New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Island Assisted Living | | |
| **Location of Setting**  800-820 Front Street Hempstead, New York 11550 **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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| The facility is co-located with Hempstead Park Nursing Home. |

**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. | Island Assisted Living is located in a community among other residences and commercial businesses. 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. Activities are planned with input from the residents garnered via the Resident Council. There are public transit bus stops within a short walk from the facility. Transportation is arranged for the residents for medical appointments via an ambulette service. Public transportation is also available with bus stops within a short walk from the facility. |
| *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 Island Assisted Living ALP with home care services, case management, and other supports. Residents have the option for a private bedroom. The facility offers both private and semi-private rooms. Residents are informed of their room options at pre-admission. Residents who are in a semi-private 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. | Island Assisted Living 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. Island Assisted Living does not have any barriers preventing individuals’ movement. As observed, Island Assisted Living offers several indoor and outdoor gathering spaces for the  residents, and the resident’s private rooms. Island Assisted Living 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)*  Yes  Partial  No | Settings facilitate individual choice regarding services and supports, and who provides them. | Island Assisted Living 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. | This is a non-modifiable standard. Residents have the freedom and support to control their individual schedules and activities. Residents are able to eat meals when they wish, and in the resident’s preferred location. Residents are assigned seats for dining but can request a change 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. |
| *42 CFR 441.301(c)(4)(vi)(D)*  Yes  Partial  No | Individuals are able to have visitors of their choosing at any time. | This is a non-modifiable standards. Island Assisted Living Residents are able to have visitors at any time of their choosing. There are several private spaces where residents can meet visitors, including in their private rooms. The doors to the facility are open from 7am to 9pm. Between the hours of 9pm and 7am guest must be buzzed in. Visitors are all asked to sign in and out at the front desk. 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) | This is a non-modifiable standard. 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. | As mentioned above, the additional provider owned and controlled standards are afforded at all times and are therefore not modifiable. Care plan changes are assessed, discussed, and documented accordingly. |
| ***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. | This is a non-modifiable standard. 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 Island Assisted Living, 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. | These are non-modifiable standards. Residents have privacy in their sleeping units. 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. 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**  **9/12/2019, 11/20/2019** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Island Assisted Living is a 200-bed Adult Home based Assisted Living Program (ALP) that provides individualized services to persons who are medically eligible for nursing home placement but in a less medically intensive, lower cost setting including 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.  Located in Nassau County, Island Assisted Living is located among other residences and commercial businesses. The facility is located next door to Hempstead Park Nursing Home; the facilities have different operators. Island Assisted Living is the only setting of its type in the immediate area. There are several other Assisted Living Facilities with other licensures, within a 3-mile radius. The facility is free of barriers inhibiting access to or egress from the location. Island Assisted Living provides onsite services consistent with its licensure as a licensed homecare services agency. 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 private and semi-private rooms. Bedrooms and bathrooms are equipped with locks to provide privacy. Residents are encouraged to bring pictures and/or other items to decorate their rooms. All rooms come furnished. Residents are serviced three meals a day. Island Assisted Living adheres to kosher dietary laws. No outside food is allowed in the dining room. Residents are welcome to have non-kosher products and non-perishable food in their room at any time. Residents also have access to food throughout the day.  Island Assisted Living offers many opportunities for recreation and activity. The facility offers a variety of in-house activities each day, including exercise, religious services/groups, trivia and games, music, movies and more. The facility also plans several outings in the community each month which may include trips to the movies, a local park, lunch and shopping. The facility distributes a monthly activities calendar with the upcoming events and local trip schedule. Residents are encouraged to sign up for trips of interest. The facility organizes transportation for all facility-planned outings and events. The resident-run Resident Council meetings are held monthly. These meetings are an excellent opportunity for residents to offer different ideas or raise any questions or concerns that the resident body might have. All residents are encouraged to attend these meetings as they are designed to enhance the quality of life in the community. There is also a monthly resident-run Food Council meeting. This is a forum for residents to discuss likes and dislikes regarding their meals., as well as provide ideas for upcoming meals. 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. The following information was gathered regarding community integration:  Individual A enjoys going out in the community to run errands or to go to an event/ outing. She typically goes out with friends from the facility. She and her friends will either go independently or with a facility-planned outing. Individual A enjoys going out to eat and shopping. She also enjoys going to concerts in the park. Individual A said that she goes out when she wants to and stays home when she wants to. She also enjoys participating in some in-house activities.    **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered regarding community integration:  The facility schedules several activities and outings within the community each month. The Activities Director, with input from the residents generates a monthly activities calendar. Included in that calendar are both in-house and community activities. An activities calendar is distributed each month to the residents. For community outings and activities residents must sign up in advance to ensure adequate staffing and transportation. The residents enjoy a variety of outings, including shopping, dining, concerts, shows and even ballgames. All activities, both inside and outside of the facility are resident-focuses. If residents ask for an outing or show an interest in an activity or upcoming event, the facility does their best to add it to the schedule. Though primarily in a residential area, there are several restaurants nearby. The neighborhood has sidewalks and is walkable for those residents who wish to venture out into the community. There are also several bus stops within walking distance should residents choose to take a bus to their destination. |

**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. Resident’s Rights  2. Monthly Activity Schedule  3. Brochure  4. ALP Amenities per Website  5. Dining  6. Facility Activities  7. Website: <https://www.islandassistedliving.com/> |

**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. |