

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

Site Name:	Heber Day Program	Site ID:	1402
Site Address:	1375 S Daniel Rd Ste 1, Heber City		
Website:	https://www.danvilleservices.com/		
# of Individuals Served at this location regardless of funding:	15	# of Medicaid Individuals Served at this location:	15
Waiver(s) Served:		HCBS Provider Type:	
<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> https://medicaid.utah.gov/ltc/		<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	
Heightened Scrutiny Prong:			
<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:			

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

Settings that Demonstrated Compliance by July 1, 2021

	<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"> ● The setting has policies and practices which control the behaviors of individuals; are rigid in their schedules; have multiple restrictive practices in place ● The setting does not ensure an individual’s rights of privacy, dignity, and respect
Onsite Visit(s) Conducted:	9/2019(On Site), 6/9/21 (Virtual)
Description of Setting:	
Day Support Services. Located in Heber City near Betty’s Cafe. There is a retail shopping center nearby with stores and restaurants and a bowling center in the area.	
Current Standing of Setting:	
<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

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.	
Compliance:	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

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.	
Compliance:	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant <input checked="" type="checkbox"/> Not Applicable

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.	
Compliance:	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	Onsite Visit Summary: 9/2019: The program does access the community on a daily basis. The setting is physically located separate and apart from the broader community and does not facilitate the opportunity to be

Home and Community Based Settings Rule

Heightened Scrutiny Evidentiary Package

Settings that Demonstrated Compliance by July 1, 2021

integrated into the greater community to the same degree as individuals not receiving HCBS services.

The setting requires better planning in regards to activities to make them more meaningful to individuals to ensure integration into the greater community; e.g. cooking classes located in one of the homes 2x/month.

Remediation Plan Summary:

- Community cooking classes offered through the National Ability Center, Heber Valley Medical Center and Utah Valley University Community have been attended and will continue, if individuals are interested. Cooking classes in the home are infrequent and typically spontaneous when weather is inclement.
- Weekly planning meetings are in place, where local events are discussed to see who is interested in participating in which class.
- Continue to provide a variety of activity options that reflect the personal preferences based on individuals' input.
- Continue to explore additional volunteer opportunities that may lead to competitive employment.
- Obtain documented permission from the residents of the home to hold a cooking class and utilize the kitchen twice a month, until community classes are available. (Residents of the home are present and involved in participating during classes)
- Disseminate additional information regarding HCBS settings rule to individuals and family members, discuss cultural and systemic changes to improve community integration.
- Provide training for all employees regarding HCBS settings rule.

Onsite Visit Summary (2021):

- Individuals are accessing the community regularly to eat out, go shopping, use community services such as salons and the bank, go to parks, and local events. More activities will be added as Danville reduces COVID-19 restrictions to include bowling, the library, National Abilities Center, etc.
- Individuals are able to interact with others at local events, make their own purchases and selections at stores, and volunteer.
- A cooking class takes place in the residence of three of the people at the day program. They have given written consent for this to take place. They are also asked verbally a day or so before the scheduled cooking class and if they do not want it held at their home they can state that and the class will be held somewhere else.
- Other options have been explored for cooking classes in the community, however they do not meet the dietary needs and interests of those interested in the class.

Policy/Document Review:

The following were reviewed for compliance:

- Written permission for use of kitchen for cooking classes: June 16, 2020
- Documentation of staff HCBS Settings Rule training
- Policy Manual
- Clients Rights Document

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

Settings that Demonstrated Compliance by July 1, 2021

Prong 3 B: The setting is selected by the individual from among setting options, including non-disability specific settings.	
Compliance:	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p>Onsite Visit Summary: 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.</p>

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.	
Compliance:	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p>Onsite Visit Summary: There was no observed personal information posted in the setting. Individuals were able to eat when and where they wanted. There were no reported or observed restrictions or modifications. Individuals were given multiple choices of activities from which to choose from throughout the day and each individual had their own schedule.</p> <p>Policy/Document Review: The following were reviewed for compliance:</p> <ul style="list-style-type: none"> ● Documentation of staff HCBS Settings Rule training ● Policy Manual ● Clients Rights Document

Overall, the setting enforces the Home and Community-Based Settings Regulation requirements.	
Compliance:	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<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

Individuals Served Summary:	<p>Summary of interviews (2019):</p> <ul style="list-style-type: none"> ● Individuals' get to have input on their activities. ● Individuals' enjoy their activities out in the community. ● Individuals' activities are limited and not frequent. <p>Summary of interviews (2021):</p>
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Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

Settings that Demonstrated Compliance by July 1, 2021

	<ul style="list-style-type: none"> ● Overall Individuals’ feel like they have input on activities for the week and enjoy the activities out in the community. They are able to eat when they want and sit where they want and have rules that they understand and follow. ● Individuals’ report they feel like they have input on activities for the week and they enjoy the activities out in the community. ● Individuals’ report they are able to eat when they want and sit where they want. ● Individuals’ report that the rules that are in place they understand and they follow (they are not overly restrictive).
Staff Summary:	<p>Summary of interviews (2019):</p> <ul style="list-style-type: none"> ● Orientation is a requirement for all new employees. ● Individual training is being done on an annual basis and as needed. ● Individuals seemed to not be aware of setting’s training. <p>Summary of interviews (2021):</p> <ul style="list-style-type: none"> ● Individuals have orientation training, setting training and keep up with their annual training and any other training that is needed specific to this location. . ● Staff are being trained how to include individual inputs on activities so they are more meaningful.

Ongoing Remediation Activities	
Current Standing: <input checked="" type="checkbox"/> Currently Compliant <input type="checkbox"/> Approved Remediation Plan	
Continued Remediation Activities	<input checked="" type="checkbox"/> N/A for currently compliant
Ongoing Monitoring Activities	<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"> ● Conducting individual served experience surveys. ● Addressing settings compliance during the annual person centered service planning process. ● Ongoing provider training and certification. ● Monitoring through critical incident reporting. ● Case Management/Support Coordinator visit monitoring. ● HCBS Waiver Reviews/Audits

Summary of Stakeholder Workgroup Comments Received and State Response:

Public Comment Period: October 24 to November 28, 2022
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.