New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Bethany Village | | |
| **Location of Setting**  3005 Watkins Road Horseheads, NY 14845 **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 on the same campus as Bethany Nursing Home and Health Related Facility, Inc. |

**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. | Bethany Village is located in a residential community, proximal to commercial businesses. Residents have access to the greater community. Individuals are able to engage in community life, receive services in the community, and be a part of their community as they choose. 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. Residents can access the community through events planned by the facility. Activities and outings are planned with input from the residents via the Resident Council. Residents have the opportunity and control of their resources needed for outings. Residents have control of their personal resources (is not a modifiable standard) unless they have a designated payee/ authorized the facility to manage their finances. Residents can choose their medical providers. The facility ensures transportation is available to the residents with either their bus, through the Chemung County Transit System or a bus aide service. |
| *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 non-disability specific setting. Individuals receiving services in this assisted living  program (ALP) are medically eligible for placement in a nursing home but based on the individuals’ score on a uniform assessment tool (i.e., UAS-NY), it has been determined the individuals’ specific needs can be met in the Bethany Village with home care services, case management, and other supports. All rooms are single, private rooms with a private bathroom. However, per the administrator, couples may share a room if they choose. Residents are informed of their room options at pre-admission. Residents who are in a two-bedroom apartment have a choice of “apartment-mate”, 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. | Bethany Village ensures that each resident’s 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. Resident’s rooms are equipped with locks with only the resident/s and appropriate staff having keys. 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. Residents may engage in community life, including activities outside of the facility at their discretion. Residents make their own decisions about daily activities to participate in and with whom they interact. Bethany Village has a memory care unit with a delayed egress system for the health and safety of the residents. Otherwise, the facility is free of inhibiting barriers. The facility offers spacious gathering locations, including a main lobby, conference room, dining area, community room, parlor, and the resident’s private rooms. The residents are afforded the opportunity for 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. | Bethany Village 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 There are three dining areas from which the residents may choose to dine. When residents are first admitted, they are seated with other residents who staff think they will get along with due to shared interests. Ultimately though, any resident can sit wherever they would like. The residents have access to food items 24/7. 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. | Bethany Village welcomes visitors at any time. Visitors are required to sign in/out for safety. Besides residents’ bedrooms there are several areas throughout the facility that residents can meet their visitors. Guests are able to enter the facility after they have signed in. 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) | The facility is accessible to all individuals, there are no inhibiting physical barriers. This is a non-modifiable standard. 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 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. | Each room is single occupancy with a private bathroom. Residents have privacy in their sleeping units. Residents have keys to their rooms and to the facility’s entrances. All units and bathroom doors are lockable, to ensure privacy. If applicable, individuals sharing a unit have choice of “roommate” based upon availability and compatibility.. Though all rooms are private, couples may share a room if they choose. Residents may decorate their rooms as they wish. As observed, rooms are personalized by furnishing and decorations. |

