New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Yorktown Assisted Living Residence | | |
| **Location of Setting**  2276 Catherine Street Cortlandt Manor, New York 10567 **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/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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| Yorktown Assisted Living Residence is located next door to Yorktown Rehab & Nursing Center. |

**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. | Yorktown Assisted Living Residence 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. The facility provides free transportation to local places of interest and medical appointments for the residents. |
| *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 Yorktown Assisted Living Residence, with home care services, case management, and other supports. All rooms at the facility are single, private rooms. Units that may contain two individuals are by choice and are usually married individuals. All setting options are discussed pre-admission and is documented in each residents’ plan. 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. | Yorktown Assisted Living Residence 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 a dedicated phone line in their room for use as they wish. Residents also have wi-fi for communication as well. Resident rooms are equipped with locks with only the resident/s and appropriate staff having keys. Each resident is provided lockable storage in his or her room to store anything of value to them. 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, Yorktown Assisted Living Residence does not have any barriers preventing individuals’ movement. As observed, Yorktown Assisted Living Residence offers indoor and outdoor spaces for the residents to utilize. Yorktown Assisted Living Residence 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. | Yorktown Assisted Living Residence 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 daily schedules. 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. NYDOH ACF program is issuing revised guidance and person-centered trainings to remediate this by March 17, 2023. |
| *42 CFR 441.301(c)(4)(vi)(D)*  Yes  Partial  No | Individuals are able to have visitors of their choosing at any time. | Yorktown Assisted Living Residence welcomes visitors at any time. 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 Yorktown Assisted Living Residence, 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 and to the facility’s entrances, with only appropriate staff having keys to doors. All rooms and bathroom doors are lockable, to ensure privacy. All rooms at the facility are single, private rooms. Units that may contain two individuals are by choice and are usually married individuals. 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**  10/11/2019, 01/08/2022 | **State Agency/Entity that Conducted the On-Site Visit** New York State Department of Health |
| **Description of the Setting**  Yorktown Assisted Living Residence is an Adult Home with licensure to offer Assisted Living Program (ALP) and Assisted Living Residence (ALR) services. The facility is also licensed as an ALR and Special Needs ALR (SNALR). As an Adult Home the facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. 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. The ALR provides daily food service, twenty-four-hour on-site 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 SNALR provides services to individuals with special needs, including individuals with dementia or cognitive impairments. 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, 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 total capacity is 85 adult home beds, comprised of 45 ALP and 40 SNALR beds. Located in Westchester County, the facility is located among other residences and commercial businesses. Yorktown Assisted Living Residence is located next door to Yorktown Rehabilitation and Nursing Center. The two facilities operate independent of one another and are not affiliated. The nearest Adult Care Facility is located approximately 5 miles away. The SNALR-based memory care unit is secured for the safety and well-being of the residents. Otherwise, the facility does not have locked doors, gates, or other barriers which inhibit entry/egress. 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 canes, walkers and rollators, are available to residents as prescribed. The facility also provides licensed home care services. The facility has all private rooms with bathroom. Bedrooms are equipped with locks to provide privacy. Residents may decorate the room as desired and are encouraged to show their personalities and create a comfortable environment. Residents have access to food items throughout the day without requesting these items from staff. Snacks are available in the lounge pantry and Country Kitchen refrigerator 24 hours a day. Additionally, each room is equipped with a kitchenette in which  residents can keep food on hand.  The facility offers a variety of in-house and community-based programs. Staff take the time to get to know each resident as an individual. Staff find out what the residents’ interests and hobbies are and what activities they enjoy doing the most. Community outings are scheduled and encouraged, but the choice whether to participate rests with the residents. The facility provides free transportation to local places of interest and to medical appointments. For those residents in the ALR the facility provides transportation around town, including shopping and social gatherings, as well as medical appointments Monday through Friday. These activities are unsupervised. In addition, transportation to religious services on Saturday/ Sunday is available with advanced notice. For SNALR residents, Yorktown Assisted Living Residence provides transportation for supervised shopping trips and regular outings. All outings for SNALR residents are supervised by staff to ensure the safety and well-being of the residents. Residents may go on outings with anyone they wish to go with. Regularly planned outings including shopping trips and out to eat. The facility also schedules other activities in the community such as a weekly Tai Chi class, flower arrangement class and trips to a local farmers market. All facility planned community outings require residents to sign up. In addition to community outings and events, the facility offers a variety of inhouse activities including exercise, music, arts and crafts, social activities, games and more. Residents receive a monthly schedule of events and can choose what they would like to participate in each day. The facility holds a monthly Resident Council meeting in which residents are encouraged to make suggestions of outings and activities. 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 two residents were interviewed without observation by staff. The following information was gathered regarding community integration:  Individual A shared that he enjoys going out into the community to do things he likes. He is able to go out to do things he enjoys whenever he wants to. He usually goes with the driver. He likes going out to some stores and out to eat. Individual A said depending on the event or outing planned, he may participate. He said that he is looking forward to going on the drive to look at the fall colors.  Individual B shared that she enjoys going out into the community to go shopping or out for lunch. She said she usually goes out with other residents and are transported in the facility’s vehicle. Individual B said she is never forced to go anywhere, she goes out when she wants to and with whom she wants to go with. She also enjoys the activities the facility offers each day.  **Employee Interviews**  During the onsite visit the administrator was interviewed. The following information was gathered regarding community integration:  Residents have the opportunity and availability to come and go as they choose. They are welcome to go on outings with family, friends, with peers, or independently. The facility offers transportation to residents Monday through Friday to travel around town and to medical appointment. It is simply a courtesy offered by the facility and these activities are unsupervised. Residents have the freedom to control their daily schedule and attend activities and outings of their choosing. The facility is responsible to provide the activities, but participation is the choice of the residents. Residents may choose to participate or not. Besides the facility-planned activities, residents may access the community as they wish. The facility also offers daily activities within the facility. All residents are encouraged to participate in the monthly Resident Council meetings to make suggestions for future outings and activities. |

**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. Access to Transportation Policy  2. Freedom to Control Daily Schedule and Activities Policy  3. Choice of Apartment Policy  4. Individualized Service Plan Policy  5. Visitor Policy  6. Excerpt from Resident Handbook- Nutritional Services and Activities  7. Photo: Bedroom in the ALR  8. Photo: Bedroom in SNALR/ Memory Care Unit  9. Google Map  10. Website: <https://yorktownal.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. |