New York State Medicaid Home and Community-Based Services

**Heightened Scrutiny Evidence Packet**

**Setting Information**

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| **Providers Name**  **Seneca Hill Manor** | | |
| **Location of Setting**  **20 Manor Drive, Oswego, NY 13126** | **Type of Setting**  **Non-Residential - Adult Day Health Care Program** | **Medicaid Home and Community-Based Services Being Provided at the Setting**  **Adult Day Health Care** |
| **Medicaid Home and Community-Based Services Being Provided at the Setting**  Adult Day Health Care – Medical Model | | |

**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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| This program is located within the nursing home, however, has its own entrance. |

**Provider Compliance Summary**

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| **Requirements for All HCBS Settings** | | |
| **Compliant?** | **Federal Requirement** | **Summary** |
| *42 CFR 441.301©(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. | The setting is integrated and supports full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving HCBS. |
| *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. | Satisfaction and setting options are discussed as part of individuals’ person-centered planning meetings and individuals have the opportunity to choose setting options, including non-disability specific settings. Individuals are satisfied with current services and chose the settings in which they receive services as verified by interviews and documented through the heightened scrutiny process. |
| *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. | Individuals are ensured privacy, dignity, respect, and freedom from coercion and restraint at the setting. |
| *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. | Individuals have autonomy and independence in their daily lives regarding their life choices, daily activities, and with whom they want to interact with. |
| *42 CFR 441.301(c)(4)(v)*  Yes  Partial  No | Settings facilitate individual choice regarding services and supports, and who provides them. | Each registrant has a Care Plan that meets requirements for person-centered planning. |
| **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)©(C)*  Yes  Partial  No | Individuals have the freedom and support to control their schedules and activities; and have access to food any time. | Individuals are supported at the setting to have control over their schedules and activities; individuals have access to food at any time also. |
| *42 CFR 441.301(c)(4)(vi)(D)*  Yes  Partial  No | Individuals are able to have visitors of their choosing at any time. | Individuals are supported at the setting to receive visitors at any time. There is no schedule or designated visiting hours. |
| *42 CFR 441.301(c)(4)(vi)(E)*  Yes  Partial  No | The setting is physically accessible to the individual.  (Not modifiable) | When needed, all registrants have physical accessibility in the program. |
| *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. | Any modifications had written justifications in an individual’s person-centered plan and were supported by a specific identified need. |
| ***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. |  |
| *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. |  |

**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**  **3/22/2022** | **State Agency/Entity that Conducted the On-Site Visit NYSDOH** |
| **Description of the Setting**  **Adult Day Health Care – Medical Model**  This 20 Manor Drive, Oswego program is a non-residential, medical model Adult Day Health Care Program setting with an overall site capacity of 28 registrants. The setting allows registrants to continue living at home while receiving the care they need at Seneca Hill in a safe and comfortable setting and operates Mon.-Fri., 10:00AM-4:00PM. The setting is co-located within the physical nursing facility structure, however, has separate entrance from the nursing facility. Staff that work in the adult day setting are trained specifically for home and community-based support in a manner consistent with the HCBS settings regulations. The setting director confirmed that nursing facility staff are not scheduled to work with registrants at the adult day setting on the same shift.  ADHC setting has its own director and staff. Policies and procedures are separate from the nursing home. The setting is handicap accessible and does not have any barriers to restrain registrants. The setting assists registrants with setting up transportation to and from the program. Registrant’s also use their own family members for transportation. Staff assist registrants with calling a taxi or assist in public transportation as needed and as requested. Registrants have a list of transportation options which is also listed on the bulletin boards within the program.  Registrants receiving services are asked about interests and preferences daily and updated about the activities of the day in the morning. They discuss what is planned and what registrants would like to change. Activities are coordinated based on individual abilities and are designed to promote socialization, stimulate physical and mental activity. They participate in developing a monthly calendar, which is posted in a common area. Registrants are notified of community activities through calendar of events, flyers and sign-up sheets. Onsite activities include current events, games, music programs, church services, art/crafts, music, yoga and socializing. Registrants are offered a choice if they opt not to participate in a scheduled event. Individual activities are offered as an alternative, per interests. Registrants interviewed reported they like the social part of the adult day program and like seeing their friends.  Registrants have access to all areas of the setting, including access to food in the kitchen area at any time. The kitchen area is accessible for registrants to use for their leisure. In the kitchen area, there are cabinets with preferred snacks that can be accessed whenever a snack is desired.  The setting has a coat rack and lockers for personal storage. The program has quality improvement measures in place to regularly review and amend policy and procedure based on effectiveness. There is no restriction or requirement for work opportunities and the setting regularly assess each registrant’s needs, desires, and choice to work, assist with job searches and skill promotion. An assessment of interest in working will be completed during quarterly review meetings. The setting has quality improvement measures in place to regularly review and amend policy and procedure based on effectiveness. The setting does not support people with money management. Registrants receiving services are responsible for their own personal money they bring to the adult day program.  The setting has a separate area for privacy during visitation, phone conversations, and meals. Registrants are free to have visitors at any time; and move about the program freely during operating hours. There are no physical barriers in the program. The setting allows individuals to leave the program at will and at any time. The facility does not restrict visitors of any registrant’s choosing at any time.  Policies and procedures for the setting are person-centered, focused on their rights of choice, autonomy, privacy, and accessibility to the community. Prospective registrants are given the right to tour the facility prior to admission to tour and be with the program for a day and decide if it is up to their interest and need. For the admission process, registrants can choose what they would prefer to be called and reviews current services received and establishes and offers alternatives. Through the setting’s care planning policies registrants continue to give input and make any changes in their services or activities.  All staff at the setting receive new hire and ongoing training on HCBS regulations including individuals’ rights of dignity and respect, health and personal privacy, freedom from coercion/restraint and on person centered care. | |

