderwood’s independent living and skilled nursing facility. This is the only facility of its type in the immediate area. The nearest adult care facility is located approximately 3 miles away. The facility is free of barriers inhibiting access to or egress from the location. The facility is free from barriers inhibiting movement. The facility is physically accessible by all individuals. Residents have access to all common areas of the facility. Assistive devices, such as walkers and rollators, are available to residents as prescribed. Elderwood Assisted Living at Wheatfield provides onsite services consistent with its licensure as a licensed homecare services agency. Through a Licensed Home Care Agency, the facility may provide services such as home health aide and nursing. The facility offers comfortable private studio, private bedroom and semi-private bedrooms. All ALP rooms are semi-private rooms. Room option and availability is discussed pre-admission. All rooms are fully furnished. Residents are encouraged bring personal items and decorate their room as they choose to help them feel at home. The facility provides three regularly scheduled meals and an evening snack each day. The facility offers alternate meal options in addition to the main entre. Food is available to residents at all times.  Elderwood Assisted Living at Wheatfield establishes and maintains an organized and diversified wellness program. Wellness programs are provided at various times of the day and evening, seven days a week. The Wellness Program is designed to accommodate the interests and the physical, mental and psychosocial needs and abilities of the facility population. Access to wellness programs are made available in the facility and in the community in order to sustain and promote the individual residents potential and sense of usefulness to self and others as well as continuing and strengthening family ties and friendships. To meet the needs of the residents, the Wellness Manager plans programs in the following categories: entertainment, relaxation, socialization, physical exercise/ physical activities, mental stimulation/ intellectual activities, opportunities to learn new skills, or use past/present skills, creative projects, personal enhancement opportunities to meet psychological, social, spiritual needs, facility based and community based activities, civic and charitable involvement and cultural and political opportunities for both active and passive involvement. The calendar of events includes schedules for religious services and Resident Council Meetings. The types of programs planned include, but are not limited to: arts and crafts, parties/ socials, sing-alongs, current events programs, movies, exercise classes, card playing and other games, bingo, coffee hours, special entertainment, bowling, library services, trips into the community, reminiscence, outdoor programs, and guest speakers. The Wellness Manager includes community outings in the Monthly Calendar and arranges for available transportation as necessary. Facility-planned community outings are announced in advance at Resident Council Meetings in the review of special upcoming events. Reservations for the events are required and are made on a “first-come” basis or on a rotating basis depending on the number of interested residents. Community outings may include, but are not limited to: Senior Citizens meetings, rides, luncheons and dinners at local restaurants, shopping trips, picnics, theater presentations, movies, concerns, visits to historical and cultural sites. In addition to facility planned outings and events, residents may access the community as they wish. Residents can come and go as they choose. Residents are welcome and encouraged to go into the community as they choose, with family, friends, peers from the facility or independently. Resident Council meets once per month. All residents are invited and encouraged to participate in the monthly scheduled meetings to voice their opinions, concerns and share ideas. Resident schedules are designed by the resident, and flexible according to the resident’s individual circumstances. Residents determine how much time they spend in their room, at activities or within the community. Residents have the choice to participate or have personal or alone time. Activities are adapted to individual needs and preferences of the residents. | |

**Section Two**

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

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| **Individual Interviews**  At the time of the onsite visit one resident was interviewed, without observation by staff. The following information was gathered regarding community integration:  Individual A has resided at the facility for approximately 6 months at the time of interview. Individual A reports that she is able to go into the community to do things she likes to do. She is able to run errands and go shopping. She can go out whenever she chooses. Individual A goes into the community alone, with family or friends, and has gone on facility-planned events as well. Individual A is able to decide what activities she participates in, both in and out of the facility. She is able to give input as to what she would like to see for facility-planned events as well.  **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered regarding community integration:  Residents may access the community as they wish. Residents can come and go as they choose. They are able to go into their community to enjoys activities and events that are of interest to them. Residents are able to go out with family, friends, peers from the facility or independently. Residents may choose to participate in facility-planned events. The Wellness Manager schedules community-based outings and events. The Wellness Manager also informs residents of available programs and events in the community. Transportation is arranged for all facility-planned community outings and events. The residents enjoy a variety of outings including going out to eat, shopping trips, movies, concerts, local parks and museums and the casino. |

**Section Three**

**Additional Evidence**

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| **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.**  Click or tap here to enter text.  1. Community Activities Policies  2. Wellness Services Planning and Assessment Policy  3. Resident Rights and Responsibilities  4. Resident Protections  5. Activities Schedule  6. Dining Area Seating Policy  7. Roommate Selection Policy  8. Person Centered Planning Policy  9. Google Map  10. Website: <https://www.elderwood.com/locations/ELDERWOOD-ASSISTED-LIVING-AT-WHEATFIELD> |

**Section Four**

**Public Comments Summary**

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| **Public Comment Period**  **From:** Click or tap to enter a date. **To:** Click or tap to enter a date. |
| **Summary of Public Comments Received for the Setting** |
| **Summary of the State’s Response to the Public Comments Received**  Click or tap here to enter text. |