New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Fairport Baptist Homes Adult Care Facility | | |
| **Location of Setting**  4646 Nine Mile Point Road, Fairport, NY 14450 **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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| The facility is co-located with Fairport Baptist Homes, a 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. | Fairport Baptist Homes ACF is located in a Monroe County community 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 with their housemates/roommates, family, friends, or even independently. Individuals may access the community through events planned by the facility staff with input from the residents. This is done through the Resident Council.  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. The facility is on a bus line, with a bus stop in front of the facility for residents’ convenience. Additionally, Fairport Baptist Home has transportation services for resident’s use for medical and personal appointments. |
| *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 Fairport Baptist Homes ACF with home care services, case management, and other supports. Residents have the choice of a private room. Most of the rooms are private, single rooms. There are two doubles on each floor. Residents who are in a double 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. | Fairport Baptist Homes ACF ensures that 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 be free from coercion and restraint. Privacy is available in residents’ private room, as applicable, or in any of the sitting areas identified throughout. 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, Fairport Baptist Homes ACF does not have any barriers preventing individuals’ movement. Residents a free to come and go as they please. The facility offers several indoor and outdoor gathering spaces for the residents. Fairport Baptist Homes ACF 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. | Fairport Baptist Homes ACF 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. The facility allows and encourages prospective residents the opportunity to tour the facility prior to admission. Upon interview, it was confirmed that residents are able to choose who provides the services they voluntarily receive. 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  There are designated mealtimes, however, residents are able to eat meals when they wish, and in the resident’s preferred location. Per staff, dining room seating is open without assigned seating. Residents have access to food throughout the day and may also choose to keep food in their rooms. Each floor of the facility has a kitchen that has snacks and drinks readily available to the residents.  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. | Fairport Baptist Homes ACF welcomes visitors at any time. There are several private spaces where residents can meet visitors, including in their private apartments, if applicable. 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 from Fairport Baptist Homes ACF, 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 apartments and to the facility’s entrances. All rooms and bathroom doors are lockable, to ensure privacy, with only appropriate staff having keys. If applicable, individuals sharing a 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**  **9/25/2019,11/06/2019, 02/11/2020** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Fairport Baptist Homes Adult Care Facility (ACF) is an Adult Home with Assisted Living Program (ALP) capacity. 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 42 adult home beds with 11 of these beds designated for ALP services. There is a total of 33 apartments. The facility is located in Monroe County, in a community among other residence and commercial businesses. Fairport Baptist Homes is a community of accessible “neighborhoods” in a home-like setting. There are 10-12 seniors per neighborhood, creating a home-like setting that promotes a sense of community, encouraging socialization and relationship-building. There are no long hallways, no hospital-style nursing stations. There is one other adult care facility in the immediate area. 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. Fairport Baptist Homes Adult Care Facility 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 several floor plans for private and semi-private rooms with accessible bathrooms to meet each resident’s personal needs. There are two semi-private rooms on each of the three floors. 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 per day in a family dining setting. There is a cafeteria available that offers snacks and meals. The facility offers alternate meal options in addition to the main entre. Food is available to residents at all times. There is a kitchenette on each floor with snacks available to residents. The facility also hosts a monthly Food Committee meeting which gives residents the opportunity to discuss likes/ dislikes and to make suggestions as far as upcoming meal planning.  Fairport Baptist Homes offers social, recreational, and spiritual activities 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. The activities are planned with input from the residents through the Resident Council. Residents have the opportunity for individualized schedules. Residents participate in activities and community outings as much or as little as they choose. Residents are able to freely move about the facility, both indoors and on the grounds. Residents can go outside as they choose. The facility is on a bus line with a bus stop in front of the facility. Residents can opt to use public transportation should they choose. Fairport Baptist Home has transportation services for resident’s use for medical and personal appointments. Residents have the opportunity, as they are interested and able, to participate in community outings with the housemates/ roommates. Residents may also enjoy community outings with family, friends or independently. Residents can run errands as they choose. Residents may access the community through facility-planned events or independently with family, friends or on their own. In addition to the scheduled activities, Perinton Community Center is nearby, offering various social and recreational activities, for a nominal program fee.  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**  During the onsite visit one resident was interviewed, without observation by staff. The following information was gathered regarding community integration:  Individual A shared that he goes out into the community whenever he wants. He goes out to run errands and to do things he enjoys. He does not have to go out with his housemates, but he is able to if he chooses to participate in a facility-planned outing. Individual A goes out independently but will also go out with his brother or son as well. Individual A also shared that the facility staff are very accommodating. He had a doctor’s appointment this morning and the staff made him a fresh special breakfast when he returned. Individual A enjoys residing at Fairport Baptist ACF as he enjoys the options to join in activities or do his own thing.  **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered regarding community integration.  Residents can come and go as they choose. Many residents access their community independently, with family or friends, or even with peers from the facility. The facility also schedules community outings and activities for the residents. Residents to not have to wait for an outing to be planned in order to access the community. Residents choose when they would like to go out, when they would like to participate in in-house activities, and when they would like to relax. Residents create their own daily schedules. |

**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. Initiation of Resident’s Individual Plan of Care Policy  2. Resident Rights  3. Mandatory In-Services for Staff  4. Always Available Snacks (photo)  5. Services Offered (from website)  6. Amenities Offered (from webstite)  7. Dining (from website)  8. Google Map  10. Website: <https://fairportbaptisthomes.org/> |

**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. |