New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  RiverSpring Assisted Living | | |
| **Location of Setting**  5901 Palisades Avenue, Bronx, NY 10471  **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 Hebrew Home for the Aged at Riverdale, a 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. | RiverSpring Assisted Living is located in Bronx County in a community among other residences and 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 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. Public transportation is available; bus, train, and subway are all accessible nearby the facility. RiverSpring Assisted Living will coordinate transportation to medical appointments. |
| *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 RiverSpring Assisted Living, with home care services, case management, and other supports. All bedrooms are private. Residents are informed of their room options at pre-admission. 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. | RiverSpring 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)*  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, RiverSpring Assisted Living does not have any barriers preventing individuals’ movement. As Observed, RiverSpring Assisted Living offers a variety of spaces for residents to gather. RiverSpring 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. | RiverSpring 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. 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 supports 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 seating however residents can request changes. Residents have access to food throughout the day and may also choose to keep food in their rooms. There is a full-service café that provides snacks, beverages, and lunch items. 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. | RiverSpring 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)*  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 RiverSpring 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. | Residents have privacy in their sleeping units. Residents have keys to their apartments with only appropriate staff having keys to doors. Bathrooms that are within private bedrooms are not lockable, but are within the lockable, private bedrooms. All public bathrooms are lockable for 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**  **9/20/2019, 11/14/2019, 11/22/2019** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  RiverSpring Assisted Living is a 35 bed Adult Home based 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.  Riverspring Assisted Living is located on a 19 acre campus that overlooks the Hudson River and the Palisades, and provides residents with abundant opportunities for nature walks, peaceful reflection, and outdoor entertainment. The facility is located a community among other residences and businesses. There are three Adult Care Facilities within a 1.5 mile radius, one of which is similarly licensed as an Adult Home based ALP. 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, are available to residents as prescribed. The facility also provides licensed home care services which may provide home aides, medical social services, nursing, personal care, occupational therapy, physical therapy, and speech language pathology. The facility has both private and shared rooms. Private bedrooms are equipped with locks to provide privacy. Residents may decorate their rooms as desired. Residents have access to food throughout the day through a full-service café that provides snacks, beverages, and lunch items.  RiverSpring Assisted Living offers an environment conductive to the continuation and strengthening of family ties and friendships as well as the pursuit of intellectual, social and recreational interests. The facility maintains an organized program of activities in order to promote the potential, self-esteem and capabilities of each resident. Residents are kept informed of available neighborhood programs and events. The facility will assist residents in arranging transportation to such programs and events. The facility will assist the residents in organizing desired activities and provide periodic leisure activity programs in which residents are free to participate as desired. A monthly schedule of activities is developed and distributed which takes into account and reflect the age, sex, physical and mental capabilities, interests and the cultural and social background of the residents. Outings are scheduled and encouraged, but the choice whether to participate rests with the residents. Residents may go on outings with anyone they wish to go with, including peers, family, friends or independently. Regularly planned outings including shopping, dining and museums are some of the favored activities of the residents. The facility holds a monthly Resident Council meeting in which residents are encouraged to make suggestions of outings. 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. Additionally, the facility offers a menu planning meeting in which residents can give input and feedback on food options. All food prepared at RiverSpring Assisted Living is kosher. The dietitian also holds cooking classes for residents who wish to participate. | |

**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 without observation by staff. The following information was gathered regarding community integration:  Individual A stated that she is able to go into the community to do things she likes to do. She will often go out to run errands with either other residents or with her family. She shared that the facility offers several outings per month. She will sign up for any that interest her. She recently enjoyed a trip to the Metropolitan Museum of Art. Individual A enjoys living at RiverSpring Assisted Living and chose this facility as her home.  Individual B shared that he enjoys his time at RiverSpring Assisted Living. There are always activities going on that he can participate in, if he chooses. Individual B enjoys going out in the community and will most often go with other residents. He does not have to go, only when he wants to. Individual B enjoys going out to eat, especially to Chinese food restaurants. Individual B enjoys living at the facility and said that the staff are really good and they are all helpful.  **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered in regard to community inclusion:  RiverSpring Assisted Living provides the highest quality of life for the residents through innovative programs and services offered at the facility and through its affiliates, The Hebrew Home at Riverdale and River Spring Health. Residents are empowered by fostering independence, encouraging participation, socialization and offering freedom of choice. Family members and significant others are encouraged to take active and significant roles in communicating with loved ones as well as staff. RiverSpring Assisted Living offers activities and events that reflect the interests and needs of the residents. The Activities Coordinator creates a monthly calendar with a broad range of activities for the residents to choose from. Residents are encouraged to participate, and do so at their discretions. A sample of activities includes, exercise, health and wellness seminars, classic and current movies, current events, cultural events, card games, live entertainment, religions services, concerts, seasonal celebrations, and more. The Resident Council meets once per month and is open to all residents who wish to participate. This gives residents the opportunity to provide feedback and input on offered outings and activities. The facility offers special trips and outings as part of the activities program. Examples of such activities are shopping, shows, sporting events, museums and movies. Announcements are sent to all residents. The facility offers several amenities including an onsite beauty parlor/ barber shop, wellness center, a pool for aqua therapy and exercise, a library, outdoor patio, solarium, Derfner Judaica Museum, River Café & Market, and a Cafeteria (food for purchase). All residents have the option to use these amenities, but can access the like within the community if they so choose. |

**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 Care Planning and Person Directed Services Policy  2. Case Management Services Policy  3. Activities Policy  4. Residents Rights  5. Excerpt from Resident Handbook: Activities and Outings  6. Excerpt from Resident Handbook: Transportation  7. Excerpt from Resident Handbook: Visitation  8. Photo of Personalized Bedroom  9. Google Map  10. Website: [https://www.riverspringliving.org/assisted-living/#](https://www.riverspringliving.org/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. |