

# Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

Settings that Demonstrated Compliance by July 1, 2021

On March 17, 2014, new federal Medicaid rules for Home and Community Based Services (HCBS) went into effect. The rules impact many parts of HCBS. One of the most important topics is the places where HCBS can be provided.

Because HCBS programs are offered as alternatives to nursing and intermediate care facility services, the new rules make sure that HCBS are provided in settings that are not institutional in nature. To follow this rule, states must make sure that HCBS settings are part of a larger community, people are able to have choices about their service settings, and that people are assured their rights to privacy, dignity and respect.

States must evaluate their HCBS programs to determine the level of compliance with the new rules. The setting indicated on this form had initially been identified as requiring to go through the heightened scrutiny process as part of the compliance process. They were able to demonstrate compliance with the settings criteria by July 1, 2021, so they are not required to go through the entire heightened scrutiny process, but they are required to go out for public comment.

Additional information on Heightened Scrutiny can be found here: [HCBS Settings Rule: Heightened Scrutiny](#)

## Setting Information

<b>Site Name:</b>	Danville Services of Utah	<b>Site ID:</b>	1394
<b>Site Address:</b>	145 N 400 W, St. George, UT 84770		
<b>Website:</b>	<a href="https://www.danvilleservices.com/locations/utah/">https://www.danvilleservices.com/locations/utah/</a>		
<b># of Individuals Served at this location regardless of funding:</b>	22	<b># of Medicaid Individuals Served at this location:</b>	22
<b>Waiver(s) Served:</b>		<b>HCBS Provider Type:</b>	
<input checked="" type="checkbox"/> Acquired Brain injury <input type="checkbox"/> Aging Waiver <input checked="" type="checkbox"/> Community Supports <input checked="" type="checkbox"/> Community Transition <input type="checkbox"/> New Choices <i>Description of Waivers can be found here:</i> <a href="https://medicaid.utah.gov/ltc/">https://medicaid.utah.gov/ltc/</a>		<input checked="" type="checkbox"/> Day Support Services <input type="checkbox"/> Adult Day Care <input type="checkbox"/> Residential Facility <input type="checkbox"/> Supported Living <input type="checkbox"/> Employment Preparation Services	
<b>Heightened Scrutiny Prong:</b>			
<input type="checkbox"/> Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment  <input type="checkbox"/> Prong 2: Setting is in a building on the grounds of, or immediately adjacent to, a public institution  <input checked="" type="checkbox"/> Prong 3: From the initial assessment, the setting was found to have the effect of isolating individuals from the broader community. The following is the area that was identified:			

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	<input type="checkbox"/> A. Individuals have limited, if any, opportunities for interaction in and with the broader community and /or the setting is physically located separate and apart from the broader community and does not facilitate individual opportunity to access the broader community and participate in community services consistent with their person centered service plan <input type="checkbox"/> B. The setting restricts individuals choice to receive services or to engage in activities outside of the setting <input checked="" type="checkbox"/> C. The setting has qualities that are institutional in nature. These can include: <ul style="list-style-type: none"> <li>• The setting has policies and practices which control the behaviors of individuals; are rigid in their schedules; have multiple restrictive practices in place</li> <li>• The setting does not ensure an individual’s rights of privacy, dignity, and respect</li> </ul>
<b>Onsite Visit(s) Conducted:</b>	10/9/19(Onsite), 6/15/2021 (Virtual)
<b>Description of Setting:</b>	
The setting is a day support and employment program located near St. George Blvd, in an area close to community resources such as restaurants, yard sales, recreation businesses, retail and grocery stores, museums, and hiking trails/parks.	
<b>Current Standing of Setting:</b>	
<input checked="" type="checkbox"/> Currently Compliant: the setting has overcome the qualities identified above  <input type="checkbox"/> Approved Remediation Plan: the setting has an approved remediation plan demonstrating how it will come into compliance. The approved timeline for compliance is:	

## Evidence the Setting is Fully Compliant or Will Be Fully Compliant

<b>Prong 1: The setting is in a publicly or privately operated facility that provides inpatient institutional treatment; the setting overcomes this presumption of an institutional setting.</b>	
<b>Compliance:</b>	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

<b>Prong 2: The setting is in a building on the grounds of, or immediately adjacent to, a public institution; the setting overcomes this presumption of an institutional setting.</b>	
<b>Compliance:</b>	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

<b>Prong 3 A: 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 of access as individuals not receiving Medicaid HCBS.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<b>Onsite Visit Summary (10/2019):</b> Individuals are given the option to go out into the community daily.

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	<p>There are two programs located on the same site that are physically located separate and apart from each other. There is an Autism (disability specific) program that is located in a separate part of the building than the other day program at the same setting. Neither program has access to each other. This has a segregating effect for the individuals receiving services. The setting does not facilitate the opportunity to be integrated into the greater community to the same degree as individuals not receiving HCBS services</p> <ul style="list-style-type: none"> <li>● Better planning in regards to activities to make them more meaningful to individuals to ensure integration into the greater community</li> <li>● Individuals’ reported they would like more interaction with individuals outside of the program</li> </ul> <p><b>Remediation Plan Summary:</b> Danville replied that individuals are actively involved in the planning of their personal choice activities in the community. Transportation and/or short distance walks are offered to integrate and enter community settings which include grocery stores, hardware stores, restaurants, parks, rec-center, hiking, yard sales, mall, libraries, sporting goods, senior center, fishing ect. Danville encourages family involvement and natural support to help the individuals have more interaction with individuals outside of the program.</p> <p><b>Onsite Visit Summary (6/2021):</b> Staff and individuals stated they were able to access the community for activities such as going to yard sales, stores, parks, to get drinks, and eat out as desired. The setting offers an opportunity to develop work skills and interests. The setting is colocated with the Danville supported employment program where people are referred to if interested in employment.</p>
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<b>Prong 3 B: The setting is selected by the individual from among setting options, including non-disability specific settings.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<b>Onsite Visit Summary (2019):</b> The setting does not restrict access to non-disability settings. The setting has an admission process that assesses individuals' needs and preferences and regularly reassesses to ensure services are provided in a person-centered manner.

