New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  The Inn at Menorah Park | | |
| **Location of Setting**  4101 East Genesee St., Syracuse, NY 13214  **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Adult Home/Assisted Living Residence | **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 Jewish Home of Central New York, 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. | The Inn at Menorah Park is located among other residences 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. There is a Centro bus stop at the main entrance of the facility for residents’ convenience. |
| *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. The residents have several floor plans to choose from to fit everyone’s preference and finances. 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 Inn at Menorah Park with home care services, case management, and other supports. All bedrooms are single private rooms. The facility offers only Private rooms. Residents are informed of their room options at pre-admission as there are several layouts to choose from. 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. | The Inn at Menorah Park 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, The Inn at Menorah Park does not have any barriers preventing individuals’ movement. As observed, The Inn at Menorah Park offers many options for their residents to gather, both inside and out. The Inn at Menorah Park 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. | The Inn at Menorah Park 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. The facility has three restaurant-style settings in which the residents are free to dine at. The facility offers several mealtimes at various locations throughout the day. 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. | The Inn at Menorah Park welcomes visitors at any time.  Visitors are required to sign in and 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. An elevator is available to take residents between floors. 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 Cedarbrook 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 rooms with only appropriate staff having keys to doors. Residents are able to lock bathroom doors for privacy. All rooms are single private bedrooms. 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**  **6/11/2019** | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  The Inn at Menorah Park is a 61-bed Adult Home based Assisted Living Residence. The facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The facility 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. The ALR provides daily food service, 24-hour on-site supervision, case management services, and the development of an individualized service plan for each resident.  The facility is located in Onondaga County a suburban area situated among residential neighborhoods and commercial businesses. The provider operates the Jewish Home of Central New York, co-located with The Inn at Menorah Park. There are several Adult Care Facilities; the closest is less than three 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 assessable to all individuals. Residents have access to all common areas of the facility. Assistive devices, such as walkers and wheelchairs, are available to residents as prescribed. The facility also has a bench swing near the front entrance with a wheelchair ramp for to allow all residents access. The facility offers private bedrooms to all residents. Bedrooms and bathrooms are both equipped with locks to provide privacy. Rooms come either furnished or not furnished at the preference of the resident. Residents are welcome to decorate their rooms as they wish. Residents have access to food throughout the day. There are several areas throughout the facility which residents may help themselves to snacks and beverages throughout the day. The facility offers many options for their residents to gather, both inside and out, including Fox’s Den Sports Bar, The Bistro, Lobby Café, and an outdoor terrace. The Inn at Menorah Park also offers a fitness room, onsite beauty and barber services, a gift shop, transportation to events and local shopping, and an onsite library.  The Activities Director schedules monthly in-house activities as well as facility-sponsored outings and events. A monthly activities calendar is distributed to each resident. All residents are encouraged to participate, though it is the residents’ choice to participate or not. For those residents needing added encouragement and reminders, staff will check in with them in their room to remind them of the day’s events. The facility provides transportation for outings and events planned by the facility. There is a Centro public bus stop at the main entrance of the facility for those residents who wish to access the community via public transit. Residents are able to participate in outings and activities as often as they choose. Residents may access the community independently, with family and friends, or with peers from the facility. Activities and outings are discussed at the monthly Resident Council Meetings. These meetings give residents the opportunity to share future recreational ideas. All residents are encouraged to attend, but again, the choice rests with the resident. The residents enjoy a variety of in-house activities, including live musical entertainment, exercise classes and walking club, ice cream socials, happy hour, and gardening. Some favorite community destinations include Fayetteville Library, local theater performances, shopping trips and a boat cruise on Skaneateles Lake. | |

**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. The following information was gathered:  Individual A shared that she had just moved into the facility the day before. She is still getting her bearings and working on making new friends. She said she choose to live in this facility as it was near her home. Her husband recently passed away and she thought this facility would be good for her. So far, Individual A does not have much experience with activities and outings. She did state that upon her move in she was given an activities schedule. She is looking forward to seeing what the facility has to offer and to make new friends.  Individual B has resided at the facility for over 5 years. She really enjoys it there. Individual B shared that she used to be a nurse and chose to live at the facility after retirement. Her 4 sons visit her regularly. She chose to move to The Inn at Menorah Park so her children wouldn’t have to worry about her. Individual B shared that the facility offers many activities, both inside and in the community. Individual B is able to participate as she chooses. She is able to go out with her housemates if she wants to. She states she will often go out with one of her sons.    **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered:  The Inn at Menorah Park is committed to enhancing the quality of life for all residents. The facility offers a variety of activities to provide the residents with social and spiritual activities that promote the physical, spiritual, and mental well-being of each resident. Activities are offered 7 days per week. Upon admission an assessment is completed on each resident to determine their social history and what needs they might have. All residents are encouraged to participate in social and recreational activities. For outings and events planned for outside of the facility, the facility will coordinate transportation for the residents. Activities and outings are planned with input from the Resident Council. The Resident Council meets once per month. All residents are welcome and encouraged to attend. |

**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 Policy  2. Monthly Activities Calendar  3. Case Management Services Policy  4. Resident Rights  5. Visiting Policy  6. Available Food (photo)  7. Personalized Bedroom (photo)  8. Google Maps  9. Website: <https://menorahparkofcny.com/> |

**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. |