New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Cedarbrook Village, Incorporated | | |
| **Location of Setting**  101 Sitrin Lane New Hartford, New York 13413  **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.**  **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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| Cedarbrook Village is on the same campus as the Sitrin long-term care facilities and the Charles T. Sitrin Health Care Center 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. | Cedarbrook Village is situated in Oneida County. Cedarbrook Village is located within the Sitrin Campus which is situated in a neighborhood proximal to 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.  Public transportation is not available; however, Cedarbrook Village provides transportation to/from medical appointments, and shopping and activity outings within 10 miles. |
| *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 Cedarbrook Village with home care services, case management, and other supports. All bedrooms are private. The facility offers only 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. |
| *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. | Cedarbrook Village 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, Cedarbrook Village does not have any barriers preventing individuals’ movement. As observed, Cedarbrook Village offers spacious gathering locations including a main lobby, conference room, dining area, community room, parlor, and the resident’s private rooms. Cedarbrook Village 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. | Cedarbrook 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. 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. | Cedarbrook Village 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. | 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 Cedarbook 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 apartments and to the facility’s entrances, with only appropriate staff having keys to doors. 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. 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**  **3/16/2018 4/18/2018, 9/21/2022** | **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.  Cedarbrook Village is an Enriched Housing Program and Assisted Living Program (ALP). The facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. 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 bed capacity of the Enriched Housing Program is 65 with 17 beds designated for the ALP.  Cedarbrook Village is located on the Sitrin Campus which houses the assisted living facility, the Long-Term Care Houses and Community Center, Birch Residence, Maple Residence, Child Care Center, Health Care Center, Medical Rehabilitation Center, NeuroCare and Camp Sitrin. The Birch Residence and Maple Residence are certified individualized residential alternatives certified by the Office of Persons with Developmental Disabilities. The facility is located in Oneida County on the Sitrin Campus and is situated in a neighborhood proximal to commercial businesses and residential communities. There are three other adult care facilities in the area. The closest is approximately 5 miles from the facility. The facility is free of barriers inhibiting access to or egress from the location. Cedarbrook Village provides onsite individualized services consistent with its licensure as a licensed homecare services agency, including audiology, home health aide, housekeeper, Medical Social Services, Nursing, Nutritional, Personal Care, Occupational Therapy, Physical Therapy, Respiratory Therapy and Speech Language Pathology. The facility is free from barriers inhibiting movement and is physically accessible to all individuals. Entry and egress are not inhibiting, allowing for residents to come and go as they choose. 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 is made up of all full apartments, with either one or two bedrooms. There are several options for apartment layouts and sizes in which residents may choose based on availability. Room options are discussed with all residents prior to their residency. All apartments include a living room, dining room, bathroom, and kitchen with a stove, dishwasher and refrigerator. Bedrooms are equipped with locks to ensure privacy. All apartments are equipped with an emergency call system. Residents may decorate their apartments as they wish to individualize their space. Residents are provided three meals a day and can dine in a restaurant-style dining room with seating of their choice. Residents may also choose to cook a meal in their apartment. Residents also have access to food throughout the day and may also keep food in their apartment. Residents’ schedules are flexible and are driven by the resident. Residents control their own schedules 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. Residents can eat, participate in activities, visit with others, go into the community, etc., at their discretion.  Cedarbrook Village maintains an organized and diversified program of individual and group activities should residents choose to participate. These optional activities enable each resident to engage in cultural, political, social and intellectual activities within the facility and the community. Activities and events are developed and scheduled from suggestions and recommendations from the residents. The facility offers transportation for all facility-planned community outings and events; as well as a variety of onsite activities each day, including, but not limited to exercise, music, games, and movies. Weekly community outings include trips to the grocery store, Dollar Tree, Wal-Mart, casino trips, and various restaurants. Again, these activities are optional, at the discretion of the resident, but are made available should a resident choose to participate. The facility schedules a monthly activities calendar with the upcoming events and local trip schedule. Residents are encouraged to sign up for trips of interest. All scheduled trips include transportation by the facility. Residents may choose to attend the scheduled outing. As always, residents may access the community as often as they choose and with whom they choose. The Resident Council meets monthly offering the opportunity for residents to give input on activities to the activities’ director. All residents are welcomed and encouraged to participate in these meetings. Resident schedules are designed by the individual resident and flexible according to the resident’s individual circumstances. Activities are adapted to individual needs and preferences of the residents. The activity and outing scheduled developed by the facility is to offer residents options. Residents may choose to participate in the planned activities or outings, or they may choose not to. Residents spend their time as they choose. Residents control their own activities and schedules. | |

**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, one resident was interviewed without observation by staff. The following information was gathered regarding community integration:  Individual A shared that she is able to go into the community if and when she wants. She is able to run errands if she chooses to. She is never “made” to go out, she goes if and when she wants to. Individual A participates in the Resident Council and will make recommendations for outings and activities if there is something she wants to do. Individual A resides in a one-bedroom apartment. Her room is equipped with a call bell and telephone in case there are any issues. She has a key to her living space and is able to maintain her privacy and secure her items of value. She is able to get her own mail and talk on her phone any time she wants. Individual A said that she eats when she wants. She said she always sits beside a specific resident, but it is by choice. She can move around if she wants, but she enjoys sitting with her friend. Individual A can go to bed and wake up when she wants. She has visitors at any time, but usually during the day or evening hours (her preference). She participates in her service planning meetings and her son joins if he is available. Individual A really enjoys living at Cedarbrook Village. She stated she couldn’t ask for a better place. Individual A also shared that the administrative staff are “easy to talk to”. If she has any issues she is comfortable talked to the administrator or other staff.  **Employee Interviews**  Click or tap here to enter text.  During the onsite visit, the administrator was interviewed. The following information was gathered:  With the discussion focusing on community integration and activities, the administrator shared that the residents are encouraged to participate as they want. The facility staff ensures that all residents are able to participate if they have interest and will adapt activities if needed. The residents are free to participate in outings with other residents, families, friends, or independently. Residents are encouraged and able to participate in facility-planned community-based events, but it is not a requirement. Residents choose if they would like to participate. If residents would like to participate in a facility-planned activity they notify the Activities Leader either via phone or in person. Residents are signed up on a first come basis. The facility will transport the residents to all facility-sponsored activities. All residents are encouraged to participate in the monthly Resident Council wherein residents discuss likes and dislikes, develop ideas for community events and inhouse activities. Residents may go outside as they wish. There are several areas around the facility for them to enjoy. Residents are able to come and go as they wish. Some residents do so more than others, even if it is just for a walk around the property/ campus or to sit outside for fresh air. |

**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. Floor Plans (showing layout of rooms and room options)  2. Visitation Policy  3. Monthly Calendar (showing facility offered events both in-house and community based.)  4. Admission Agreement  5. Resident Rights  6. Case Management Services Policy  7. Transportation Policy  8. Google Maps  9. Photo of Resident’s Apartment (shows personalized décor as well as personal assistive device.)  10. Website: <https://www.sitrin.com/senior-care/assisted-living/> |

**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. |