<b>Prong 3 C: The setting optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. The setting ensures an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. The setting ensures the individual has the freedom and support to control his/her own schedule and activities.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<b>Onsite Visit Summary (10/2019):</b> There was no observed personal information posted in the setting. There were also no concerns reported about staff using disrespectful language towards individuals served. Setting allows for ample individual choice of activities. There is no set schedule and individuals can decide daily what they would like to do and what community activities to participate in.

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	<p>There is an Autism (disability specific) program that is located in a separate part of the building than the other day program at the same setting. Neither program has access to each other. Individuals' are not able to move freely between the two programs. This has a segregating effect for the individuals receiving services. No other restrictions were observed or reported.</p> <p><b>Remediation Plan Summary:</b> The title of the Autism program (disability specific name) was changed to Danville Day Supports. The program is no longer disability specific and is based on desired level of activity. Individuals are able to choose which program to participate in and can move between the programs.</p> <p><b>Onsite Visit Summary (6/2021):</b> The setting has two separate day service groups that have their own rooms at the same building. They are able to interact when they choose and can go on activities together. The groups are separated based on desired level of activity and engagement. The DES group is slower paced and more calm. The Danville Day group is faster paced, preferring to be busy and active throughout the day. Individuals are able to choose which group they join and may switch if desired.</p>
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<b>Overall, the setting enforces the Home and Community-Based Settings Regulation requirements.</b>	
<b>Compliance:</b>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<p>Overall, all segregating and institutional concerns were addressed through the remediation process and the State was able to validate that the areas were remediated through the validation visit process.</p> <p>Staff are trained on HCBS requirements both upon hire and ongoing. As indicated below, this setting will be reviewed through ongoing monitoring activities.</p>

## Input from Individuals Served and Staff

<b>Individuals Served Summary:</b>	<p><b>Summary of interviews (2019):</b></p> <ul style="list-style-type: none"> <li>● One individual served indicated they would like to learn how to ride public transportation and that they would like to interact more with others.</li> <li>● Indicated that staff sometimes get frustrated with clients, client learned to ignore it.</li> <li>● Individuals; served indicated that they like that they can spend their money how they like so long as they have spending money</li> <li>● Indicated that staff will take the time to explain why they can't do certain activities due to safety reasons.</li> <li>● Individuals served indicated they like the workshops they play games and learn life skills like cooking</li> </ul> <p><b>Summary of interviews (2021):</b></p> <ul style="list-style-type: none"> <li>● One individual served indicated they got to go out everyday and they got to choose where they went.</li> <li>● Individuals served reported they got to learn new things in the community.</li> <li>● Individuals served reported they get to give input on what goes into the calendars.</li> </ul>
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	<ul style="list-style-type: none"> <li>One individual reports they do not get to go into the community as much as they want but also reported that they get to help pick their activity and that staff will take them out whenever they want to go.</li> </ul>
<b>Staff Summary:</b>	<p><b>Summary of interviews (2019):</b></p> <ul style="list-style-type: none"> <li>Staff indicated that the activities for the day were decided by the individuals and that if there was a disagreement of what activities to do individuals would need to compromise.</li> <li>Staff indicated that there is training provided to ensure that the staff talks to individuals with respect.</li> <li>Integrating clients into the community such as yard sales, picnics, etc.</li> </ul> <p><b>Summary of interviews (2021):</b></p> <ul style="list-style-type: none"> <li>Staff reported the two programs interacted dependent on what individuals served wanted to do.</li> <li>Staff reports there are no rights restrictions in place.</li> <li>Staff indicated there is ongoing training provided.</li> </ul>

<b>Ongoing Remediation Activities</b>	
Current Standing: <input checked="" type="checkbox"/> Currently Compliant <input type="checkbox"/> Approved Remediation Plan	
<b>Continued Remediation Activities</b>	<input checked="" type="checkbox"/> N/A for currently compliant
<b>Ongoing Monitoring Activities</b>	<p>The State will use the following tools to ensure settings continue compliance with the Settings Rule criteria:</p> <ul style="list-style-type: none"> <li>Conducting individual served experience surveys</li> <li>Addressing settings compliance during the annual person centered service planning process</li> <li>Ongoing provider training and certification</li> <li>Monitoring through critical incident reporting</li> <li>Case Management/Support Coordinator visit monitoring</li> <li>HCBS Waiver Reviews/Audits</li> </ul>

## Summary of Stakeholder Workgroup Comments Received and State Response:

<b>Public Comment Period: October 24 to November 28, 2022</b>
No comments received

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## Summary of Stakeholder Workgroup Recommendation:

**Date of Recommendation:** October 24 to November 28, 2022

**The Stakeholder Workgroup recommended that the heightened scrutiny packet is ready to be submitted to CMS (100% of those that responded).**

## Utah's Recommendation

**Date of Recommendation:** 1/12/23

**The State has determined the setting has overcome the effect of isolating individuals from the broader community and is in compliance with the HCBS Settings Rule.**