

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

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 has been identified as requiring to go through the heightened scrutiny process as part of the compliance process.

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

Setting Information

Site Name:	Beehive Homes of Washington County IV	Site ID:	52
Site Address:	2041 Mesa Palms Dr., Building A&B, St. George, UT		
Website:	https://beehivecare.com/		
# of Individuals Served at this location regardless of funding:	21	# of Medicaid Individuals Served at this location:	6
Waiver(s) Served:		HCBS Provider Type:	
<input type="checkbox"/> Acquired Brain injury <input type="checkbox"/> Aging Waiver <input type="checkbox"/> Community Supports <input type="checkbox"/> Community Transition <input checked="" type="checkbox"/> New Choices <i>Description of Waivers can be found here:</i> https://medicaid.utah.gov/ltc/		<input type="checkbox"/> Day Support Services <input checked="" type="checkbox"/> Adult Day Care <input checked="" 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: <ul style="list-style-type: none"> <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 			

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

<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:	10/21/2019 (in-person), 8/24/2021 (virtual) 12/15/2021 (virtual)
Description of Setting:	
<p>This setting is an adult day care program located within an assisted living facility. At the time of the visit, the provider did not have any individuals utilizing the adult day care service. They provide the service periodically, as needed. Assessment is based on residential experiences. Adult day care individuals would have the same access to the setting with the exception of the resident private rooms. The setting is located in a residential area. There is a family learning center and a church nearby. There are no other community businesses close. The provider has two houses that are directly across from each other. The street they are located on is a cul-de-sac. The two houses are the first houses on the street. The remainder of the street consisted of Beehive Cottages (Independent Living) and a Beehive Cottages Community Center for use by Independent Living Individuals only. The Beehive Cottages and Community Center have a different owner than the two Assisted Living settings. The setting is close to public transportation. The setting overcomes their location by ensuring residents are able to go out into the community at the level of their desire. They access their community by public transportation, setting outings, family or friends, or other services.</p>	
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

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

<p>Summary:</p>	<p>Onsite Visit Summary (10/2019): There is a big community outing at least once per month. Examples include shopping, dinner, picnics, Christmas lights, etc. Most individuals consider themselves retired and do not want to go into the community more often. The setting has an activity director to ensure individuals are engaged. The setting facilitates transportation for individuals who want or need to get out more often. One individual interviewed reported they are able to go out into the community as much as they want to. They are always invited by the setting to outings but they choose to go out with their friends whenever they want. Another individual interviewed reported that they are able to go out into the community as much as they want. They choose to go to their daughters house and church. The same individual said they liked all the activities provided in the setting. They were responsible for coordinating bingo for the setting for a few years.</p> <p>Remediation Plan Summary: Setting residents have access to the surrounding community via a public bus, our Beehive bus, family outings, friend outings, Taxi's, Case Management companion outings, or Beehive staff. Although there are no businesses close by, the residents have access to all that is available to the public in the St. George area and we want them to get out into the community the way they desire!</p> <p>Onsite Visit Summary (8/2021): There are currently no COVID related restrictions in place regarding community access. Individuals are able to and frequently go into the community with family and friends. The setting scheduled a monthly van ride with residents that included a stop to get a snack or lunch in the community and/or a stop for a community walk as a way to get back into the community after COVID restrictions were lifted. Activities (both onsite and in the community) were suspended when there were strict COVID restrictions and they lost their activity director. A new activity director will start on 9/1/21 and onsite activities and community activities will resume shortly after. Individuals did report they were not accessing the community at the frequency of their choice.</p> <p>Remediation Plan Summary: The setting hired an activities director. They developed a calendar of activities that are varied and address the desires of the residents. A list of current events has been posted in the facilities and the residents have been informed that if they would like to participate in any of the events, the setting will do everything they can to get them there. Our Beehive Bus can take residents to activities that require a vehicle with a lot of seats. Otherwise, family/friends would be contacted first for transportation, our staff can (and does) help the resident call a taxi or an UBER ride to an event, we also have a Beehive car and driver that can transport residents if needed as well. All of these options are listed at the bottom of our Community Events Notices that are posted in the facility.</p> <p>Onsite Visit Summary (12/2021): The setting ensures that individuals are able to get out into the community to the level that they desire in a comprehensive way. The setting helps residents find transportation through family or public transportation. For residents that do not have natural support, attendant care through NCW is advocated for as well to help the residents go out in the community. The Setting has a facility bus for setting activities in the community as well for those that choose to go out through the setting.</p>
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Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<p>For those residents that choose to not go out into the community as often, virtual events are facilitated like youtube videos and armchair travel. If individuals want to speak to someone online or attend an online event, staff help facilitate it.</p> <p>The Setting provides a list of community activities next to the monthly calendar with transportation information. Activities in the community have included shopping, light festival, walks, and picnics, among other things.</p> <p>Policy/Document Review:</p> <p>The following were reviewed for compliance:</p> <ul style="list-style-type: none"> ● Washington County Current Events ● Activity Calendars
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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 (10/2019):</p> <p>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 (10/2019):</p> <p>Individuals have access to snacks at any time, baskets were on the counter that included packages of nuts, raisins, etc. Individuals reported they could request sandwiches and that type of thing anytime. One concern identified during the visit was that the kitchen was only open to the staff and there were no options for residents to cook for themselves.</p> <p>Remediation Plan Summary:</p> <p>Microwaves have been ordered for common areas so residents can cook simple foods for themselves if they choose to. Residents that want a small refrigerator in their room and do not have one, the setting will work with them to get one. There are also tea cups and tea packets available next to the microwaves and a snack center as well for the residents (expanded from what was there previously).</p> <p>Onsite Visit Summary (8/2021):</p> <p>Observed common area supplied with snacks residents could independently access and a microwave for resident use. Resident interviews confirmed they have access to snacks at all times and they could use the microwave anytime they wanted to.</p> <p>One resident reported they could cook a meal if they wanted to and they reported they loved to cook. Another resident reported that although they are not allowed to go into the kitchen, staff has worked with them to make candy when they wanted to.</p>

