New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Hultquist Place | | |
| **Location of Setting**  715 Falconer Street Jamestown, New York 14701 **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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| Hultquist Place is co-located with Lutheran Retirement Home, a skilled nursing facility. The buildings are adjoined and share an accessible entrance with a reception area. |

**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. | Hultquist Place is located in a community among businesses, restaurants, and residences in Chautauqua County. 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 (is not a modifiable standard) unless they have a designated payee/ authorized the facility to manage their finances. Residents can choose their medical providers. The Hultquist Place van is available Monday, Tuesday, Thursday, and Friday until noon. They will transport to the surrounding areas. CARTS (Chautauqua Area Regional Transit System) can be arranged for other times. |
| *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 in this assisted living program (ALP) 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 Hultquist Place ALP with home care services, case management, and other supports. Most rooms are private rooms. The double rooms that are available are designated for couples. Residents are informed of their room 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)*  Yes  Partial  No | Settings ensure an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. | Hultquist Place 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’s needs and preferences are honored and respected. 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, Hultquist Place does not have any barriers preventing individuals’ movement. As observed, Hultquist Place offers several small and large gathering spaces on all floors, dining room, and the resident’s private rooms, as well as activities space. The first and second floors have country kitchens where residents can bake or cook with staff assistance or with their family. There is a library space that is also used for religious services and for small group activities. There are also outdoor areas for sitting and gathering, as well as visiting with friends or family. Hultquist Place develops ant 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. | Hultquist Place 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 prospective residents the opportunity to tour the facility. 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 supports to control their schedules and activities. Residents are able to eat meals when they wish, and in the resident’s preferred location. Residents may participate in outings and activities of their interest as they choose to participate. 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. | Hultquist Place welcomes visitors at any time. Preferred visiting hours are 9am to 9pm. However, arrangements can be made for times outside of these hours. 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)*  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 of Hultquist Place, 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. Most rooms are private rooms. There are a few double/ shared rooms which are designated for couples. Residents have keys to their apartments and to the facility’s entrances, 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**  **6/17/2019** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Hultquist Place is a 96-bed Adult Home based Assisted Living Program (ALP). As an ALP, 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.  Hultquist Place is located on the Lutheran Campus which provides a welcoming atmosphere that includes independent senior housing, assisted living, medical model adult day health care, and skilled nursing and rehabilitation. The facility is located in Chautauqua County, in a community among other residences and commercial businesses. There are eleven adult care facilities in Chautauqua County, including four in Jamestown all within a five-mile radius. 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. Hultquist Place provides onsite services consistent with its licensure as a licensed homecare services agency. The facility is free from barriers inhibiting movement. The facility has both private and semi-private rooms, and room availability is discussed pre-admission. Rooms come equipped with a bed, dresser, nightstand, wardrobes, desk, chair, lamp and entertainment center; residents may bring additional personal items and decorate their room as they choose to help them feel at home. Food is available to residents at all times. Residents may have a personal refrigerator in their room to store perishable food items.  The facility offers a variety of inhouse and community-based outings and activities. Throughout the year the Activity Department plans many events and programs for the residents. the programs include: exercise, bus trips, cooking, live entertainment, holiday celebrations, birthday celebrations, music groups, resident choir, picnics, games and crafts, religious programs and coffee hour. Each of the three floors has an activity room and there is a library located on the first floor. There is also a courtyard for residents and families to visit and relax. Community outings are scheduled and encouraged, but the choice whether to participate rests with the residents. The facility plans several community outings each month. Residents are required to sign up for the outings, as indicated on the calendar. Residents may go on outings with anyone they wish to go with, including peers from the facility, family, friends, or independently. The facility is in an accessible community. Residents are able to walk to several destinations such as fast-food restaurants and the Dollar General. Regularly planned outings including shopping and dining trips. Residents can discuss any outing and activities ideas with the director of recreation. Residents are also encouraged to participate in Resident Council. Resident Council is a group that provides a forum for discussing residential needs, problems, and improvements. It is a good way to share ideas for improving or adding to the activities and events calendar. It also serves as a way to communicate with the Hultquist Place administrator. 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**  At the time of the onsite visit, one resident was interviewed. The following information was gathered regarding community integration:  Individual A shared that she often goes into the community to do things she likes. She only goes out when she chooses; she is never forced to go anywhere. Individual A enjoys going out to eat and shopping. She goes out with family and friends from the facility. She participates in facility-planned outings when there is one offered that she is interested in.    **Employee Interviews**  During the onsite visit, the administrator was interviewed. The following information was gathered regarding community integration:  Hultquist Place acknowledges and supports its responsibility to assure that all residents maintain/ develop outside relationships that involve families, friends, and community. Upon admission a Resident Activity Interest Assessment is completed. It gives the facility an opportunity to learn each residents likes and dislikes and get an understanding of what outings and activities may be of interest to the residents. The Activity Department plans many events throughout the year. All outings and events are planned with the residents in mind. Residents are able to share their ideas and suggestions of outings at the monthly Resident Council meetings. The residents enjoy lunch or dinner outings to various restaurants, shopping, farm stands for fresh veggies, concerts, and more. Residents are welcome to come and go as they please. |

**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. Meal Services Information  2. Monthly Activities Calendar  3. Resident Rights Policy  4. Resident Rights, Protections and Responsibilities in Certified Adult Care Facilities  5. Staff Education Calendar  6. Resident Service Philosophy  7. Resident Room Hall Decoration (photo)  8. Google Map  9. website: <https://www.lutheran-jamestown.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. |