**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, 08/27/2019, 09/04/2019** | **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.  Bethany Village is an Adult Home with an Assisted Living Program, Assisted Living Residence, Enhanced Assisted Living Residence, and Special Needs Assisted Living Residence. As an Adult Home, the facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The Assisted Living Program (ALP) provides services to persons who are medically eligible for nursing home placement but can be served 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 Assisted Living Residence (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. The ALR provides daily food service, twenty-four-hour onsite monitoring, case management services, and the development of an individualized service plan for each resident. The ALR must be located within either a licensed adult home or enriched housing program. The Enhanced Assisted Living Residence (EALR) provides services that may enable a resident to age in place by admitting or retaining 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 Special Needs Assisted Living Residence (SNALR) provides services to individuals with special needs, including individuals with dementia or cognitive impairments.  The total bed capacity 144 adult home beds with 60 available ALP slots. The facility is located in Chemung County, within a community among other residences. Bethany Village is the only Adult Care Facility in the immediate area with the nearest Adult Care Facility approximately ten miles away. Bethany Village is located on the Bethany Village Campus, situated on what was once an apple orchard with a variety of trees that are enjoyed for their natural beauty and community interest. Bethany Village provides a full continuum of services on campus, including independent senior housing, assisted living and memory care, adult social day club, community home care, and skilled nursing and rehabilitation. “The Courtyards” offers a traditional Assisted Living Residence for those who are mostly independent but need a little extra help with activities of daily living; the Enhanced Assisted Living Residence gives residents more day-to-day help. “Orchard View”, the memory care area, is a secure area that offers those with Alzheimer’s or Dementia a safe and secure environment with 24-hour assistance. The facility is free of barriers inhibiting access to or egress from the location and free from physical barriers inhibiting movement. Residents have access to all common areas of the facility. Assistive devices, such as walkers and rollators, are available to residents as prescribed. Bethany Village provides onsite services consistent with its licensure as a licensed homecare services agency. Through a Licensed Home Care Agency, the facility may provide services such as home health aides, nursing, and personal care. The facility has all single, private rooms with a private bathroom, though couples may share a room if they choose. Room options and availability are discussed pre-admission. Residents are encouraged bring personal items and decorate their room as they choose to help them feel at home. Three nutritious meals are served each day, though food is available at all times. There are three dining areas from which residents may choose to dine. The facility offers a main entrée and alternatives should the residents desire something different. There are snack items available in the communal refrigerator and residents may have a personal refrigerator in their room for storing perishable food items.  Bethany Village provides an Activities Program that includes cultural, spiritual, diverse, physical, political, social, and intellectual subjects and events and that will sustain and promote a sense of dignity to self and others and reflect the residents’ ages, genders, physical and mental capabilities, interests, culture and social backgrounds. As with all activities, residents choose in which activities they participate, and can do so at a frequency of their selection. The facility offers a variety of in-house and community-based outings and activities. Some favored activities include exercise, games such as Bingo, trivia, puzzles, cornhole, ladder ball, religious services, baking/cooking, and arts and crafts. The facility schedules several community outings including bus trips to restaurants, shopping venues, and local museums. Outings are scheduled and encouraged, but the choice whether to participate rests with the residents, who must sign-up if they wish to participate. A monthly Activities Events calendar is generated and distributed to residents with a newsletter that highlights upcoming events and announcements. Residents may access the community as frequently as and with whomever they choose. Residents can discuss any outing and activities ideas with the director of recreation. Residents are also encouraged to participate in Resident Council to discuss residential needs, problems, and improvements. It is a good way to share ideas for improving or adding to the activities and events calendar. Resident schedules are designed by the resident and flexible according to the resident’s individual preferences. Residents determine how much time they spend in their room, at activities, and in the community. Residents have the choice to participate or have personal or alone time. Activities are adapted to individual needs and preferences of the residents. Preferences may be communicated ad hoc depending on the resident’s current position or catalogued in a plan that details a more comprehensive individualized program. | |

**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, four residents were interviewed without observation by staff. The following information was gathered regarding community integration:  Individual A shared that she is able to participate in community outings and events when she wants. She mainly goes out independently but will also join in facility-planned outings. She disclosed that she does not have any family nearby, so she goes out alone or with a friend. Individual A enjoys going shopping and out to eat. She has a great interest in the arts and enjoys viewing and creating her own art.  Individual B shared that she is able to participate in community outings and events whenever she would like to. She only goes out when she chooses. Individual B prefers the in-house activities offered but will participate in community outings and events if something interests her. She will go out with family at times as well as facility- planned events, such as shopping at Walmart.  Individual C shared that she is goes out into the community to do things she likes when she wants to. She runs errands with family or friends. She also signs up for facility- planned events like shopping and going out to eat. Individual C shared that she is not forced to go and knows that the choice is hers if she wants to participate. Individual C enjoys the activities offered within the facility as well.  Individual D shared that he goes into the community to do things he likes. He goes out with his family or with friends from the facility. He enjoys going out to eat or out to the store. Individual D also enjoys going to the local holiday parades, like the St. Patrick’s Day Parade.  **Employee Interviews**  Click or tap here to enter text.  During the onsite visit the administrator was interviewed. The following was gathered regarding community integration:  The residents may access the community as they wish. They can come and go as they please. Many residents access the community with family or friends from outside the facility. Many residents take advantage of the facility- planned outings and events. Through Resident Council the facility get input from residents as to what outings and activities are of interest. The Activities Director then schedules in-house activities and community outings and events based on recommendations. The facility tries to vary the outings a bit. Planned outings may include going out to eat (at a diner, Olive Garden, Chinese, pizza, etc), shopping (Walmart, Dollar General, Hobby Lobby) as well as trips to the casino, a museum or even a local park. The facility organizes transportation for all planned events. It is required that residents sign up for the outings to ensure adequate staffing and transportation. |

**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. Individualized Service Plan Policy  2. Visitation Policy  3. New Aide Orientation  4. Resident Rights  5. Case Management Policy  6. Activity Policy  7. Monthly Newsletter  8. Monthly Activities Calendar  9. Google Map  10. Website: <https://www.bethany-village.org/> |

**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. |