

New York State Medicaid Home and Community-Based Services

Heightened Scrutiny Evidence Packet

Setting Information

Provider Name Betweenages Adult Social Center		
Location of Setting 175 Memorial Hwy, Suite 1-3, New Rochelle, NY 10801	Type of Setting Social Adult Day Care (SADC)	Medicaid Home and Community-Based Services Being Provided at the Setting Social Adult Day Care (SADC) Services

Heightened Scrutiny Prong

Yes	Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment.
No	Prong 2: Setting is in a building on the grounds of, or adjacent to, a public institution.
Yes	Prong 3: Setting has the effect of isolating individuals from the broader community.

Qualification for Prong

The SADC site is located in a building owned by Montefiore Hospital and is across the street from Montefiore New Rochelle Hospital. Additionally, the SADC site has the effect of isolating individuals from the broader community. Details on isolating characteristics, which are being or were already remediated, are found in the All HCBS Settings and Additional Requirements for Provider-Owned or Controlled Settings sections below.

Provider Compliance Summary

Requirements for All HCBS Settings		
Compliant?	Federal Requirement	Summary
<p><i>42 CFR 441.301(c)(4)(i)</i></p> <p>Partially Compliant</p>	<p>The setting is integrated in and supports 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</p>	<p>DOH verified members have access to the greater community by confirming transportation options, support for volunteer/employment opportunities, staff resources, and that member preferences are accommodated by reviewing activity calendars, transportation schedules, daily sign-in/out sheets, and inclusion of preferences in member's PCSP. The SADC has demonstrated</p>

	of access as individuals not receiving Medicaid HCBS.	compliance in all areas of the standard except for the following: it is unclear what community integration activities are available, how they are requested and supported, and are not documented in PCSPs, and, some PCSPs did not include appropriate assessment of health/safety needs and additional supports that may be necessary. Remediation will include revisions to documentation that informs members of community integration activities and supports available to them for identified health/safety issues, member PCSPs will be updated to include goals, services, and other necessary interventions, and will be completed by 7/1/2024.
42 CFR 441.301(c)(4)(ii) Compliant	The setting is 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.	The member must choose the SADC site prior to attending. This is done through the person-centered planning process, which is conducted by the MLTC plan. If it is determined the member qualifies and needs SADC, the MLTC plan care manager supplies a list of available SADC site options, and the member makes their selection of where they would like to attend and receive services. The MLTC plan care manager documents the need and the choice of SADC site in the MLTC plan PCSP.
42 CFR 441.301(c)(4)(iii) Partially Compliant	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	DOH verified members have privacy, are treated with respect and dignity, and are supported to choose their own schedules and activities based on their preferences by reviewing member PCSPs, SADC policy manuals, member experience surveys, staff training topics, and observing the spaces allocated for privacy. The SADC has

		<p>demonstrated compliance in all areas of the standard except for the following: the PCSPs do not provide information about how member rights to privacy, dignity, and respect are maintained when they require assistance with personal or sensitive matters. Remediation will include updating PCSPs to reflect member preferences for all personal care needs, and will be completed by 3/17/2023.</p>
<p><i>42 CFR 441.301(c)(4)(iv)</i> Partially Compliant</p>	<p>Optimizes, but does 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.</p>	<p>DOH verified staffing ratios, programming, and recreational areas as well as any barriers to free movement, and those individualized activities are offered by reviewing staff schedules, member PCSPs, activity schedules, and through on-site observation. The SADC has demonstrated compliance in all areas of the standard except for the following: alternative meal options are based on food allergies and not member preference or needs; PCSPs do not list any goals, socialization activities or level of engagement information; and, some PCSPs were not completed with an appropriate assessment of health/safety needs and additional supports that may be necessary to support the members. Language in the Individualized Service Plan (ISP) Policy is non-compliant because it indicates the PCSP process is done "in conjunction with" the member. The HCBS Final Rule requires that the process is "driven" by the member, not that the PCSP be done only "in conjunction with" the member, and the process cannot be led by the SADC. Remediation will include updating documentation to reflect members have alternative meal options upon</p>

		request, revisions to PCSPs to include goals and the appropriate assessment of health/safety needs and supports, updating the ISP policy to reflect the member develops their PCSPs, and will be completed by 3/17/2023.
42 CFR 441.301(c)(4)(v) Partially Compliant	Facilitates individual choice regarding services and supports, and who provides them.	DOH verified staff knowledge of members' needs and interests, as well as members' individual choice regarding their activities and supports, and the staff who provide them by evaluating member experience survey results, and reviewing SADC policies, and member handbooks, as well as through observation during the virtual on-site review. The SADC has demonstrated compliance in all areas of the standard except for the following: documentation reviewed does not reflect how members are informed of the process to request changes to their care plan and/or additional services. Remediation will include the development and use of a new form for requesting appointments to discuss care plan changes and/or additional service requests with the Social Worker, and will be completed by 3/17/2023.

