New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  Claremont Village Assisted Living Program | | |
| **Location of Setting**  1160 Teller Avenue Bronx, New York 10456  **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 co-located with Triboro Center for Rehabilitation and Nursing. |

**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. | Claremont Village Assisted Living Program is located in an urban setting in the Bronx. Residents have access to the greater community. There is an unlocked gate that encloses the front door and a small courtyard. There is a 24-hour security guard at the main entrance. 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 even independently. Individuals may access the community through events planned by facility staff 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 the facility to manage their finances. Residents can choose their medical providers. New York City Transit Authority operates bus service through the five boroughs with stops within easy walking distance (1-2 blocks) of the facility, Public transportation is available. Claremont Village ALP administrators will assist residents in securing transportation services, as needed, to travel to medical appointments, religious services, activities, financial institutions, work or  volunteer opportunities, and other outings. |
| *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 Claremont Village ALP with home care services, case management, and other supports. All bedrooms are private. All residents are able to have a private bedroom within a two-bedroom apartment that includes a shared full bath and a sitting area. 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. | Claremont Village ALP ensures each resident’s rights are protected. It is each resident’s right to confidential treatment of personal and health records 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 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. Residents are 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 free to express complaints without fear of reprisal. The facility does not use restraints nor is confinement permitted. |
| *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. Based on observation, Claremont Village ALP does not have any barriers preventing individuals’ movement. As observed, the facility offers several areas throughout for residents' use. Claremont Village 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)*  Yes  Partial  No | Settings facilitate individual choice regarding services and supports, and who provides them. | Claremont 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. Prospective residents are encouraged to tour. This is also promoted on the facility website. The facility ensures individuals are supported in developing care plans that support residents’ 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, there are no assigned dining room seats and, 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. | Claremont Village ALP welcomes visitors at any time. Residents are afforded private space to meet their visitors, including in their private apartments. Visiting hours are not limited; however, out of respect for other residents, preferred visiting hours are 8am to 10pm daily. Residents can have visitors whenever they choose and can decide who they would like to visit with. For safety purposes, visitors are required to sign in and out, and there is a 24/7 security guard at the facility’s main entrance. |
| *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. Residents may come and go as they choose. An elevator is available to go floor to floor. As observed, all individuals have access to all common areas of the home. The facility is free from barriers preventing entrance/exit from all areas of the setting. Assistive devices are available for those who require them. 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 Claremont Village ALP, 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. All resident’s rooms are private single rooms within a two-bedroom apartment with a shared full bathroom. As observed, 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**  **9/13/2019** | **State Agency/Entity that Conducted the On-Site Visit New York State Department of Health** |
| **Description of the Setting**  Claremont Village Assisted Living Program (ALP) is a 70 bed Adult Home-based ALP. The facility provides long-term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. The ALP provides services to persons who are medically eligible for nursing home placement but in a less medically intensive, lower cost setting through provision of individualized personal care, home health services, personal emergency response services, nursing, physical therapy, occupational therapy, speech therapy, medical supplies and equipment, adult day health care, and the case management services of a registered professional nurse.  Claremont Village ALP is located in the heart of the Bronx surrounded by residences, stores and shops, restaurants, beauty salons medical providers, and easy access to public transit. The facility is only 10 minutes away from Yankee Stadium. There is one other adult care facility within 2 miles of Claremont Village ALP, and an ALP approximately 4 miles from Claremont Village ALP (a 24-minute drive). The facility is free of barriers inhibiting access to or egress from the location. Claremont Village ALP provides onsite services consistent with its licensure as a licensed homecare services agency. The facility is free from barriers inhibiting movement, is physically accessible by all individuals. All residents have free access to the amenities and common areas provided throughout the facility including an atrium, library, media area, lounges, reading areas, gift shop, bank, beauty salon/barbershop, and an enclosed courtyard. Assistive devices, such as walkers, are available to residents as prescribed. The facility consists of two-bedroom apartments that include a shared sitting area, full bathroom, and kitchenette. Bedrooms and bathrooms are equipped with locks to provide privacy. All rooms and apartments are fully furnished by the facility, but the residents are encouraged to add their own décor to show off their personal tastes and preferences. Residents also have access to food throughout the day.  Claremont Village ALP encourages residents to be active participants in the surrounding community. Residents are able to come and go as they choose. The facility will support access to community life and community events and activities by either assisting the residents in securing transportation or by providing transportation. Residents are encouraged to visit local sites, go on outings, or run errands independently of the facility’s scheduled programs and offerings. There are many places within walking distance for residents to easily access such as banks, shops, coffee, restaurants and places of worship. The facility’s Activity Director assembles a monthly listing of community events should residents be interested in attending independently. The facility offers several in-house activities each day, including cooking clubs, religious services, arts and crafts, social events and activities, and more. The facility also plans several outings in the community each week which may include shopping trips and out to eat. The Resident Council meets monthly offering the opportunity for residents to give input on activities and outings. The Resident Council takes requests to the activity director. All residents are welcomed and encouraged to participate in these meetings. 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 staff observation. The following information was gathered regarding community integration:  Individual A stated that she enjoys going into the community often. There is a lot nearby and the community is easily accessible. She often goes out independently. Individual A also choose to go on community outings with the facility, such as outings to Walmart. She stated that sometimes she will attend the facility-planned outings/ events, but she more often accesses the community independently. Individual A said that she can have visitors at any time she chooses. Individual A stated that she chose to live at Claremont Village ALP and likes that there is always something going on. She is able to participate as much or as little as she would like.  Individual B stated that she enjoys going out into her community. There is a lot to do nearby. She said that she often goes out with other residents, both for planned facility events or independent of the facility. She and some others will walk to local shops and restaurants. They can take a bus if they need to. Individual B said she can have visitors at any time. She doesn’t have any family close by but friends visit regularly. Individual B chose to live at Claremont Village ALP and enjoys it. She is able to participate in activities as she chooses.  **Employee Interviews**  During the onsite visit, the administrator was interviewed. The following information was gathered in regard to community integration:  The facility supports resident choice regarding their daily schedules and activities. The facility provides flexibility, as needed, to accommodate resident preferences regarding their daily schedules and choice of activities. The facility encourages residents to make their own decisions regarding their daily schedules and activities unless a reason for not doing so, as described and documented in their resident record. Residents are encouraged and able to participate in outings with friends and family and run errands in the community without missing the delivery of needed services (ie. medications, showers, meals) to the extent possible. The facility will schedule activities, events, and planned transportation at various times throughout the month to enable residents to have flexibility in their schedules. The facility seeks resident input through the Resident Council—a monthly meeting in which residents may discuss and suggest community events and activities that are of interest. Residents are not required to participate in any activity, outing or event, however, they are encouraged. |

**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. Resident Services Policy and Procedure  2. Resident Rooms Policies  3. Resident Freedom within the Facility Policies  4. Integration into the Community Policies  5. Resident Rights Policies  6. Person-Centered Care Planning Process  7. ALP In-Service Calendar (staff training schedule)  8. Google Maps  9. Website: <https://claremontvillagealp.com/> |
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**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. |