New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  **Genesee Adult Home** | | |
| **Location of Setting**  278 Bank Street Batavia, NY 14020 **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Adult Home/Assisted Living Residence | **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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| Genesee Adult Home is co-located with Premier Genesee Center for Nursing and Rehabilitation, a skilled nursing facility. |

**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. | Genesee Adult Home is located in a community among residences and businesses. Residents have access to the greater community. Residents can seek employment or volunteer opportunities if they choose. The residents have the opportunity, as they are interested and able, to participate in outings with their housemates, independently or with family or friends. The individuals may access the community through events planned by the facility staff, or independent of the facility. The residents are encouraged to communicate ideas for activities. 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 provides transportation to medical appointments and scheduled facility outings. Transportation company, RTS, provides transportation services to residents at a discounted rate. This service picks residents up from the front of the building and transport them to and from any location within the county. |
| *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 Genesee Adult Home with home care services, case management, and other supports. All rooms are typically semi-private. Residents can rent a full room as private, which is discussed pre-admission. Residents are informed of their room options at pre-admission. Residents are able to select roommates, and choices are accommodated to the extent possible. 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. | Genesee Adult Home 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 to be free from coercion and restraint. rom coercion and restraint. Privacy is available areas throughout the facility. There are onsite private areas where such activities may be conducted such as residents may use the chapel, and/or office or for privacy. 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. Resident rooms and shared bathrooms were outfitted with locks in 2023, allowing for residents to ensure privacy. |
| *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 A Genesee Adult Home does not have any barriers preventing individuals’ movement. As observed, Genesee Adult Home has common areas that are accessible to the residents. The facility offers indoor and outdoor gathering spaces, activities spaces, private spaces, and areas for both calming and stimulating activities. Genesee Adult Home 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. | Genesee Adult Home 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. 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 and organize their days as they desire. 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. 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. | Genesee Adult Home welcomes visitors at any time. For safety purposes, visitors are asked to sign in/out. There are several private spaces throughout the facility where residents can meet with their visitors. 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 residency agreement. The residency agreement includes required elements to protect the resident’s rights, and specifies the services the resident can expect of, 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. All rooms are typically semi-private. If applicable, individuals in semi-private rooms have choice of roommate based upon availability and compatibility. Resident rooms and shared bathrooms were outfitted with locks in 2023, allowing for residents to ensure privacy. Individuals have choice of roommate, if applicable. As observed, individuals have the freedom to furnish and decorate their rooms as they choose. |

**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, 11/13/2019, 12/09/2019, 04/26/2022, 05/20/2022, 06/06/2022, 07/12/2022, 08/12/2022, 09/09/2022, 10/04/2022, 11/16/2022** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Genesee Adult Home is licensed as an Adult Home and certified as an Assisted Living Residence (ALR) and a Special Needs Assisted Living Residence (SNALR). As an Adult Home, the facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The ALR Provides or arranges for housing, on-site monitoring, and personal care services and/or home care services in a home-like setting to five or more adult residents. The ALR provides daily food service, twenty-four-hour on-site monitoring, case management services, and the development of an individualized service plan for each resident. The ALR must be located within either a licensed adult home or enriched housing program. The SNALR provides services to individuals with special needs, including individuals with dementia or cognitive impairments.  The total bed capacity 80 ALR bed with 40 beds certified for the SNALR. The facility is located in Genesee County, in a community among other residence and commercial businesses. The facility is co-located with Premier Genesee Center for Nursing and Rehabilitation, both under the same operator. There is another adult care facility located approximately one mile from Genesee Adult Home. 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. Genesee Adult Home provides onsite services consistent with its licensure. All rooms are typically semi-private rooms. However, at the request of the resident and if one’s finances allow, the facility can convert a shared semi-private room and utilize it as a private single room. Room option and availability is discussed pre-admission and per policy, at each case management review. All rooms are fully furnished. Residents are encouraged bring personal items and to taste. The facility provides three meals and three snacks per day in a restaurant-style dining experience, offering alternate options upon request. Residents may dine when they choose and where they choose. Food is available to residents at all times.  Genesee Adult Home provides meaningful and stimulating activities to each and all residents. Activities are provided in respect to a resident’s level of engagement, cognitive abilities, religious and cultural preferences as well as their general interests. Staff assess resident’s interests by interview or conversation and document these preferences. The preferences, in combination of other resident’s preferences and interests are used to create the general facility activity schedule. The facility activity schedules are created and distributed on a monthly basis. Facility activities may include luncheons, entertainment, card games, bingo, arts and crafts, cooking groups, exercise groups, themed socials, holiday celebrations, and more. The facility plans one community outing per month for residents. Residents may access the community with family, friends or independently. Residents of Genesee Adult Home are considered a member of the community and may come and go as they please. Residents of the SNALR must be accompanied by a family member or friend when leaving the building for safety purposes. Transportation is provided to residents for medical and mental health appointments as well as facility-scheduled outings at no cost to the residents. The facility has a contract with local transportation company, RTS, which provides transportation services to low-income residents at a discounted rate. This service is able to pick residents up from the front of the building and transport them to and from any location within the county. RTS is able to accommodate many resident needs, including those with equipment such as walkers and wheelchairs as their vehicles have lift mechanisms for those that cannot climb the stairs to the vehicle. 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 was gathered regarding community integration:  Individual A was interviewed and reported that she gets to do what she wants, gets along well with her roommate, and can participate in activities as desired. Individual A moved to Genesee Adult Home voluntarily, stated that (at the time of the interview) doors do not lock, though there was access to lockable space. Individual A shared that she often goes out into the community with her husband to go shopping.  **Employee Interviews**  At the time of the onsite visit the administrator was interviewed. The following was gathered regarding community integration: Residents have the opportunity and availability to control their schedules and participate in activities at their discretion. Besides the facility-planned activities, residents may access the community as they wish. They are able to go out into the community alone, with family, friends, or anyone they choose. Many residents perform independent errands within the community, which is accessible by public transit, and have visitors as they wish. |

**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. Transportation Services Policy  2. Resident’s Bill of Rights  3. Rights of Residents in Assisted Living Residences  4. Visitation Policy  5. Individualized Service Plan Policy  6. Photo: Drink Cart  7. Google Map  8. Website: <https://www.co.genesee.ny.us/departments/nursinghome/adult_home_domiciliary.php> |

**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. |