New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**Gurwin Jewish Fay J. Lindner Residence |
| **Location of Setting**50 Hauppauge Road Commack, NY 11725 **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**Adult Home/ Enriched Housing Program/ ALR | **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.**[x] **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 located on same campus as Gurwin Jewish Nursing & Rehab Center. |

**Provider Compliance Summary**

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| **Requirements for All HCBS Settings** |
| **Compliant?** | **Federal Requirement** | **Summary** |
| *42 CFR 441.301(c)(4)(i)*[x] 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. | Gurwin Jewish Fay J. Lindner Residence is located in Suffolk County. Gurwin Jewish Fay J. Lindner Residence is situated among businesses, restaurants, and residences. 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, 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. Resident Council meetings offer the opportunity for residents to give input on activities. The Resident Council takes requests activities to the director. The facility offers transportation for its residents upon reservation. Residents may also have their own vehicles at the facility.  |
| *42 CFR 441.301(c)(4)(ii)*[x] 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 anindividuals’ score on a uniform assessment tool (i.e., UAS-NY), it has been determined the individuals’ specific needs can be met in the Gurwin Jewish Fay J. Lindner Residence with home care services, case management, and other supports. All rooms are private rooms at the facility. 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)*[x] Yes[ ] Partial[ ] No | Settings ensure an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. | Gurwin Jewish Fay J. Lindner Residence 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. 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, and 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 facility’s 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)*[x] 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, Gurwin Jewish Fay J. Lindner Residence does not have any barriers preventing individuals’ movement. As observed, the facility offers several small and large gathering spaces throughout the facility. Gurwin Jewish Fay J. Lindner Residence 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)*[x] Yes[ ] Partial[ ] No | Settings facilitate individual choice regarding services and supports, and who provides them.  | Gurwin Jewish Fay J. Lindner Residence 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**.**  The facility welcomes prospective residents to tour the facility.  |
| **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)*[x] 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 meals when they wish, and in the resident’s preferred location. Per staff, dining room seating is assigned however, residents can change seats upon request. The café is open 24-hours per day with drinks and snacks available to all 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)*[x] Yes[ ] Partial[ ] No | Individuals are able to have visitors of their choosing at any time. | Gurwin Jewish Fay J. Lindner Residence welcomes visitors at any time, including overnight visits. Visitors are required to 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)*[x] 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[x] 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)*[x] 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 Gurwin Jewish Fay J. Lindner Residence, 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)*[x] 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, and to the facility’s entrances, with only appropriate staff having keys to doors. All rooms to ensure privacy. The residents’ private bathroom doors are not lockable; however, the bathrooms are located in their private room with a lockable door. All bathrooms in public areas have locks.As observed, residents have the opportunity to furnish and decorate their rooms to their liking.  |

**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****12/12/2019** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting** Gurwin Jewish Fay J. Lindner Residence has both Enriched Housing Program (EHP) and Adult Home (AH) licensure. The program provides long-term residential care to five or more adults, primarily people 65 years of age or older, in community-integrated settings resembling independent housing units. The program provides or arranges for room, board, housekeeping, personal care, and supervision. The EHP and AH include capacity for Enhanced Assisted Living Residence (EALR) services which delivers services at the highest end of the adult care facility retention spectrum that enable a resident to age in place. The Adult Home also has capacity for Special Needs Assisted Living Residence (SNALR) services which provides services to individuals with special needs, including individuals with dementia or cognitive impairments.The total bed capacity of the EHP is 200 with 59 beds designated for EALR capacity. The total bed capacity for the AH is 65 of which 40 beds are designated for EALR capacity and 14 are SNALR capacity. Gurwin Jewish Fay J. Lindner Residence is situated on a 34-acre campus that offers a continuum of care including the adult care facility, a nursing and rehabilitation center, a dialysis center, adult health day program, and independent living. The adult care facility is set on 10-acres surrounded by manicured gardens and landscaped walking paths. The facility is located in Suffolk County in a community situated among residential and commercial businesses. There are several adult care facilities in the area; the closest is approximately 2 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, are available to residents as prescribed. The facility is made up of all full apartments, including tea kitchens, dining/living areas, and handicap-accessible bathroom. The apartments are either one or two bedroom. Bedrooms are equipped with locks to provide privacy. Residents may decorate their apartments as they wish to make their space their own. Residents are serviced three meals a day in an elegant, restaurant-style dining room. Residents also have access to food throughout the day. Gurwin Jewish Fay J. Lindner Residence places great value in recreation and activity. The facility offers numbers in-house activities each day, including exercise, word games, cooking clubs, religious services, yoga, knitting, and much more. The facility also plans several outings in the community each week which may include shopping and dining trips, for example. In addition to the planned outings and events, the grounds offer an abundance of outdoor activities including a shuffleboard court, putting green, and exercise stations. The facility distributes a monthly activities newsletter with the upcoming events and local trip schedule. Residents are encouraged to sign up for trips of interest. All schedule trips include transportation by the facility. The Resident Council meets monthly offering the opportunity for residents to give input on activities. The Resident Council takes requests to the activities director. All residents are welcomed and encouraged to participate in these meetings. 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: Individual A stated that she likes to go into the community to do things she wants and likes to do. She likes to go shopping, run errands and out to eat. She enjoys going to the shopping center that is 1.5 miles away. She stated that sometimes she will even get her nails done. Individual A stated there is bus services from the facility 5 days a week. She is able to go out with whomever she chooses. Individual A stated that she is able to choose which activities and outings she wants to participate in. She is able to make suggestions to the recreation department and they take all suggestions. Individual A choose to live at this residences; it is the only place she wanted to live.**Employee Interviews**During the onsite visit, the administrator was interviewed. The following information was gathered: The facility offers numerous daily activities, both in and outside the facility. Residents are encouraged to give suggestions to the recreation director if they have ideas that they don’t see on the calendar. An activity calendar is distributed each month and lists activities, announcements and a program scheduled. If an activity is planned that includes an extra cost, it is clearly identified for the residents. The facility does a really nice job of ensuring a variety of activities and outings are offered for the residents. The facility regularly schedules lunch outings, trips to the casino, to the library, Dollar Tree, and more. In-house there is always a celebration going on. There is a monthly birthday celebration for all of those celebrating in the month. All holidays are celebrated as well.  |

**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. Dining Room Table Seating Policy2. Resident Rights- Policy and Rights3. Activities Program Policy4. Talk of the Town Newsletter5. Monthly Recreation Calendar6. Individualized Service Plan Policy7. Grievance Procedure8. Visitation Policy 9. Google Maps10. Website: <http://www.gurwin.org/assisted-living/>  |

**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. |