New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**Maplewood Assisted Living |
| **Location of Setting**205 State Street Canton, NY 13617 **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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| [x] **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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| Maplewood Assisted Living is co-located with United Helpers Canton 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)*[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. | Maplewood Assisted Living is located in rural St. Lawrence County. It is just over one mile away from the nearest restaurant and retail. 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 their finances. Residents can choose their medical providers. Transportation is provided via the Maplewood bus for social and recreational purposes. Regularly planned outings including shopping, dining, a ride in the country, casino, and local concerts are favored activities of the residents. Maplewood Assisted Living arrange for transportation to/from medical appointments. |
| *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 the Maplewood Assisted Living with home care services, case management, and other supports. All rooms offered are single, private bedrooms. 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. | Maplewood 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. 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, Maplewood Assisted Living does not have any barriers preventing individuals’ movement. As observed, Maplewood Assisted Living offers many gathering spaces both inside and out. Maplewood 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)*[x] Yes[ ] Partial[ ] No | Settings facilitate individual choice regarding services and supports, and who provides them.  | Maplewood Assisted Living Residents 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. Prospective residents are encouraged 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)*[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.Mealtime is scheduled; however, 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)*[x] Yes[ ] Partial[ ] No | Individuals are able to have visitors of their choosing at any time. | Maplewood Assisted Living welcomes visitors at any time. Visitors are asked to sign in and sign 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)*[x] 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[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 Maplewood 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)*[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. Residents have keys to their rooms with only appropriate staff having keys to doors. Each private room has its own private bathroom. All rooms are private. Residents do not have keys to the home. However, the doors are unlocked between 7:30am and 9:00pm. After 9:00pm a doorbell is available for staff to let residents in. 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****8/27/2019****09/25/2019, 04/05/2022, 05/05/2022, 05/18/2022** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting** Maplewood Assisted Living, is a 48-bed 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 facility is located in a rural area surrounded by farmland. It is just over a mile away from the nearest restaurant and retail. This is the only licensed adult care facility in the area. 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 assessable to 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 also provides licensed home care services. Services provided may include home health aide, homemaker, housekeeping, medical social services, nursing, nutritional, personal care, occupational therapy, physical therapy and speech language pathology. The facility offers private, single rooms. Residents may decorate or furnish their room as desired. Residents have access to food throughout the day. The facility has juices, coffee, fruits and cookies available for residents at all times. Maplewood Assisted Living maintains a monthly schedule of social, recreational and fitness activities. Activities and events may take place either inside of the home or offsite within the community. Residents are not required to participate; however, group interaction can be fun and rewarding for everyone. Activities may include lunch outings, going to the movies, attending special community events, arts and crafts, games, etc. In some cases, a minimal fee may be required for participation in planned outings. Residents are made aware of the fee up front. Residents are always encouraged to suggest activities that are of particular interest to them. Transportation is provided by the Maplewood bus for social and recreational activities. Residents may go on outings with anyone they wish to go with, including housemates, friends and/or family. The facility holds a monthly Resident Council meeting in which residents are encouraged to make suggestions of outings and activities. Through the Resident Council residents are also given the opportunity to discuss meals and menu planning. Residents are encouraged to come and go from the home as they choose. Resident schedules are designed by the resident, based on each individual’s needs and desires. 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, two residents were interviewed without observation by staff. The following information was gathered regarding community integration:Individual A has resided at Maplewood Assisted Living for 1.5 years. She shared that she is able to go into the community to do things she likes. She is able to go into the community with housemates or with family. She stated she only goes out when she chooses to; she does not have to participate if she doesn’t want to. Many times Individual A will go out with her daughter. She is able to get stuff she needs to make homemade bread and maple cream. She likes going out to the Dollar Store and Walmart. Individual A choose to live at this facility and really enjoys it. There was no where else she wanted to live. She likes having her own room. Individual B has resided at Maplewood Assisted Living for 3 years. She said she loves it and everyone is friendly. She shared that the CNAs do extra things for them. One CNA made her a planter for her flowers. She shared that she is able to go into the community to do things she likes. She enjoys going to the dollar store, Walmart, and Donut King in Ogdensburg. Individual B says she only goes out when she wants to; she does not have to go out. She will go out with housemates from the Home or with family. Individual B participates in Resident Council and can give suggestions on outings and activities. She said she wants to go out for Bingo.**Employee Interviews**During the onsite visit the administrator was interviewed. The following information was gathered regarding community outings and activities:All residents are encouraged to come and go as they choose. Activities are abundant and can include arts, crafts, educational presentations, musical entertainment, and more. The facility also offers a unique opportunity for residents to interact with and participate in activities with children from the on-site daycare center. The facility maintains a monthly schedule of social and recreational activities for both within the facility and out in the community. Residents are able to participate at their leisure and are not required to participate. Residents are encouraged to attend and participate in the monthly Resident Council meeting. These meetings give residents the opportunity to make suggestions on upcoming outings, activities and events. Some outings the residents are interested in include rides in the country, out to lunch, shopping and more. Maplewood Assisted Living ensures that each person has an opportunity for meaningful participation within their community. The residents’ choices will be the primary focus for planning activities. |

**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. Community Inclusion and Supports Policy2. Person Centered Planning and Person Directed Services Policy3. House Rules4. Patient Rights and Responsibilities5. Monthly Activities Calendar6. Aerial View of Campus7. Resident Bedroom (photo)8. Google Map9. Website: <https://hwuh.wpengine.com/assisted-living/>  |

**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. |