New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Good Shepherd- Fairview Home | | |
| **Location of Setting**  80 Fairview Avenue Binghamton, NY13904 **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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| Good Shepherd-Fairview Home assisted living program is co-located with the skilled nursing facility of the same name. |

**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. | Good Shepherd Fairview Home residents have access to the greater community. Residents can seek employment or volunteer opportunities if they choose.  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. Individuals may access the community through events planned by facility staff 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 (is not a modifiable standard) unless they have a designated payee/ authorized by the facility to manage their finances. Residents Can choose their medical providers. Transportation is available to residents for medical and other appointments as schedules allow. The facility provides transportation for community recreation on Tuesdays and Thursdays. The case manage will assist residents arrange transportation when needed. Public transportation is also available through Broome County Transit. |
| *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 Good Shepherd Fairview Home with home care services, case management, and other supports. All bedrooms are private. 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. | Good Shepherd Fairview 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. Privacy is available in residents’ private room, as applicable, or in any of the sitting areas identified throughout. Good Shepherd-Fairview Home offers a variety of private spaces where one can partake in private activities such as visits, telephone use, and/or opening mail. 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, Good Shepherd-Fairview Home does not have any barriers preventing individuals’ movement. As observed, Good Shepherd-Fairview Home has a variety of private spaces where one can partake in private activities such as visits, telephone use, and/or opening mail. 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. | Good Shepherd Fairview Home may only care for an individual who voluntarily chooses to participate after having been provided with sufficient information to make an informed choice. There is communication among the staff to ensure that all staff are aware of each individuals’ demographics, including his or her capabilities, interests, preferences, and needs. 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. Residents are able to eat at the time of their preference and at the location of their choice. Residents have a choice in their dining room seating arrangement. Residents have the choice to change their dining room seat at request according to availability at the time. 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. | Good Shepherd Fairview Home welcomes visitors at any time. It is required that visitors sign in and out. There are several private spaces where residents can meet visitors, including in their private apartments. 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. NYDOH ACF program is issuing revised guidance and person-centered trainings to remediate this by March 17, 2023. |
| *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 Good Shepherd Fairview Home, 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 private. Residents have keys to their rooms and may lock their room for privacy. Residents do not have a key to the facility. To access the facility after the doors lock, there is an intercom system that is manned by staff. Residents are able to lock their bathroom doors for privacy. All rooms and bathroom doors are lockable, to ensure privacy.. 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**  **4/1/2018, 04/30/2018, 05/14/2018** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Good Shepherd Fairview Home, is and Adult Home and Assisted Living Program (ALP). The facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The facility 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 facility has offered housing and health care services for nearly 140 years. The facility’s maximum bed capacity is 67, including 32 ALP participants. The facility is residential area proximal to a school and commercial businesses. There is another assisted living program located within about a 10 minute drive. 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, rollators and wheelchairs, are available to residents as prescribed. The facility also provides licensed home care services. The facility offers all private rooms, which may decorated to taste. Bedrooms and bathrooms are both equipped with locks to provide privacy. Residents have access to food throughout the day.  Good Shepherd Fairview Home maximizes personal choices as evidenced by the facility-organized outings and events planned with input from residents through the Resident Council in which participation is encouraged but the decision rests with the individual resident. Additionally, residents may go out independently, with housemates, and/or with family or with friends, and may access a handicapped accessible van to go to local stores each Tuesday and Thursday. Residents are able to utilize the available public transit system or any available transportation as desired. Resident schedules are designed by the resident and flexible according to the resident’s individual circumstances. 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:  The resident is able to go into the community to do things she likes. She is able to run errands independently, with her friends and with her housemates. The resident can stay home if she is not interested in participating in an activity or running errands. The resident decides which activities she participates in. She said she does what she wants when she wants. The resident stated that she would prefer to live at her home, but choose Good Shepherd-Fairview.  **Employee Interviews**  Onsite interview with the administrator revealed the following:  Individuals are free to participate in outings with their housemates. They are free to participate in outings independent of their housemates. Individuals are free to participate in outings with their family and others important to them. Community activities are planned by facility staff with input from the residents through resident council meetings. The facility offers transportation twice a week to residents to access the community to go to various places for shopping, banking or dining. Residents may also utilize public transportation to access their community or contact the case manager to assist in arranging for transportation as needed. |

**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.**  The facility’s policies regarding transportation, activities, photographs and Google Maps information.  1. Dining Room Seating Policy  2. Info Regarding Transportation  3. Visitation Policy  4. Resident Rights  5. Staff Training Resident Rights  6. Photo of Main Street Hallway, including use of assistive devices  7. Google Maps  8. Website: <https://www.goodshepherdcommunities.org/communities/good-shepherd-fairview-home/> |

**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 Comment Received**  Click or tap here to enter text. |