

Heightened Scrutiny Evidence Packet

Setting Information

Provider Name:

Ontario County NYSARC Inc., Site 1

Location of Setting: Canandaigua, NY14424

Type of Setting: Day Habilitation

Medicaid Home and Community-Based Services Being Provided at the Setting: Day Habilitation

Heightened Scrutiny Prong

- 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 below how the setting meets the prong indicated (what facility is it in or located on the grounds of, or adjacent to, etc.):

This site was identified for Heightened Scrutiny due to previous unmet HCBS Settings requirements pertaining to community integration. This day habilitation site has been creating new opportunities for transportation and community connections. DQI surveyors identified a lack of community integration opportunities including type/frequency identified in each person’s plan.

Provider Compliance Summary

Requirements for All HCBS Settings

Compliant?	Federal Requirement	Summary
<p>42 CFR 441.301(c)(4)(i)</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>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.</p>	<p>The agency has a remediation plan in place that identifies actions/steps taken to ensure Individuals are given individualized opportunities for community integration based on the types/frequency identified in their person-centered plans. Satisfaction surveys are now being conducted prior to annual Life Plan reviews. Individual preferences for community integration are then incorporated into the individual’s Life Plan and Staff Action Plan at a frequency desired by the individual. Managers at this day habilitation site track the implementation of these staff action plans and ensure</p>

		<p>all areas are followed up on. The setting is offering new transportation options such as a shuttle system that loops from the day habilitation site to the local community several times per week. To address staffing shortages, the agency has been conducting hiring events and are maximizing their current staffing resources.</p>
<p>42 CFR 441.301(c)(4)(ii) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>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.</p>	<p>OPWDD requires Care Managers to discuss alternative non-disability specific settings with individuals as part of the Life Plan review process. Care Coordination Organizations (CCOs) are reviewed for this requirement annually as part of DQI's quality review of Care Management.</p>
<p>42 CFR 441.301(c)(4)(iii) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>Settings ensure an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint.</p>	<p>Individuals are encouraged to self-advocate and the site has monthly meetings where individuals discuss what community activities, they would like to participate in. Ensuring rights of privacy, dignity, respect, and freedom from coercion and restraint is captured in the individual rights document that is reviewed with individuals. Individuals are educated on HCBS settings related areas as part of their rights. The site also has policies and procedures to ensure the satisfaction of individuals. Annual satisfaction surveys are conducted. Satisfaction surveys ask individuals if they are comfortable at the site and if they are treated fairly and with respect. Those at the day habilitation can choose what activities they would like to participate in either as a group or on their own through daily morning meetings and monthly planning meetings. There are policies and procedures in place to ensure the satisfaction of individuals, including policies on community inclusion, integration of service, and satisfaction surveys. This is also captured in the agency's Person-Centered Planning (PCP) template which is used during the person-centered planning process.</p>

<p>42 CFR 441.301(c)(4)(iv)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>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.</p>	<p>Those at the day habilitation can choose what activities they would like to participate in either as a group or on their own through daily morning meetings and monthly planning meetings. There are policies and procedures in place to ensure the satisfaction of individuals, including policies on community inclusion, integration of service, and satisfaction surveys. This is also captured in the agency's Person-Centered Planning (PCP) template which is used during the person-centered planning process.</p>
<p>42 CFR 441.301(c)(4)(v)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>Settings facilitate individual choice regarding services and supports, and who provides them.</p>	<p>Individuals can choose what activities they participate in and the staff that support them throughout their choices. The site has daily morning meetings and monthly planning meetings with individuals at the program to identify what activities and services are important to the individuals. This is also captured in the agency's PCP template which is used during the person-centered planning process.</p>

Additional Requirements for Provider-Owned or Controlled Settings

Standards for Provider-Owned or Controlled Residential and Non-Residential Settings

Compliant?	Federal Requirement	Summary
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>Individuals have the freedom and support to control their schedules and activities; and have access to food any time.</p>	<p>Individuals are able to choose what activities they participate in and choose their day-to-day schedules. This is evident in the Individual Experience Interviews conducted with individuals at the site as well as through the agency's use of an "outing "tracker" that is kept for each individual related to what community-based activities they participated in. The site has daily morning meetings and monthly planning meetings with individuals at the program to identify what activities and services are important to them. Individuals have access to food at any time and can eat when and where they want to at the site.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>The agency has a policy that supports individuals receiving visitors to the site at any time. This is captured in the rights document that is reviewed with individuals.</p>

<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>The setting is physically accessible to the individual. (Not modifiable)</p>	<p>Individuals are able to access all areas of the facility. This is captured in the rights document that is reviewed with individuals and this is also a question in the satisfaction surveys that are conducted annually.</p>
<p>42 CFR 441.301(c)(4)(vi)(F)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>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.</p>	<p>The agency has policies and procedures on insuring the rights of individuals, as well as any modifications of those rights.</p>