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

One staff reported that they will assist residents in the kitchen if they want to make something. Another staff reported they were told specifically not to let residents into the kitchen.

One resident reported they have really good food here and the staff know their preferences/allergies and ensure they do not get the food indicated.

One resident reported that everybody is family here. "It's just heaven. It's just wonderful."

They reported they had been to other facilities and this is by far the best one. There was inconsistency between what was reported between the two houses. One house reported they could cook with staff assistance and the other house reported they could not.

There is no formal process for individuals to give feedback towards the activity schedule.

- One resident reported they would like to go shopping more often.
- One resident reported they thought they had been asked maybe once what the majority of them liked to do.
- Staff reported that leadership picked where residents went on their monthly ride.
- One staff member reported that if more residents would like to participate in an outing (like the monthly ride) than they have room in their bus, then they will go to every other room one month (odd rooms) and even rooms the next month to determine who goes.
- Leadership reported that they had one resident council meeting and encouraged the residents to continue to meet to provide feedback to them. Since that meeting (approximately 6 months ago), residents had not met. Leadership interviewed reported it was important for the residents to run the meeting.
 - Moving forward, leadership reported they would add the meeting to the monthly calendar to provide the time and place of the meeting, but would allow residents to run and control the meeting.

Remediation Plan Summary:

A Resident Council Meeting has been calendared at the first of every month for the last two months. Every resident gets a calendar that is posted in their room. The Activities Director has been at these Resident Council Meetings and asks for input from residents about activities the residents would like to participate in, in and out of the facility. There have been two Resident Council's since the virtual assessment. At our Quality Assurance Meeting, the Manager and Administrator of these facilities were asked to encourage resident participation in the Resident Council Meetings.

There is also a Resident Suggestion Box for individuals who are not comfortable voicing their input at a council meeting.

The Activities Director will ask the residents prior to the bus trip, who would like to participate. If more people want to go than can fit in the bus on one trip, then multiple trips to the same place will be planned to accommodate everyone who would like to attend. (I have never heard of only letting residents in odd numbered rooms go one month and then residents in even numbered rooms going another month. I will make sure that doesn't happen!) PS - The monthly ride this month is to a local Harvest Festival, which is something the residents chose off the list of current events. The plan is to park the bus and participate in the activities of the festival.

