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New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**Brooklyn Boulevard ALP |
| **Location of Setting**636 Louisiana Avenue Brooklyn, NY 11239**Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**Enriched Housing Program/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.**[x] **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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| Brooklyn Boulevard ALP is located next door to Spring Creek Rebab and Nursing Care Center. |

**Provider Compliance Summary**

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| **Requirements for All HCBS Settings** |
| **Compliant?** | **Federal Requirement** | **Summary** |
| *42 CFR 441.301(c)(4)(i)*[x] 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. | Brooklyn Boulevard ALP is situated 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/roommates, family, friends or independently. 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 the facility to manage their finances. Residents can choose their medical providers. Public transportation is available to/from the facility through a public bus stop located within walking distance. |
| *42 CFR 441.301(c)(4)(ii)*[x] 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 Brooklyn Boulevard ALP with home care services, case management, and other supports. All rooms at Brooklyn Boulevard ALP are private rooms. 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. Individuals’ schedule are flexible, based on residents’ needs and wants.  |
| *42 CFR 441.301(c)(4)(iii)*[x] Yes[ ] Partial[ ] No | Settings ensure an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. | Brooklyn Boulevard ALP ensures each resident’s right to have privacy in caring for personal needs; confidential treatment of personal and health records; and 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. Staff will provide a space for residents to visit with others upon request. Resident 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 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)*[x] 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. Based on observation Brooklyn Boulevard ALP does not have any barriers preventing individuals’ movement. Brooklyn Boulevard offers a variety gathering spaces available to the residents, including a library, recreation rooms, a movie room, and the resident’s private rooms. Brooklyn Boulevard ALP 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)*[x] Yes[ ] Partial[ ] No | Settings facilitate individual choice regarding services and supports, and who provides them.  | Brooklyn Boulevard ALP 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)*[x] 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 is assigned seating in the dining room though residents can change at their discretion. Meals are served at specific times; however, residents can eat when and where they choose. 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)*[x] Yes[ ] Partial[ ] No | Individuals are able to have visitors of their choosing at any time. | Brooklyn Boulevard ALP welcomes visitors at any time. Residents can have visitors at any time they choose. For safety purposes, all visitors are required to sign in and out. Besides the residents’ private apartments, the facility affords residents private meetings spaces upon request. Residents can allow their guests to enter without staff assistance.  |
| *42 CFR 441.301(c)(4)(vi)(E)*[x] 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[x] 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)*[x] 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 Brooklyn Boulevard ALP, as well as 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)*[x] 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 apartments and to the facility’s entrances. All rooms and bathroom doors are lockable, to ensure privacy. If applicable, individuals sharing an apartment have choice of “apartment-mate” based upon availability and compatibility. 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****9/27/2019** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting** Brooklyn Boulevard ALP is a 184 bed Enriched Housing Program and Assisted Living Program (i.e., ALP). The facility provides long-term residential care to five or more adults, primarily people sixty-five 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 Assisted Living Program 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 facility is located in Kings County, near a nature preserve, in a community among other residences and commercial businesses. There are several other Adult Care Facilities within a five-mile radius. The facility is free of barriers inhibiting access to or egress from the location. The facility is free from barriers inhibiting movement, and is physically assessable to 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 also provides licensed home care services as a licensed home care services agency (LHCSA). Individualized services provided through the LHCSA may include Home Health Aide, Homemaker, Housekeeper, Medical Social Services, Nursing, Nutritional, Occupational Therapy, Physical Therapy and Speech Language Pathology. The facility has all private rooms. Residents has a choice of a studio, a one-bedroom or a two-bedroom apartment. Each apartment has a private bathroom, and a kitchenette with sink, microwave and small refrigerator, Bedrooms and bathrooms are both equipped with locks to provide privacy. Residents may decorate the room as choose to help them feel at home. Residents have access to food throughout the day, including the choice to keep food items in their rooms. There are also vending machines located throughout the facility for residents’ use. The facility offers several amenities for the residents including a library, computer room, beauty/ barber shop, wellness center, multi-media entertainment room, outdoor garden, onsite houses of worship and more. The facility offers a variety of inhouse and community-based outings and activities. Outings are scheduled and encouraged, but the choice whether to participate rests with the residents. Transportation is provided for all off-site group activities. Public transportation is available to and from the facility. There is also a public bus stop within walking distance. Residents may go on outings with anyone per their preference, including peers, housemates, family, friends, or independently. Regularly planned outings including shopping, dining, local parks are some of the favored activities of the residents. The facility holds a monthly Resident Council meeting in which residents are encouraged to make suggestions of outings and inhouse 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**At the time of the onsite visit two residents were interviewed without observation by staff. The following information was gathered regarding community integration:Individual A enjoys going into the community to do things she likes. She enjoys going shopping and visit local parks. She often runs errands with a friend or by herself. She is able to walk to the grocery store, bank or post office and even IHOP. Individual A and her friend will often take a bus if they want to go somewhere a little further, like a certain store. She said that she only goes out when she chooses to. Individual B shared that she enjoys going into the community to do things she likes. She often goes shopping with her son. He will pick her up and they go out together. Individual B will participate in facility-planned outings. She enjoys shopping and going to the parks.**Employee Interviews**During the onsite visit, the administrator was interviewed. The following information was gathered regarding community integration:The facility is located in a walkable community. There is a plaza a block away, about a 5 minute walk, that has a variety of places that the residents frequent. There is a bank, grocery store, pharmacy, pizza shop and more. Residents are able to access the community as they wish. They can go out with other from the facility, independently, with family and friends; they can go out with whomever they choose and whenever they choose. The facility also plans a robust activities calendar which includes inhouse activities and community outings. Residents are encouraged to participate in any and all activities that interest them. The facility offers activities such as games, exercise, cooking clubs, arts and crafts and more. As far as community outings, the facility offers shopping trips, out to eat and local parks. The activities schedule and community outings are scheduled with the input of the residents. Each month the is a Resident Council that meets. All residents are welcome and encouraged to attend. These meetings give residents the platform for sharing idea, likes and dislikes regarding activities and outings. |

**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. Care Planning Process Policy2. Informed Decision Making policy3. Monthly Activity Calendar 4. Dining Room Seating Policy5. Resident Centered Care Plan Policy6. Photo: Resident Bedroom7. Photo: Dining Room8. Google Maps9. Website: <https://www.brooklynalp.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. |