Standards for Provider-Owned or Controlled Residential Settings Only

Compliant?	Federal Requirement	Summary
<p>42 CFR 441.301(c)(4)(vi)(A)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable</p>	<p>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.</p>	<p>Not Applicable, as this is a certified day habilitation site and not a residential site.</p>
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable</p>	<p>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.</p>	<p>Not Applicable, as this is a certified day habilitation site and not a residential site.</p>

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

Date Conducted: 5/22/2019

State Agency/Entity that Conducted the On-Site Visit: NYS Office for People With Developmental Disabilities (OPWDD) – Division of Quality Improvement (DQI)

Description of the Setting:

This day habilitation site is a short drive away from the closest city. It is a stand-alone location for individuals receiving day habilitation services. The building is located on a corner lot, nearby a humane society and residential homes. The property has a front courtyard with a sensory garden, swings, basketball hoop, and a greenhouse. Inside the site is a heated therapeutic pool, as well as art and music rooms. The day habilitation site opens use of the therapeutic pool to outside community members who would prefer not to travel to the nearest large city, Rochester. Also unique to the site is the creation of a Snoezelen room, which provides a space to offer relaxation and to help people manage their various sensory needs. Just a few minutes down the road is the shopping area where many of the individuals enjoy spending time. Shops include Wegmans, Walmart, Dunkin Donuts, a boba shop, Petco, Michaels, TJ Maxx, and Big Lots. There are many state parks within a 20-minute radius for walking and picnics, and a splash park for hot summer days.

The setting has taken action to increase the number of people having individualized and meaningful access to the broader community. The site has implemented a shuttle system that goes from the day habilitation site to the local community. Twice a day, three days a week, a shuttle is scheduled from the site to a chosen destination. The setting reports that they have plans to increase this option to five days a week, creating more of a loop around the community for a set number of hours throughout the day so that people can get on and off at various locations at their leisure.

Section Two

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

Individual Interviews:

All individuals requested and received assistance from support staff in order to respond to questions on the Individual Experience Survey. All individuals responded with their own content.

Individual A enjoys visiting the Snoezelen Room at this day habilitation program, enjoys taking walks in the park around Canandaigua Lake, Ontario County walking pathways, and to local shopping centers, which are activities facilitated by staff at this site. They also enjoy helping with site activities and working with beads. Individual A is supported by staff at this program to use a picture board, which provides the best opportunity to express their likes, dislikes, and choice of activities since the individual cannot verbally communicate.

Staff at this site facilitate Individual B's enjoyment of taking walks in the park around Canandaigua Lake, Ontario County walking pathways, and to local shopping centers. They also enjoy doing arts and crafts at this site, socializing with staff and peers, community activities, the "live music walking Fridays" group, and joking around with staff. Ontario Arc Day habilitation staff also offer Individual B a picture board which provides the best opportunity to express their likes, dislikes, and choice of activities since the individual cannot verbally communicate. They are also given many opportunities to interact with their siblings while at the program, to support their roots and family relationships.

Individual D enjoys community activities while attending this program which includes shopping, watching movies, and getting their hair and nails done. Individual D enjoys shopping at Walmart, going to McDonald's, and going out to get boba tea with day habilitation staff support. They enjoy talking with staff and other day habilitation individuals during the community activities.

While attending this day habilitation program, Individual I enjoys spending time outdoors and enjoys spending time with others. They like listening to music at this day habilitation program, as well as going out to eat and going shopping, especially for special events and holidays. While attending this day habilitation program, Individual I is supported by staff to often spend time in the community volunteering and donating items. These volunteering opportunities include baking and delivering dog treats to the Ontario Humane Society and making "Welcome Home" kits for the dogs and cats adopted out as well as other volunteer opportunities, including stuffing Easter eggs for the Canandaigua community Easter egg hunt, baking, and contributing to the local Market at Granger Homestead in Canandaigua, and assisting with Meals on Wheels meal deliveries.

Individual K enjoys listening to music at this day program, especially when drums are involved. This site supports Individual K's enjoyment of "live music walking Fridays" in the community with others in this day habilitation program. They also have opportunities to support peers who perform music in the community commons in Canandaigua. Through staff support at this day habilitation program, Individual K also enjoys swimming, boating, and having picnics at the park on Canandaigua Lake. While at this day habilitation program, Individual K likes to go out shopping at Dollar Tree, Walmart, and JoAnn's, with staff support. They really enjoy planning for the holiday activities at this program throughout the year and spending their money on decorations and gifts for others during those times.

This site facilitates Individual M's enjoyment of several activities, such as doing activities on the iPad, taking walks in the park around Canandaigua Lake, Ontario County walking pathways, and to local shopping centers, and socializing with the staff and other individuals at the day habilitation site. They make an effort to ask about activities and volunteer opportunities in the community and have volunteered at Meals on Wheels many times through this day habilitation program. They spend their money on holiday décor throughout the year and are often outgoing and friendly with employees while they're shopping.

