New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Woodland Pond at New Paltz | | |
| **Location of Setting**  100 Woodland Pond Circle, New Paltz 12561 **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Enriched Housing 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 Woodland Pond 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. | Woodland Pond at New Paltz is located 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, 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. Per the Ulster County Public Transportation, there is no public transportation to/ from the facility. However, Senior Services is available for all registered seniors. The facility provides transportation services for all medical appointments and group trips. |
| *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 Woodland Pond at New Paltz with home care services, case management, and other supports. All bedrooms/suites are private apartment-like homes with a private bathroom, living area and kitchenette. 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. | Woodland Pond at New Paltz 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, Woodland Pond at New Paltz does not have any barriers preventing individuals’ movement. As observed, Woodland Pond at New Paltz offers a variety of gathering spaces for activities each day, and a common room. Residents may choose to participate in any activity offered within Assisted Living, Garden View (Memory Care) or the Skilled Nursing Home. Woodland Pond at New Paltz develops a robust 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. | Woodland Pond at New Paltz 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 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. | Woodland Pond at New Paltz 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 Woodland Pond at New Paltz, 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/suite with only appropriate staff having keys to doors. All rooms are private. The facility entrances remain open 24 hours, 7 days a week. All rooms and bathroom doors are lockable, to ensure 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**  6/18/2019, 09/04/2019 | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Woodland Pond at New Paltz is licensed as an Enriched Housing Program (EHP) with certification as an Enhanced Assisted Living Residence (EALR), and Special Needs Assisted Living Residence (SNALR). As an EHP the facility provides long-term residential care to five or more adults, primarily people 65 years of age or older, in community-integrated settings resembling independent housing units. The program provides or arranges for room, board, housekeeping, personal care, and supervision. The EALR and SNALR provide or arrange 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, including meals, 24-hour surveillance, case management services, and the development of an individualized service plan for each resident. The EALR provides ”aging in place” services and the SNALR avails services to individuals with special needs, including individuals with dementia or cognitive impairments.  The total bed capacity of the Enriched Housing Program is 60 beds with ALR capacity. 40 beds are certified for EALR capacity and 20 beds are certified for SNALR capacity.  Woodland Pond at New Paltz is a continuing care community that offers a range of residential options for independent living, they also offer a seamless continuum of on-campus senior living options and care services. Residential services and options include Independent Living, Assisted Living, Memory Care, Short-Term Rehabilitation Therapies, and Long-term Nursing Care. The Woodland Pond at New Paltz campus situated on 83 acres in Ulster County within a community situated among residential and commercial businesses. There are three adult care facilities within a 10-mile radius. The facility is free of barriers inhibiting access to or egress from the location. The facility has multiple gathering spaces throughout the facility, both indoor and outdoor. Woodland Pond at New Paltz provides onsite services consistent with its licensure. The facility provides three meals per day, laundry services, medication management, transportation for appointments and outings, social, cultural, educational and recreational activities, individualized service plans focusing on health and wellness, nursing support and personal care aides. The facility also offers many amenities as a convenience to residents such as salon services, health support groups, on-site physician services, on-site dental services, on-site laboratory services, on-site imaging services, on-site physical, occupational and speech therapy, on-site massage therapist and 24-hour security. The facility is free from barriers inhibiting movement. However, the doors connecting the Assisted Living, Memory Care, and Skilled Nursing are on a delayed egress system to ensure resident safety. Otherwise, the facility is free of inhibiting barriers. 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 adult care facility is made up of all private apartments, including kitchenettes, dining/living areas, and a private bathroom. Rooms are equipped with locks to provide privacy. Residents may decorate their apartments as they wish to make their space their own. Residents are serviced three meals a day prepared by a Culinary Institute of American chef, in a restaurant-style dining room. Residents also have access to food throughout the day.  Woodland Pond at New Paltz ensures that all residents’ social, spiritual, intellectual and leisure needs are addressed. Upon admission, and annually thereafter, an assessment with social history and activity interest questionnaire is completed with the resident/ family by activities staff. The Activities Director will incorporate resident interests, if not already available in current activities offerings, in the upcoming activities calendars and/or provide one on one programming to meeting resident’s activity needs. An Activities Planning Meeting is held monthly which affords residents the opportunity to provide input on activity ideas, and to be involved in the planning of their upcoming month’s schedule, as well as provide feedback on the quality of the programming. For those who choose not to participate in large group activities, small group and individual programming will be offered. Such inhouse activities offered include book club, card and board games, Bingo, arts and crafts, music, baking/ cooking, and more. Woodland Pond at New Paltz also ensure that all residents have the opportunity, if they so choose, to go into the community. The facility schedules such outings as shopping and lunch trips. All schedule trips include transportation organized by the facility. 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. In addition to the planned activities and outings, there are many amenities on the campus for residents, including a private library, game room, billiards, woodshop, communal gardens, fish pond, learning institute, spiritual/ religious programs, political forums, performing arts center, computer lab, art studio, balconies with mountain views, trailblazing club, monthly artist showcase, intergenerational programs, environmental programs, and Dedrick’s at The Pond. The facility also offers many fitness amenities and services including a 24-hour fitness center, indoor heated pool, whirlpool tub, walking and biking paths and clubs, yoga classes, Chi Kung, Tai Chi, meditation courses, water aerobics, and strength training. | |

**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 interview, one resident was interviewed without observation by staff. The following was gathered in regard to community integration:  Individual A shared how much she enjoys living at her home. At the time of the interview she was waiting for her sister to pick her up. They were going out for lunch and to see a movie. She was very excited to be going out. Individual A shared that she is constantly busy. She is able to go out whenever she wants to. She goes out with family and friends from outside of the facility, as well as with friends from within and through facility planned events. Individual A chooses to keep herself busy by participating in activities and outings. She particularly enjoys attending water aerobics. Individual A shared that she is more active since she has lived at Woodland Pond at New Paltz.  **Employee Interviews**  During the onsite visit, the administrator and director of nursing were interviewed. The following was gathered in regard to community integration:  Residents are able to come and go as they please. It is requested, for safety purposes, that residents sign in and out. There are many residents who are active and on the go, and many who enjoy the comforts afforded by Woodland Pond. Residents can be as active, or inactive, as they choose. The facility offers an array of activities both within the facility as well as out. The facility plans and schedules several community outings each month. Residents are able to sign up to participate, if they are interested. Trips include shopping, lunch outings, concerts, and more. If residents give suggestions the facility does their best to get those wants met. The Woodland Pond campus offers so many amenities that many residents are able to keep themselves active without leaving the grounds. |

**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. Transportation Policy  2. Activities Policy  3. Outing Policy  4. Development of Individualized Service Plan  5. Resident’s Rights and Responsibilities  6. Visitation Policy  7. Resident Room (photo)  8. Available Snack and Coffee (photo)  9. Google Map  10. Website: <https://woodlandpondnp.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. |