**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.  **Registrant 1:**  Who chose this program for you to attend? (HCBS)  My counselor. I was in this program for 8 years before the pandemic.  Tell me about the activities you do here? (How often, if do not participate find out why)  I like the crafts and tabletop games. They keep us busy.  How do staff assist you? (Bathing, drsg, grooming, feeding, appointments, meds, etc)  They help me a lot. “I do PT and the nurse is right on the my medications, everything is really cool here.”  How do staff treat you? (Respect, caring, yelling, swearing, rough)  The staff treat me well, “I couldn’t have a better staff.”  How does staff treat the other registrants?  They treat them with respect. They help us all out.  If you have a problem or concern, who do you go to? (Is anything done, do they listen, is it resolved)  I go the Bri and she is really good to talk to. I tell her when I come into the building. All the other staff are good too.  Do you get to choose when and with whom you get to eat, or to eat alone? (HCBS)  I get to choose who I eat with. I eat with my friends.  If you want to make a private phone call, which phone can you use? (HCBS)  I use my private cell phone. If I want to make a private call, I can go into a private room.  Are you allowed to have visitors while you are here? How many at a time are you allowed? (HCBS)  I can have visitors. My husband picks me up and can come in anytime. Many times my husband will come in and visit with other registrants.  Are you free to walk around in the building? (HCBS)  I used to be able to but, with the COVID virus, we are a bit limited.  Where do you store your personal belongings while you are here (coat, purse, etc)? (HCBS)  We each have our own individual lockers with locks on them.  Do you get to choose which activities you will or will not participate in, and with whom? (HCBS)  Yes, we can do whatever we want.  What happens if you don’t want to participate in any given activity? (HCBS)  I do not do it. I can color or do whatever I want.  Do you get to interact with others as you like? Are there restrictions on who you can or cannot interact with? (HCBS)  I can talk to whoever I want. They are my friends.  Are you free to move about the building? What places are off limits? Does someone have to go with you, or can you go alone? If someone goes with you, what do you think is the reason for that? (HCBS)  We used to before COVID. Now we are limited. I never go anywhere alone. I like going with my friends.  **Registrant 2:**  Who chose this program for you to attend? (HCBS)  A recommended this program. I have been here since 2001.  Tell me about the activities you do here? (How often, if do not participate find out why)  There is playing games, visiting with my friends, exercising and stuff like that.  It gets me out of my house. I come here 3 days a week.  How do staff assist you? (Bathing, drsg, grooming, feeding, appointments, meds, etc)  They help me with setting up appointments. Before they used to help with my eye drops.  How do staff treat you? (Respect, caring, yelling, swearing, rough)  They are really polite and helpful. They are really nice.  How does staff treat the other registrants?  They treat all the other registrants nice.  If you have a problem or concern, who do you go to? (Is anything done, do they listen, is it resolved)  I tell the staff. They listen and help me with my problem.  Do you get to choose when and with whom you get to eat, or to eat alone? (HCBS)  I get to eat with whomever I want. I never eat alone because I am treated great.  If you want to make a private phone call, which phone can you use? (HCBS)  I can use one of their phones. I can make private calls.  Are you allowed to have visitors while you are here? How many at a time are you allowed? (HCBS)  We are allowed to have visitors but I have never had one visit.  Are you free to walk around in the building? (HCBS)  I can walk around the building freely. Right now is limited because of COVID.  Where do you store your personal belongings while you are here (coat, purse, etc)? (HCBS)  I store things in my own locker.  