New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Provider Name**  **Danforth Adult Care Center** | | |
| **Location of Setting**  19 Danforth Street Hoosick Falls, New York 12090 **Note: for Prong 3 settings only include the name of the city and not the full address.** | **Type of Setting**  Adult Home and 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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| Danforth Adult Care Center is located adjacent to unaffiliated The Center for Nursing and Rehabilitation at Hoosick Falls, which is a skilled nursing facility. |

**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. | Danforth Adult Care Center is located in a primarily residential neighborhood that includes some 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, with family, friends, or independently. Residents 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. The individuals plan events through their Resident Council. The facility offers a schedule of activities in which the individuals can participate as they choose. The individuals can move throughout the site as they choose, including outside. The facility has an enclosed courtyard for the individuals to enjoy. Residents have the opportunity and control of their resources needed for outings. Residents have control of their personal resources (is not a modifiable standard) unless they have a designated payee/ authorized the facility to manage their finances. Residents can choose their medical providers. Danforth Adult Care Center 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. Prior to admission individuals are informed that only private pay individuals can choose a private bedroom. 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. | Danforth Adult Care Center 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. Individual information is maintained in a locked office. Personal care and health activities are conducted in private. There is a treatment room onsite where these activities may be conducted. If individuals have a nurse visit, those may be conducted in the individual’s room, which is equipped with a privacy curtain. 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. 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. 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, Danforth Adult Care Center does not have any barriers preventing individuals’ movement. As observed, Danforth Adult Care Center offers common areas, indoor and outdoor gathering spaces, activities spaces, private spaces, and areas for both calming and stimulating activities. Danforth Adult Care Center 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. | Danforth Adult Care Center 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. I 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. | Danforth Adult Care Center 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 including rails on walls for individuals needing assistance; 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 Danforth Adult Care Center, 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. For those individuals sharing a living space, they have choice of “roommate” 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**  **08/24/18, 02/11/20, 04/11/22** | **State Agency/Entity that Conducted the On-Site Visit** NYS Department of Health |
| **Description of the Setting**  Danforth Adult Care Center is an Adult Home with an Assisted Living Program (ALP). Danforth Adult Care Center provides long-term residential care, room, board, housekeeping, personal care, and supervision. The facility 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 is 80 residents, of which 42 may receive ALP services. The facility is located in a primarily residential neighborhood that includes some businesses. This is the only setting of its type in the immediate area. The facility is free of barriers inhibiting access to or egress from the location. The facility is free from barriers inhibiting movement. However, the facility’s front door is secured by WanderGuard that will alarm if an individual attempts to walk out the front door. The individuals are screened for WanderGuard and for those in need, is documented in their care plan. WanderGuard is not used for all residents, only those in need of maintaining their safety. The facility is physically accessible by all individuals. Residents have access to all common areas of the facility. Assistive devices, such as walkers and wheelchairs, are available to residents as prescribed. The facility also provides licensed home care services. The facility has both private and semi-private rooms. Bedrooms and bathrooms are both equipped with locks to provide privacy. For residents in a semi-private room, Danforth Adult Care Center provides roommate options based upon assessment of resident’s needs, preferences and available resources. Residents may request a roommate change if needed. Residents may decorate the room as desired including pictures, knick-knacks and other personal items that will help them feel at home. Residents have access to food 24 hours per day. Residents may access food outside standard mealtimes. Residents may also keep snacks in their rooms. The facility discusses with each resident their individual goal, routine, preferences, dislikes, strengths and weaknesses. The resident’s choices and any ongoing discussions and changes will be documented in the Resident Care Plan.  Outings are scheduled and encouraged, but the choice whether to participate rests with the residents. Residents may go on outings with anyone they wish to go with. Regularly planned outings including shopping, going to the fair and on picnics 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. Resident schedules are designed by the resident, and flexible according to the resident’s individual circumstances. Residents are encouraged to participate in facility and community activities. Danforth Adult Care Center schedules in-house activities for the residents to participate in which enable residents to engage in cultural, spiritual, divisional, physical, political, social and intellectual activities in order to sustain and promote an individual’s potential and sense of usefulness to self and others. Activities may include group and individual participation. Activities are adapted to individual needs and preferences of the residents. | |

**Section Two**

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| **Community Integration Observations and Input from Individuals Served (without observation by staff), Family Members/Guardians, and Staff Individual Interviews**  During the onsite visit one resident was interviewed without observation by staff. Residents of the facility were observed following different daily schedules. Some residents were observed participating in activities, sitting in the dining area or other common area talking to one another. Residents were observed moving freely throughout the site and talking to other residents. Some individual required the assistance of staff while others were moving about independently/ unassisted.  Individual A was interviewed and reported that she gets to do what she wants, though she indicated ambivalence toward activity participation. Individual A is able to go out on errands if she chooses; she doesn’t have to go with everyone, she can stay back if she chooses. Her best friend comes to visit often and she said she can have visitors whenever she chooses. She enjoys reading, gossip and watching the news. Individual A choose to live at Danforth Adult Care Center. She did not have a choice of a private bedroom because none was available, but was made aware of this when she moved in. Individual A shared that she usually keeps to herself, but the staff are very kind and helpful. She said the care is fantastic! Individual A is a vegetarian and that Danforth Adult Care Center is very accommodating to her diet. Individual A can close and lock her bedroom door and has a key, but she chooses not to use it. She can opt to lock or keep the door unlocked.  **Employee Interviews**  During the onsite visit, the administrator was interviewed and shared that residents have the opportunity and availability to come and go. There is a Resident’s Council meeting in which individuals suggest activities and outings. Residents may choose to participate or not. Some facility-planned activities include local fairs, shopping trips and picnics. Besides the facility-planned activities, residents may access the community as they wish. They are able to go out into the community alone, with family, friends, or anyone they choose. Many residents go on errands independently to such places as the bank, dollar store, and out shopping. The facility also offers daily activities within the facility including walking club, baking group, men’s group, card games and exercise. |

**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.**  1. Activities Policies  2. Admission Checklist  3. Case Management Policy  4. Dining Room Seating Policy  5. Roommate Choice Policy  6. Access to Food Policy  7. Care Planning Policy  8. Resident Rights  9. Google Map  10. Website: <https://danforthadultcare.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 Comment Received**  Click or tap here to enter text. |