Individual N enjoys spending time at this day habilitation program learning about history, the news, art activities, helping others, community activities, listening to music at program and also in the

community commons of Canandaigua, as well as working on puzzles. They noted that Ontario ARC provides a sense of community during the time spent in the day habilitation program.

The other individuals interviewed during the DQI survey process have similar tastes to those above. The site facilitates opportunities for Individuals at the program to take walks in the park around Canandaigua Lake, the Ontario County walking pathways, and to local shopping centers. Individuals also enjoy going on shopping trips to Walmart, volunteering at Meals on Wheels, doing arts and crafts, using the iPad, listening to music at program and also in the community commons of Canandaigua, as well as spending time with the staff and other individuals at Ontario ARC. Many of the individuals reported that they are happy when they are at Ontario ARC Day habilitation.

The site facilitates opportunities for individuals at the program to display and often sell their artwork at various establishments and art exhibits in the community. The various music ensembles perform at agency fundraising events and in the commons on Main St. Canandaigua in the warmer months. Most recently musicians began doing performances that are going to be scheduled three times a year at different locations throughout the area. The horticulture group is growing flowers from seeds, which are donated to the historic Sonnenberg Gardens and Mansion State Park located in Canandaigua.

Employee Interviews:

Agency management discussed their program called “Creative Expressions”, which is a program enhancement of the day habilitation program that encompasses art, music, and horticulture. Individuals at this day habilitation site have the opportunity to participate in Creative Expressions. In Creative Expressions, people supported have opportunities to display and often sell their artwork at various establishments and art exhibits in the community. The music groups demonstrate that people of all abilities can participate in some way and be part of a musical group. Most recently, musicians began doing performances that are scheduled three times a year at different locations throughout the community. The horticulture group is growing flowers from seeds, which are donated to the historic Gardens and State Park in the area.

Agency management report that they are continually striving to improve services and supports for individuals with significant care needs and help them to be a part of their community. There are frequent community activity opportunities offered at this site for people who have the desire and ability to be out and about in the community all day, every day. Generally, people who enjoy frequent community activities gather at the day habilitation site in the morning to review their plans and prepare for the day, returning at the end of the day to get their transportation home. For some individuals, depending on the day’s destination and where they live, they may be picked up or dropped off at home and may not be transported to or from the day habilitation site at all.

Agency management discussed that volunteering is another avenue that creates opportunities for people attending the day habilitation site to connect with their community. The local Humane Society welcomes visitors. What started as visits to look at the animals led to opportunities to help socialize, followed by baking and delivering dog treats. Most recently people are making “Welcome Home” kits for the dogs and cats adopted out. Other volunteer options include stuffing Easter eggs for the local community Easter egg hunt, baking and contributing to a local Market and restaurant, and assisting with Meals on Wheels meal deliveries.

In addition to the community activities and events that individuals at the program enjoy, there are opportunities for individuals to interact with individuals at the social adult day program at the same location. The social adult day program also brings a varied number of visitors into the day habilitation setting, including families and volunteers.

The agency has policies and procedures that support compliance with HCBS Settings related areas, including individual rights, community inclusion, habilitation plans, process for objecting to services, safeguard guidelines, habilitation plans, natural supports, and more.

The agency provided individual satisfaction surveys recently conducted for individuals attending the day habilitation site. The agency’s goal with conducting these surveys is to better understand what is important to individuals and then staff seek out opportunities that fit their interests. There are several steps included in the review of these surveys. First, program staff meets with the person to assist them in completing the questions. Then a Habilitation Coordinator will meet with a person prior to their Life Plan meeting to review their responses ensuring their preferences, interests, and desires are incorporated into the Life Plan discussion and eventual Staff Action Plan development. The Habilitation Coordinator serves as a liaison between the person’s day habilitation program and Care Coordinator by promoting self-advocacy related to the satisfaction survey and ensuring the meeting is held at the desired place and time for the individual. Day Habilitation staff also share the results of the survey with their supervisor to ensure discussion points are brought up at the Life Plan meeting. Lastly, managers overseeing day habilitation sites review the results of the satisfaction survey to ensure areas requiring action are followed up on.

The agency has created various audit tools for this day habilitation site that are utilized internally by the agency’s QA staff. These audits are conducted on an ongoing basis and look at the person-centered aspects of the program as well as other areas. Results and findings are reviewed and tracked by management.

The agency is accredited by CQL (Council on Quality and Leadership) with Person-Centered Excellence.

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.

1. Picture of exterior of site
2. Eberhardt Monthly Report
3. Eberhardt Monthly Report
4. Eberhardt Monthly Report
5. Individual Rights
6. Natural Supports Policy and Procedure
7. Outing Tracker
8. Satisfaction Survey Non-Respite-individual J
9. Person-Centered Planning Template
10. CQL Ontario ARC PCE 18 Month Report.

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

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

Click or tap here to enter text.