

New York State Medicaid Home and Community-Based Services

Heightened Scrutiny Evidence Packet

Setting Information

Provider Name Presbyterian Residential Community		
Location of Setting 4300 Middle Settlement Rd, New Hartford, NY 13413	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 setting is located in a publicly operated facility that provides institutional treatment. The SADC shares a campus with a nursing home and adult day health care program. The SADC has its own entrance, staff and members. The SADC participation and member enrollment is open to the public and enrolled members can choose their own service providers and are not limited to the providers on campus. 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</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</p>

	receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.	sheets, and inclusion of preferences in member's PCSP. The SADC has demonstrated compliance in all areas of the standards except for the following: Community integration activities are not offered to members. Remediation efforts will be concluded by 7/1/2024 and includes allowing individualized community integration for members and include community integration goals in the PCSP.
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) 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.
42 CFR 441.301(c)(4)(iv) Compliant	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.	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.

42 CFR 441.301(c)(4)(v) 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.
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Additional Requirements for Provider-Owned or Controlled Settings

Compliant?	Federal Requirement	Summary
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Standards for Provider-Owned and Controlled Residential and Non-Residential Settings

42 CFR 441.301(c)(4)(vi)(C) 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.
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42 CFR 441.301(c)(4)(vi)(D) 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.
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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.
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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.	No completed member SADC PCSPs were available for review due to no members from the MLTC plan the virtual on-site visit was conducted attending the SADC site at the time.
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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	SADC sites are non-residential, and therefore this standard is not applicable.
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	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) 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: 11/29/2022	State Agency/Entity that Conducted the On-Site Visit: NYS DOH & Senior Network Health, LLC / Joseph Gutowski
Description of the Setting: Presbyterian Residential Community Social Adult Day Program is operated on the first floor of a two-story building. The SADC accommodates 14 members a day and is located in New Hartford, NY. The SADC program offers round-trip transportation to and from the site, meals and snacks all day including a continental breakfast, and a full lunch served in the dining room. The activity room is a large room used to host the members who attend day program, the staff run many activities in the room such as a daily exercise group, bingo, movies, and games. During the Spring, Summer, and Fall seasons, the SADC offers community outings such as lunch outings, shopping trips, picnics, and ice cream outings. Members are given freedom to choose their daily activities during program hours and utilize all areas of the facility.	

Section Two

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

Individual (Recipient) Interviews

The SADC site does not currently have Medicaid enrolled members; therefore, no member experience surveys were conducted during the virtual on-site review. However, during future ongoing monitoring and compliance verification efforts, DOH and the MLTC plans will conduct member experience surveys.

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.

- 2022-11-29_Virtual On-Site Review_s0089.pdf
- Activity Calendar.pdf
- Activity Programs Policy.pdf
- Bill of Rights.pdf
- Breakfast Options.pdf
- Concerns Posting.docx.pdf
- Group Outing Sign-Up Log.pdf
- Individual Outing sign up sheet.pdf
- Menu.pdf
- Participant Assessment Form.pdf
- Plan of Care Master Template.pdf
- Remediation Plan.pdf
- Remediation Plan.xlsx
- SADC Assessment Forms.pdf
- SADC Service Plan Policy.pdf
- Self-Assessment Review_#258.pdf
- Transportation Contact Information.pdf
- Transportation.pdf
- Virtual On-Site Review Tool_258.pdf
- Visitation Policy.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.