Do you get to choose which activities you will or will not participate in, and with whom? (HCBS)  If we do not want to do what everyone else is doing, we do not have to play.  What happens if you don’t want to participate in any given activity? (HCBS)  We can do whatever we want. No one forces us to do anything we do not want to do.  Do you get to interact with others as you like? Are there restrictions on who you can or cannot interact with? (HCBS)  Yes, I can interact with whomever we want. There are no restrictions.  Are you free to move about the building? What places are off limits? Does someone have to go with you, or can you go alone? If someone goes with you, what do you think is the reason for that? (HCBS)  I believe we could, but I do not.  **Employee Interviews**  Click or tap here to enter text.  Who chooses this program for the registrants to attend? (HCBS).  I believe it is but, I am not really sure because I do not deal with that part of the program.  Tell me about the activities the registrants do here? (How often, if do not participate find out why) What happens if a registrant does not want to participate in any given activity? (HCBS)  They play different games, play the Wi, bowling, exercises daily, crafts, there is a calendar on the wall that shows what activities are going to be done for that day.  Does the registrant get to choose which activities they will or will not participate in, and with whom? (HCBS) The registrants can do what they want to do. Some may just color, do beads, puzzles, and there are many other options for them.  How do staff assist registrants? (Bathing, dressing, grooming, feeding, appointments, meds, etc.) We ensure registrants have transportation to outside appointments, whirlpool, nails, grooming, we assist with feeding like cutting up their food in needed, bathing if needed. Those are just some of what we do.  How do staff treat registrants? (Respect, caring, yelling, swearing, rough)  Staff treat the registrants with respect. We have reading time which the registrants enjoy.  How does staff treat the other registrants?  A lot of these registrants have been coming to the program for a long time and are like family. All registrants are treated with respect.  If a registrant has a problem or concern, who does the registrants go to? (Is anything done, do staff listen, is it resolved) They go to the CNA who has been here for a long time and the registrants are comfortable with her. If it is a medical concern, they come to me.  Do the registrants get to choose when and with whom they get to eat, or to eat alone? (HCBS) Yes, registrants pick who they want to sit with.  If a registrant wants to make a private phone call, which phone can the registrant use? (HCBS) We have a phone in a kitchen area where it is private. The area is separated with a divider giving privacy.  Are registrants allowed to have visitors while they attend program? How many at a time are you allowed? (HCBS) I am not sure because of COVID. Before COVID, registrants could have visitors.  Where do registrants store their personal belongings while they attend program (coat, purse, etc.)? (HCBS) Registrants have their own private locker with their name on it.  Does a registrant get to interact with others as they would like? Are there restrictions on who they can or cannot interact with? (HCBS) Yes and all the registrants know each other and are friends.  Are registrants free to walk around in the building? (HCBS) What places are off limits? Does someone have to go with the registrant, or can they go alone? If someone goes with the registrant, what do they think is the reason for that? (HCBS) Registrants can walk around the building as desired. |

**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.  Exhibit 1- Registrant Rights  Exhibit 2- Person Centered Care Plan  Exhibit 3- Person Centered Plan of Care Assessment  Exhibit 4- Activity Services  Exhibit 5- Food and Nutritional Services  Exhibit 6- Nursing Services  Exhibit 7- Physical Environment  Exhibit 8- Transportation  Exhibit 9- Transportation Updates  Exhibit 10- Description of Services  Exhibit 11- Activities Calendar |

**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. |