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) Partially Compliant	Individuals have the freedom and support to control their schedules and activities; and have access to food any time.	DOH verified the availability for meal options, private dining spaces, activity modifications, and the freedom to take breaks and eat meals at the member's request by reviewing weekly menus, policy manuals, and through on-site observation. The SADC has demonstrated compliance in all areas of the standard except for the following:

		alternative meal options appear to be based on food allergies and not preference or needs. Remediation will include updates to the meal calendar to show alternative food options available to all members upon request, and will be completed by 3/17/2023.
42 CFR 441.301(c)(4)(vi)(D) Not Compliant	Individuals are able to have visitors of their choosing at any time.	DOH verified the acceptance of visitors during program hours by reviewing visitor policies and sign-in/out forms. The SADC representative stated the setting needs 24 hours notice to provide a quiet, private space for the visitor. Remediation will include updating their visitor request form and other applicable documentation to note that members are free to have visitors at any time, and will be completed by 3/17/2023.
42 CFR 441.301(c)(4)(vi)(E) Compliant	The setting is physically accessible to the individual. (Not modifiable)	DOH verified accessibility of the facility through observation, during the virtual on-site review.
42 CFR 441.301(c)(4)(vi)(F) Compliant	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.	DOH verified modifications were offered and accommodated to support the freedoms for members of all abilities by reviewing completed member PCSPs.
Standards for Provider-Owned and Controlled Residential Settings Only		
42 CFR 441.301(c)(4)(vi)(A) 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	SADC sites are non-residential, and therefore this standard is not applicable.

	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) 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.	SADC sites are non-residential, and therefore this standard is not applicable.

Recommendation

As required by 42 CFR 441.301(c)(5), the State of New York submits this request for heightened scrutiny review of the SADC site identified above. The State has validated and compiled evidence that the SADC site has overcome its institutional nature and will have remediated all isolating characteristics prior to March 17, 2023.

Section One

On-Site Visit Observation

Date(s) Conducted: 11/3/2022	State Agency/Entity that Conducted the On-Site Visit: NYS DOH & ArchCare Community Life / William Guevara
Description of the Setting: Between Ages Adult Social Center site is operated on the first floor of a three-story building, located across the street from Montefiore New Rochelle Hospital. The SADC is located in a rural setting in New Rochelle, NY. The SADC can accommodate up to 75 members, offers meals and snacks all day, with additional options available for members who follow a vegetarian diet. Attendees have a wide range of activities to participate in within the setting, including themed dress days, various exercise groups appropriate for various capabilities, guest speakers and informational discussions or workshops, games, and other activities where members can showcase their unique experiences, insights, and skills. The SADC offers trips to the museum, parks, a local casino, the movies, and restaurant for group activities, in addition to individualized requests for community integration.	

Section Two

Community Integration Observations and Input from Individuals Served (without observation by staff), Family Members/Guardians, and Staff

Individual (Recipient) Interviews

The MLTC plan contracted with the SADC site conducted a member experience survey to ascertain how members feel about the SADC. DOH utilized responses on the survey to identify any potential areas of possible non-compliance and investigated thoroughly during the virtual on-site review, to confirm validity of the responses. DOH's determination and observations are documented in the Provider Compliance Summary section.

Details received and investigated by DOH are as follows:

1. Are you able to be in private for this call or interview? – Yes
2. Did you choose this program for yourself to attend? – Yes
3. Are you able to leave the SADC for outside activities you wish or need to attend? (Ex. community activities, volunteer work, doctor appointments) – Yes
4. Do you get the help you need while you are at the program, for example with using the restroom, grooming, feeding, setting up appointments, taking medications, etc.? – Yes
5. Do staff treat you and those around you with respect and care? – Yes
6. If you have a problem or concern, do you know who to go to? – Yes
7. If you have a problem or concern, and you speak to someone about it, does it get resolved and do you feel listened to? – Yes
8. Do you get to choose when and with whom you get to eat with, or can you eat alone if you want to? – Yes
9. Can you make private phone calls? – Yes
10. Are you allowed to have visitors while you are here? – Yes
11. Do you know where to store your personal belongings while you are here (coat, purse, etc.)? – Yes
12. Do you get to choose which activities you will or will not participate in, and with whom? – Yes
13. Are there restrictions on who you can or cannot interact or talk with? – No
14. Are you allowed to move around the building alone? If not, are staff available when you choose to move around? – Yes
15. Is transportation and support to obtain transportation available to you, at your request, for medical appointments or outings of your choosing? – Yes

Employee Interviews

Section Three

Additional Evidence

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.

2022-11-3_Virtual On-Site Review_s0009.pdf
Activity Calendar.pdf
Calendar of Events.pdf
Individualized Service Plan Policy.pdf
Kitchen Serving Window - both angles.docx
Member Experience Survey_1.xlsx
Member Experience Survey_2.xlsx
Member Experience Survey_3.xlsx
Participant Bill of Rights.pdf
PCSP Template.pdf
Privacy Room.JPG

Remediation Plan.xlsx
SADC PCSP_1.pdf
SADC PCSP_2.pdf
SADC PCSP_3.pdf
Self-Assessment Review_#41.pdf
Self-Serve Activities.docx
Signed Staff Training Logs.pdf
Supervision and Monitoring Policy.pdf
Taxi Services Posting.pdf
Transportation Policy.pdf
Visitor Request Form.pdf

Section Four

Public Comments Summary

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

Click or tap here to enter text.

Summary of the State's Response to the Public Comment Received

Click or tap here to enter text.