New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  **Presbyterian Residential Community** | | |
| **Location of Setting**  4300 Middle Settlement Rd New Hartford, NY 13413  **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 located on the same campus as Presbyterian Home for Central New York, a skilled nursing 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. | Presbyterian Residential Community is located in a residential neighborhood proximal to religious services, commercial businesses, banking, and medical care. 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 with input from the residents, 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. A bus stop is located outside Presbyterian Residential Community. Centro also provides specialized transit services for those residents in need. |
| *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 Presbyterian Residential with home care services, case management, and other supports. The facility offers both private, and semi-private bedrooms. 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. | Presbyterian Residential ensures that each residents’ rights are protected. 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)*  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 Presbyterian Residential does not have any barriers preventing individuals’ movement. As observed, Presbyterian Residential Community offers sufficient gathering space. Presbyterian Residential 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. | Presbyterian Residential 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. Per staff, dining room seating is assigned, however, residents are able to request changes. 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. | Presbyterian Residential 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 rooms, if applicable. 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, Presbyterian Residential Community is physically accessible; individuals have access to all common areas. The facility free of inhibiting barriers. Assistive devices and an elevator 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 Presbyterian Residential, 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. Residents do not have keys to the facility front door but can use the doorbell system to access the facility after the door is locked. All rooms and bathroom doors are lockable, to ensure privacy. If applicable, individuals in semi-private rooms 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**  **3/16/2018, 04/19/2018, 04/20/2018** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Click or tap here to enter text.  Presbyterian Residential Community is an 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 of the Adult Home is 96 with 78 beds designated ALP.  Presbyterian Residential Community is located on the Presbyterian Homes & Services Campus which offers a full range of health care services of older adults, including home care and adult day programs, short-term and outpatient rehabilitation, assisted living and skilled nursing. The facility is located in Oneida County. The campus is close to shopping, restaurants, churches, banks, and medical offices. There are three adult care facilities, all assisted living programs, within an approximate 7.5 mile radius. Presbyterian Residential Community is free of barriers inhibiting access to or egress from the location. Presbyterian Residential Community 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 and rollators, are available to residents as prescribed. The facility offers both private and semi-private rooms. Private rooms are available based on availability, preference, and/or financial resources. Residents are made aware of their private room option prior to signing the Admission Agreement. For those residents who share a bedroom, roommate selection is based on availability of rooms. However, if the resident expresses a desire to move, accommodations are made accordingly. Residents may decorate their rooms to preference and are encouraged to bring personal effects to their living space. Residents are served three meals a day. Residents also have access to food throughout the day as beverages and snacks are always available in the lounge area.  Presbyterian Residential Community maintains an organized and diversified activity program including individual and group activities. These activities enable each resident to engage in cultural, political, social and intellectual activities within the facility and the community. Activities include individual, small group and large group activities, that may be based within the facility or in the community. Activities also include physical exercise or activity, intellectual activities, and social interaction. The facility schedules activity opportunity for all residents, both with active and passive involvement. Activities and events are developed and scheduled from suggestions and recommendations from the residents though the monthly Resident Council meeting. The facility offers transportation for all facility-planned community outings and events. The facility offers a variety of in-house activities each day, including exercise, music, games, and movies; and plans weekly community outings. The facility schedules a monthly activities calendar with the upcoming events and local trip schedule. The monthly activity calendar is placed in each residents mailbox each month. 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**  Click or tap here to enter text.  During the onsite visit, one resident was interviewed without observation by staff. The following information was gathered regarding community outings and integration:  Individual A stated expressed an ability to access the community to do things desired, including an ability to run errands as desired and either independently or with housemates. Individual A said that participation in outings or activities is voluntary, and that input into activities and outings is accepted through the Resident Council meeting. Individual A voluntarily choose to live at Presbyterian Residential Community and has a private room.  **Employee Interviews**  Click or tap here to enter text.  During the onsite visit, the administrator was interviewed. The following information was gathered in regards to community outings and integration:  Presbyterian Residential Community is located in a residential community near churches, a bank, and other businesses. Via a short trip, there is a variety of restaurants and shopping. Residents are welcome to come and go as they please. For those who are unable to go out independently or who prefer to go out with others, the facility offers planned outings available to all residents. Centro, the local bus transit system has a stop located outside of the facility. The facility issues a monthly activity calendar which includes in-house activities as well as outings. Residents may participate as they wish. Each residents’ schedules are formed with the resident’s input and their individual wants and needs. The Resident Council meets monthly, providing residents an opportunity to express opinions and make suggestions on activities and outings, amongst other things. There is also a monthly Meal Committee meeting in which residents discuss likes and dislikes and gives suggestions. |

**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. Activities Program Policy  2. Case Management Policy  3. Resident’s Rights  4. Dining Room Seating Policy  5. Visitor Policy  6. Community Membership Policy  7. Guidelines  8. Resident Room Availability Change Policy  9. Google Maps  10. Website: <https://www.communitywellnesspartners.org/presbyterian/services/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. |