New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Ideal Senior Living Center | | |
| **Location of Setting**  600 High Avenue Endicott, NY 13760  **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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| Ideal Senior Living Center, a skilled nursing facility under the same parent organization, is directly across the street from this 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. | Ideal Senior Living Center is located in a residential neighborhood.  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.  The facility coordinates outings to restaurants, concerts, casino, farm stand and other shopping trips. 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. The facility will assist residents with transportation to/from medical appointments, and shopping and activity outings |
| *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 Ideal Senior Living 1 with home care services, case management, and other supports. Individuals are provided options when choosing the setting. They have the option for a private or shared room. The facility has 56 private rooms and 8 shared rooms. Private rooms are based on availability and individuals are informed of this upon admission. Residents are informed of their room options at pre-admission. Residents who are in a shared room have a choice of roommate, based on availability and compatibility. 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. | Ideal Senior Living Center 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. 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, Ideal Senior Living does not have any barriers preventing individuals’ movement. As observed, Ideal Senior Living Center offers spacious gathering locations, meeting/ activity rooms, outdoor spaces, and the resident’s private rooms. Senior Living develops an activity schedule with tasks and activities appropriate to individual attributes. The facility is physically accessible to the residents, including a large elevator. 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. | Ideal Senior Living Center 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. Residents are able to eat meals when they wish, and in the resident’s preferred location. There are specific mealtime windows, but accommodations may be made based on the needs of the individuals. The facility has updated their policy on dining room seating to include that residents have the right to sit where they choose in the dining room and can change their seats at any 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. There is a gift shop and vending machines available. |
| *42 CFR 441.301(c)(4)(vi)(D)*  Yes  Partial  No | Individuals are able to have visitors of their choosing at any time. | Ideal Senior Living Center welcomes visitors at any time. 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) | The facility is physically accessible; individuals have access to all 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 Ideal Senior Living Center 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. Residents have keys to their rooms with only appropriate staff having keys to doors. All rooms and bathroom doors are lockable, to ensure privacy. If applicable, individuals sharing a room have choice of roommate based upon availability and compatibility. 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**  **8/29/2017, 04/13/2018, 07/19/2018** | **State Agency/Entity that Conducted the On-Site Visit NYS Department of Health** |
| **Description of the Setting**  Ideal Senior Living Center 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 total bed capacity is 70 adult home, of which 35 are ALP beds. The facility is located in a residential neighborhood in Endicott, located in Broome County. This 70-bed facility is comprised of 56 private rooms and 8 shared rooms. Included in the rental package is housekeeping, laundry services, personal care and medication management. Each unit has a large bathroom with a walk-in shower, basic cable TV service and an emergency call system. Three full meals per day are offered in a dining room design for the residents. Physical assistance is available 24 hours a day, seven day a week. The social director organizes social activities, both in the facility and in the community. The facility offers free transportation to neighborhood stores, physician’s offices and services. The facility has a library and computer onsite for resident use. There is also an onsite hair salon, game room with pool table, and flower gardens. Visitors are welcome at any time. Visitors are able to access the building by using the touch pad at the entrance to dial the room number of the resident. The resident is then able to allow their guests to enter by pushing 9 on their phone allowing access to the building.  Community activities are available to all residents. Residents can participate in facility-planned outings or can access the community independently or with family or friends. The facility schedules monthly activities with input from the Resident Council. Residents may also let the activity aides know their ideas and preferences of activities and community outings. Some evens planned by the facility include restaurants, concerts, casinos and shopping. Residents can participate in the planned activities as they choose, they don’t have to attend, but are encouraged. | |

**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. She revealed the following information:  Individual A goes into the community to do things she likes to do. She enjoys going to Walmart. She is able to go on errands when she chooses. She chose to live at this facility. Her sister was an employee here and she choose to live here. At the time of her admission she only had choice of a double room, there were no private rooms available. She stated that she feels comfortable providing suggestions and also goes to the resident council meetings.. She has a phone in her room as well as a computer. She also opens her own mail. She is able to keep things that are important to her. She has a lock box and key in her room. She is able to do what she wants. Specifically, she asked for help in setting up a computer in her room to use Facebook and staff assisted with that. She said there is a window (timeframe) for eating and are discouraged from eating in their rooms. She stated there are assigned seats in the dining room but you can change if you want to. As far as service planning meetings, the resident stated she has an RN and a friend that come. It is her decision who is invited. She is able to provide her input and she feels she is listened to. She stated that she is able to close and lock her bedroom door and has a key. She does not have to go on outings if others do. She is able to stay home and use her computer if she wants. She is able to help decide what activities she does. She provides input through resident council. She is able to have visitors whenever she would like. She is able to let her visitors in or she can provide them the code so the visitors can come in.  **Employee Interviews**  The facility staff was interviewed onsite. Facility staff indicated that individuals have the opportunity, as they are interested and able, to participate in outings with their housemates/ roommates. The setting coordinates outings to restaurants, concerts, casino, farm stand and other shopping trips. Individuals are able to access the community through a facility-planned event, independently or with family or friends. The facility-planned events are scheduled with input through the resident council meetings. There are no barriers to accessing the setting. |

**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. Resident Rights Policy  2. Resident Protections  3. Adult Care Community Fact Sheet  4. Activity Services  5. Dining Room Remediation  6. Monthly Activity Calendar  7. Excerpt from Handbook Regarding Visitation and Safety  8. Google Map  10. Website: <https://www.nyuhs.org/location-search/uhs-senior-living-ideal> |

**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. |