Our Medicaid residents have the option of added support in companions provided by the Case Management agencies. During the COVID-19 restriction period, this support ceased

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<p>temporarily. We have contacted the Case Management agency and requested that it be resumed for our Medicaid residents.</p> <p>Residents are able to use kitchen facilities under the supervision of staff as long as they are preparing only food for themselves or other friends/family (they cannot prepare for other residents unless they have a food handlers permit). Staff has been trained and this has been communicated to residents.</p> <p>Onsite Visit Summary (12/2021):</p> <p>Residents are able to provide feedback on their individualized schedules through suggestion boxes, a monthly resident council meeting, or directly to the activities director.</p> <p>Activities are scheduled everyday and are listed on the monthly calendar. The resident council meeting helps develop the calendar. There is a new activities director position in place to assist in facilitating activities and ensuring that activities are more individualized and focused. The activities director will reach out to residents who “don’t care” to come to the resident council to ensure that their preferences and feedback are included. Suggestion boxes are another way that is available for residents to provide feedback.</p> <p>A list of current community events is posted at the setting and residents have been informed that if they would like to participate in any of the events, the setting will do everything they can to get them there. For example, one resident expressed interest in attending the Highland Games, the activities director assisted the resident to contact family to see if they were able to attend with the resident, and when they were not, the setting made arrangements to take the resident.</p> <p>Residents confirmed they are able to participate in community trips they want to attend. Leadership have directed staff that residents can use the kitchen under supervision and have held meetings with residents. Leadership acknowledged that it is taking time for that guidance to be understood by residents. Residents have access to food at all times. Snacks are set up along with tea and coffee.</p> <p>Policy/Document Review:</p> <p>The following were reviewed for compliance:</p> <ul style="list-style-type: none"> ● Pictures of microwave ● Washington County Current Events ● Activity Calendars
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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 reported they had access to good at anytime ● One individual reported they got to out into the community as much as they wanted to
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Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

	<ul style="list-style-type: none"> ● Another individual reported they choose to go to their daughters house and church. The same individual said they liked all the activities provided in the setting. They were responsible for coordinating bingo for the setting for a few years. <p>Summary of interviews (8/2021):</p> <ul style="list-style-type: none"> ● Residents reported they can have a snack at anytime and use the microwave at anytime ● Residents reported they are not allowed to use the kitchen ● Residents reported they do not go out very often ● One resident stated “it’s like home” here ● One resident reported they are able to go out with their family member but not very often because their family member has to work. They reported they would go into the community more often if it was offered or facilitated by the setting. ● One resident reported they are excited for the new Activity Director to start so there will be more activities offered. <p>Summary of interviews (12/2021):</p> <ul style="list-style-type: none"> ● Residents report they can come and go as they please ● Residents report they have access to snacks and food at all times ● Residents report they can make their own food if they want to
<p>Staff Summary:</p>	<p>Summary of interviews (2019):</p> <ul style="list-style-type: none"> ● Staff reported individuals are in charge of their own schedule ● Staff reported individuals are never forced to participate in anything ● Staff reported they have access to food at anytime ● Staff reported residents are not allowed in the kitchen <p>Summary of interviews (8/2021):</p> <ul style="list-style-type: none"> ● Staff reported that church and community rides are the only community activities they do right now. Staff pick the destination of the community rides. ● Staff reported there are not a variety of community integration opportunities offered to residents. ● Staff reported residents are not allowed in the kitchen. <p>Summary of interviews (12/2021):</p> <ul style="list-style-type: none"> ● Staff reports that residents are allowed to be in the kitchen if supervised (this is new) ● Staff reports there are several ways residents can access the community (setting, family, taxi, other services) ● Staff reports individuals give input into the activities/calendar

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

Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

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
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Summary of Stakeholder Workgroup Comments Received and State Response:

Stakeholder Workgroup Review: October 24 to November 8, 2022
No comments received

Summary of Public Comments Received and State Response:

Public Comment Period: October 24 to November 28, 2022
<p>Comment: It appears that there was only one group outing a month—a drive that was chosen by staff. It also appears that if too many individuals wanted to go on the ride, they would have to alternate months. Residents report on multiple occasions that they are not afforded the degree of community integration that they would prefer. In the final remote review of the setting, consumers report they can come and go as they please, but it is unclear that the setting provides support sufficient to allow residents to access the community as they would like to. We believe that the submitted heightened scrutiny evidentiary packet does not demonstrate complete remediation/compliance with the rule that would allow continued participation as a Medicaid provider.</p> <p>Response: The State agrees the documentation demonstrating compliance regarding community integration was not clear. This information has been added to the heightened scrutiny document above under prong 3 A and 3 C.</p>

Summary of Stakeholder Workgroup Recommendation:

Stakeholder Workgroup Review: October 24 to November 8, 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
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Home and Community Based Settings Rule Heightened Scrutiny Evidentiary Package

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.