New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name****Hilltop Manor West** |
| **Location of Setting**286 Deyo Hill Road Johnson City, New York 13790 **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.**[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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| Hilltop Manor West is located on the James G. Johnston Memorial Nursing Home campus. |

**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. | Hilltop Manor West is located in Broome County, situated on the James G. Johnston Memorial Nursing Home Campus, off a residential street. 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. 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 unless they have a designated payee/ authorized by the facility to manage theirfinances.  Residents can choose their medical providers.  Public transportation is not available; however, Hilltop Manor West provides transportation to/from medical appointments, and shopping and activity outings |
| *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 an individuals’ score on a uniform assessment tool (i.e., UAS-NY), it has been determined the individuals’ specific needs can be met in Hilltop Manor West with home care services, case management, and other supports. All rooms are private. Residents are informed of their options at pre-admission. 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. | Hilltop Manor West 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. resident’s right. 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)*[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, Hilltop Manor West does not have any barriers preventing individuals’ movement. As observed, Hilltop Manor West offers large common spaces as well as private rooms that are comfortably sized. Hilltop Manor West develops a robust 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.  | Hilltop Manor West 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. 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)*[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. Per staff, dining room seating is open without assigned seating. Residents have access to food throughout the day. 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. | Hilltop Manor West welcomes visitors at any time. There are several private spaces where residents can meet visitors, including in their private rooms. 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, Hilltop Manor West the facility is physically accessible, and free of inhibiting barriers. 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 Hilltop Manor West , 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. All bedrooms at Hilltop Manor West are single, private rooms. Residents have keys to their rooms, with only appropriate staff having keys to doors. 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****4/18/2018, 5/7/2018, 6/5/2018, 9/21/2022** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting** Click or tap here to enter text.Hilltop Manor West is an Adult Home that provides a full continuum of care with Assisted Living Program (ALP) and Assisted Living Residence (ALR) licensure, and Enhanced ALR (EALR) and Special Needs ALR (SNALR) certification. The Adult Home provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The 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 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 EALR provides services that may enable a resident to age in place by admitting or retaining residents who (1) chronically require the physical assistance of another person to walk; (2) chronically require the physical assistance of another person to climb or descend stairs; (3) are dependent on medical equipment and require frequent assistance from medical personnel; or (4) have chronic unmanaged urinary or bowel incontinence. The SNALR Provides services to individuals with special needs, including individuals with dementia or cognitive impairments.The total bed capacity of the Adult Home is 98 with 26 beds designated for ALP capacity, 72 beds for EALR capacity with 36 of those beds for SNALR capacity.Hilltop Manor West is located in Broome County located in a residential neighborhood. Hilltop Manor West is situated on Hilltop Campus which offers residents the option to “age in place” with a full continuum of care from independent living in a cottage or apartment, to assisted living that features both memory care and enhanced assisted living options to accommodate varying needs, all the way to killed nursing care. They also offer a wellness and fitness facility with certified trainers ready to help residents of all abilities, and a new short-term rehabilitation unit where residents can restore their body and spirit after an illness or injury. There are two assisted living facilities within the vicinity of Hilltop Manor West. The facility is free of barriers inhibiting access to or egress from the location. Hilltop Manor West 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 aides, nursing, personal care and physical therapy. 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. The facility is made up of all single, private rooms. Bedrooms are equipped with locks to provide privacy in which residents have keys to. Bathrooms are also lockable to maintain privacy to the residents. Residents may decorate their rooms to suite their taste. Residents are encouraged to make their room at Hilltop Manor West, like home. Residents may bring any of their own furniture or use any or all of the furniture provided by Hilltop Manor West. Residents are encouraged to bring personal items such as pictures, plants, etc., as desired. Residents are provided three meals a day with access to snacks throughout the day. Hilltop Manor West offers activities to the residents seven days per week, including a variety of in-house activities each day, for small groups, large groups, and individually. The facility offers both facility-based and community-based activities. Activities focus on exercise and physical pursuits, intellectual activities, social interaction, and opportunities for both active and passive resident involvement. When planning activities, the facility takes into account the resident’s ages, genders, physical and mental capabilities, skills, desires/goals, interests and the cultural and social backgrounds. The facility plans several weekly community outings which may include shopping trips and dining excursions. The Resident Council meets monthly and avails an opportunity for residents to provide input on activities. All residents are welcome 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 expressed his ability to access the community to participate in activities of preference, and ability to run errands. Individual A is able to decide which activities he participates in within the facility or in the community. While Individual A expressed that he would have preferred to stay at his own home in the community, he felt that Hilltop Manor West was now home, given his circumstances. Individual A stated that staff are responsive to needs and that if there is a problem, he would outreach the staff. Individual A referenced regular visits from his daughter and that eating takes place when and where desired. Individual A confirmed he has a key to his private room.**Employee Interviews**Administrative staff provided a tour of the facility and confirmed the open perspective of the interaction with participants. Staff confirmed their ongoing intent to maximize freedom while maintaining safety within the regulatory confines of an assisted living program. The facility encourages residents to pursue opportunities within their community to attend activities and events, volunteer, education, and employment. The facility will assist residents in accessing their desired opportunities by arranging for transportation as necessary. Residents are able to come and go as they choose. They can access their community independently, with friends, family or those that are important to them. In addition to offering in-house activities, community outings are offered on a regular basis. Residents are welcome and encouraged to maintain or seek new activities of choice outside of Hilltop Manor West.  |

**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.** See attached.1. Excerpt from Resident Handbook Regarding Activities2. Activity Services Policy3. Resident Rights and Responsibilities4. Dining Room Policy5. Case Management Policy6. Excerpt from Resident Handbook Regarding Access to Food7. Visitor Access Policy8. Google Map9. Website: <https://www.unitedmethodisthomes.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. |