

# 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 LLC	<b>Site ID:</b>	1405
<b>Site Address:</b>	203 East Cobble Creek Drive Cedar City		
<b>Website:</b>	<a href="https://www.danvilleservices.com/">https://www.danvilleservices.com/</a>		
<b># of Individuals Served at this location regardless of funding:</b>	11	<b># of Medicaid Individuals Served at this location:</b>	11
<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 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 checked="" 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 checked="" 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 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>	10/11/19 ( in person), 06/10/21( virtual)
<b>Description of Setting:</b>	
Setting provides Day support and Employment Preparation Services. The setting is located near a Burger King and Wendy's for fast food, and the Market Grill restaurant. Clients like to go grocery shopping at the nearby Walmart for groceries, drinks and snacks. The library is close.	
<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 (10/11/19):</b> The setting does not facilitate the opportunity to be integrated into the greater community to the same degree as individuals not receiving HCBS services

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	<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>● Groups are required to come back to the setting for lunch, limiting quality time spent in the community. Due to the location of the setting, there is significant travel time that has to be taken into account.</li> <li>● Schedule is very regimented. Friday is field trip day (only one option). All other community activities have a set schedule. Daily program schedule is set as well</li> </ul> <p><b>Remediation Plan:</b> Staff promote competitive integrated employment (CIE) by discussing opportunities while in the community and personal strengths. They have a small enclave that does lawn care and one person started their own lawn care business after participating in the enclave. Danville also provides employment supports such as job coaches. The setting no longer provides sub-minimum wage, contract work, or sheltered work type services.</p> <p><b>Onsite Visit Summary (06/10/21):</b> Danville company vans are used as transportation to get out into the community . Individuals know about the Cedar City bus system but there are some individuals that don't like the public transport system. Staff use the company vans to go out into the greater community to different places. Mondays mow lawns, purchase icees in the community. Staff assists with new social skills, money skills- counting money, correct change Staff report they have consistent and ongoing training. Staff say they like to highlight jobs to clients and encourage them to feel good about themselves and their ability to work. Try to encourage clients for jobs that may be available and they have skills or interest for.</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 (10/11/19):</b> Individuals choose this facility to stay in their community. The setting does not restrict access to any non-disability settings and facilitates access when requested. Individuals interviewed reported they get to access their community as often as they choose.

<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 (10/11/19):</b> Individuals are able to move about the setting independently. There was no observed personal information posted in the setting. Individuals were able to eat when and where they wanted.

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	<p>The schedule is very regimented at the setting. Friday is field trip day (only one option). All other community activities have a set schedule. Daily program schedule is set as well. No other restrictions were observed or reported.</p> <p><b>Remediation Plan:</b> Meal time or location is not regimented. Returning to the building is no longer expected for lunch. Individuals can bring or purchase lunch as part of an activity in the community as desired.</p> <p><b>Onsite Visit Summary (06/10/21):</b> Individuals stated that they are able to give input on the activities they would like on the calendar. They are also able to choose what they participate in daily. Staff confirmed this and that they no longer have a set schedule of repeating activities each week. Individuals have enjoyed the flexibility. Activity schedule demonstrated a variety of activities offered throughout the month.</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 process.</p> <p>Staff are trained on HCBS requirements both upon hire and ongoing. The State will continue to work with the Provider, and its additional settings to ensure its rights restriction process has been implemented across all of its settings. 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>● Individual states staff talks to them with respect, and does not yell</li> <li>● Individual reports that If you want to change something, they speak to the caseworker</li> <li>● Individuals served report they Interacts with others in the community</li> <li>● One individual reports they walk to buy drinks</li> <li>● Individuals report they chose to come to Danville</li> </ul> <p><b>Summary of interviews (2021):</b></p> <ul style="list-style-type: none"> <li>● Individuals stated that they are able to give input on the activities they would like on the calendar.</li> <li>● Individuals reported they are able to choose what they participate in daily.</li> <li>● Individuals reported that the activity schedule demonstrated a variety of activities offered throughout the month.</li> </ul>
<b>Staff Summary:</b>	<p><b>Summary of interviews (2019):</b></p> <ul style="list-style-type: none"> <li>● Staff reported that individuals have the choice to go to an activity in the community or stay back.</li> <li>● Staff indicated that Fridays are field trip days.</li> </ul>

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	<ul style="list-style-type: none"> <li>● Staff reported they always come back for lunch which does not leave much time to be out in the community.</li> </ul> <p><b>Summary of interviews (2021):</b></p> <ul style="list-style-type: none"> <li>● Staff reported activities are based on individual feedback.</li> <li>● Staff indicated that individuals are choosing to go out as much as they are comfortable with COVID-19 at this time.</li> <li>● Staff reported that individuals choose their schedule on a daily basis.</li> </ul>
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<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>
<b>No comments received</b>

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

## Summary of Stakeholder Workgroup Recommendation:

<b>Date of Recommendation: October 24 to November 28, 2022</b>
<b>The Stakeholder Workgroup recommended that the heightened scrutiny packet is ready to be submitted to CMS (100% of those that responded).</b>

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## 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.**