New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Samaritan Summit Village | | |
| **Location of Setting**  22691 Campus Drive, Watertown, NY 13601  **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 Samaritan Summit Village is co-located with Samaritan Senior Village, Inc., 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. | Samaritan Summit Village is in a Jefferson County area proximal to a residential 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, 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. The facility will assist each resident in securing appropriate transportation services to medically related appointments as well as community services and events. |
| *42 CFR 441.301(c)(4)(ii)*  Yes  Partial  No  Not Applicable | 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 Samaritan Summit Village with home care services, case  management, and other supports. All rooms are private. However, married couples may share a room if they choose. 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. | Samaritan Summit Village 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.  Resident rooms are equipped with locks with only the resident/s and appropriate staff having keys. Residents are provided lockable storage for personal effects. Residents are provided a copy of their rights upon admission. Residents are orientated to the facility’s 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, Samaritan Summit Village does not have any barriers preventing individuals’ movement. As observed, Samaritan Summit Village has many gathering spaces throughout, see the photos below. Samaritan Summit Village 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. | Samaritan Summit Village may only care for a person who voluntarily chooses to participate in the program after being 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, there are three dining areas for the residents to choose from. 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. There is a gift shop and a kitchenette with snacks available. 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. | Samaritan Summit Village welcomes visitors at any time. Visitors are asked to sign in and sign out. The facility’s’ doors lock at 8:00 pm after which visitors need to ring the bell to be let in by facility staff. There are several private spaces where residents can meet visitors, including in their private rooms. 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 Samaritan Summit Village, 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 room, with only appropriate staff having keys to doors. All rooms and bathroom doors are lockable, to ensure privacy. Additionally, each floor has a public restroom that has a lockable door for privacy. All rooms are private, with the exception of a few that are shared by spouses. As observed, residents are able to furnish and decorate their rooms as they choose. |

**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** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Samaritan Summit Village is an Adult Home based Assisted Living Program (ALP), Assisted Living Residence (ALR), and Enhanced Assisted Living Residence (EALR). The Adult Home provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The ALP 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, 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 ALR provides or arranges for housing, on-site monitoring, and personal care services and/or home care services in a home-like setting to five or more adult residents, daily food service, 24-hour on-site monitoring, case management services, and the development of an individualized service plan for each resident. The EALR provides ”aging in place” services to those at the highest end of the adult care facility retention spectrum, including residents who (1) chronically require the physical assistance of another person to walk; (2) chronically require the physical assistance of another person to climb or descend stairs; (3) are dependent on medical equipment and require frequent assistance from medical personnel; or (4) have chronic unmanaged urinary or bowel incontinence.  The total bed capacity of the Adult Home is 120 with 89 beds designated for ALP capacity, 31 beds designated for ALR or EALR capacity.  The facility is located in Jefferson County in a community proximal to residential neighborhoods and commercial businesses. There is one assisted living facility approximately 2.5 miles away. The facility is free of barriers inhibiting access to or egress from the location. Samaritan Summit Village provides onsite services consistent with its licensure as a licensed homecare services agency, including individualized home health aide and nursing services. 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 is made up of all single private rooms, though at the time of the onsite observation, two of the facility’s rooms were shared suites between two couples. All bedrooms are equipped with locks to provide privacy. Bathrooms within private rooms may be locked for privacy. Residents may decorate their rooms to taste. Residents are provided with three meals per day in three dining areas from which the residents may choose to dine at the time of their preference. Residents have access to food throughout the day via the facility’s kitchenette and a gift shop.  Samaritan Summit Village provides a continuum of care for the local senior population. For those who need some help with activities of daily living, but do not need continuous nursing care, assisted living offers independence and added privacy. The facility features a home-like environment that enables residents to easily transition from assisted living to nursing home care as they require a higher need of support. The facility offers residential-style dining rooms for small groups of people versus a larger, institutional-type cafeteria setting. They offer a flexible food service that is prepared on residents’ schedules and that fits different lifestyles. The facility offers more but smaller common rooms that give residents areas for various activities such as reading, computer use, or conversation as opposed to one less intimate large common area. Resident rooms are designed to maximize privacy.  Samaritan Summit Village places great value in recreation and activity. The facility employs a full-time Activities Coordinator who plans monthly, weekly, and daily activities that reflect the likes of the residents. Upon admission the Activities Coordinator greets new residents to discover their likes/dislikes and interests. There is a variety of on-campus and off-campus activities to choose, and a calendar is provided to each resident and their families. The facility offers a variety of in-house activities each day, including but not limited to exercise, word games, religious services, games, arts and crafts, movies and baking. A weekly outing to shopping or a restaurant is incorporated in the schedule. The facility also plans several outings in the community each week which may include shopping and lunch trips. Residents are encouraged to sign up for trips of interest. The Resident Council meets monthly offering the opportunity for residents to give input on activities. The Resident Council makes its suggestions to the Activities Coordinator. 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 one resident was interviewed without observation by staff. The following information was gathered in regards to community integration:  Individual A has resided at Samaritan Summit Village for 5 years. She stated that she chose to live at the facility and enjoys it. She is happy to have her own room. Individual A is able to go out into the community to do things she likes. She is able to go shopping and out to eat. She said that she doesn’t always want to go out on the trips, but when she feels like going or when there is a trip that interests her, she will go. Individual A said that she is able to come and go as she pleases.  **Employee Interviews**  During the onsite visit, the administrator was interviewed. The following information was gathered regarding community outings:  The facility offers a variety of activities, both onsite and offsite. The Activities Coordinator plans a monthly activities calendar with suggestions from the residents. Included in these activities are community outings. The residents primarily enjoy going on various shopping trips as well as out to eat. When a resident moves in the Activities Coordinator will meet with him/her to discuss likes and dislikes, what they used to be interested in and what they may like to participate in. Annually thereafter the Activities Coordinator puts out an Activities Survey for the residents to participate in. This one means for residents to update their interests and to give input on current activities and outings. Additionally, the facility holds a monthly Resident Council in which all residents are welcome to attend. This gives residents the opportunity to suggest outings and activities for the upcoming month. Residents are encouraged to participate in offered activities and outings, however, it is their choice. Residents are welcome to participate in community outings and activities with peers from the facility, family or friends, the choice is theirs. |

**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. Monthly Activity Calendar  2. Activities Offered and Resident Activity Survey  3. Visiting Hours Policy  4. Individualized Service Plan Template  5. Transportation Policy  6. Resident Rights Policy  7. Case Management Policy  8. Dining Area Showing Food and Drinks Available (photo)  9. Google Map  10. Website: <https://samaritanhealth.com/location/long-term-care/facilities/samaritan-summit-village/> |

**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. |