New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Lutheran Home of Central New York | | |
| **Location of Setting**  108 Utica Road Clinton, NY 13323  **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Adult Home | **Medicaid Home and Community-Based Services Being Provided at the Setting**  The facility provides onsite medical, behavioral, and therapeutic services. |

**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 on the same campus as the Katherine Luther Residential Health Care and Rehabilitation Center. |

**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. | Lutheran Home of Central New York is in a residential area proximal to residential neighborhoods and commercial businesses. The facility is on the same campus as the Katherine Luther Residential Health Care and Rehabilitation Center. 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. As observed, there is a bus stop at the end of the driveway on Utica Street. Lutheran Home of CNY assists residents with setting up transportation as needed. Public transportation is also available with a bus stop at the end of the road/ driveway. |
| *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 Lutheran Home of CNY with home care services, case management, and other supports. All rooms are private, and there are 8 double rooms available for couples. Residents are informed of their room options at pre-admission. Residents who are in a double bedroom have choice of roommate. 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. | Lutheran Home of CNY 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. |

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| *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, Lutheran Home of CNY does not have any barriers preventing individuals’ movement. As observed, Lutheran Home of CNY offers indoor gathering spaces for gathering and activities. The facility has a lounge with 8 desks for resident use. Lutheran Home of CNY 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. | Lutheran Home of CNY 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. Tours are encouraged and welcomed. 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. Lutheran Home of CNY offers three dining areas for the residents to choose from. Residents are able to eat meals when they wish, and in the resident’s preferred location. 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. | Lutheran Home of CNY welcomes visitors at any time. The doors lock at 8pm but there is a call button directly inside the entrance for residents and visitors to utilize. 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 Lutheran Home of CNY, 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 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**  **8/26/2019, 10/24/2019, 01/29/2019** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Lutheran Home of Central New York is a 68 bed Adult Home located in Oneida County. The facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults  Lutheran Home of Central New York is in a residential area proximal to residential neighborhoods and commercial businesses. The facility is situated on a campus with Katherine Luther Residential Health Care and Rehabilitation Center. There is another adult care facility located less than 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 and rollators, are available to residents as prescribed. All bedrooms are private, with the exception of 8 double rooms typically available to couples. Bedrooms are equipped with locks to provide privacy. Residents may decorate their rooms to taste. Residents have access to food throughout the day. Food items are available in the kitchenette areas with a refrigerator stocked with snacks and drinks, there is also a coffee bar operated by one of the residents.  The facility’s Therapeutic Recreation Department assures that residents of all ages, physical abilities and cognition have the opportunity to be involved in community activities. Activities and events are developed and scheduled from suggestions and recommendations from the residents. The facility offers transportation for all facility-planned community outings and events. The facility offers numbers in-house activities each day, including fitness, music, games, movies, and more. The facility also plans several outings in the community each week which may include trips to Wal-Mart, out to eat, and to the orchard to name a few. The facility, residents and staff alike, enjoy celebrating themed activities. For example, National Pierogi Day involved making pierogis, taking a “tour” of Poland, hosting a Polish luncheon, and ended with a Polka Party. Some other themes celebrated include National Pizza Month celebrated with a pizza party, National Apple Day celebrated with a trip to the orchard, and Chubby Checker’s Birthday with a “Twist and Shout Party”. The facility schedules a monthly activities calendar with the upcoming events and local trip schedule. The calendar notes what residents need to sign up for and can do so with the recreation department. 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, two residents were interviewed. The following information was gathered regarding community integration:  Individual A and Individual B both said that they are able to go into the community to do things they like. Individual A is looking forward to going to see a movie. Individual B enjoys going to the public library. Both residents stated that they are able to go into the community to do things they enjoy, when they choose to go. Individual A stated that she does not have to go out when there is a planned outing, she goes out when she chooses. Individual B agreed with her. Both residents chose to live at Lutheran Home of CNY and enjoy having a private room.  **Employee Interviews**  During the onsite visit, the administrator was interviewed. The following information was gathered regarding community integrations:  The administrator shared that all residents have the opportunity as they are interested to participate in activities and outings within the community. Residents are able to go out with housemates, family, friends, or independently. The residents choose. Residents may access the community through facility-planned events or at their discretion. All residents are encouraged to participate in the monthly Resident Council. This is a forum in which the residents may discuss which outings and activities they would like offered. Each month an activity schedule is distributed which includes inhouse activities as well as community outings. The facility, residents and staff alike, enjoy the themed activities the facility puts together. Examples include: Breast Cancer Awareness Month celebrated with “National Color Day Wear Pink Day”, National Pizza Month celebrated with an “Around the World Pizza Part”, and Country Music Month celebrated with a Country Music Sing-a-long. |

**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. Person Centered Planning and Person Directed Services Policy  2. Monthly Activity Calendar  3. Visiting Hours Policy  4. Resident Rights, Protections and Responsibilities  5. Resident Excursions/ Community Outings  6. Transportation  7. Competency Evaluations Policy for Nursing Services  8. Screenshot of Adult Home Services  9. Google Maps  10. Website: <https://www.communitywellnesspartners.org/lutheran> |

**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. |