

# 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

<b>Site Name:</b>	Cache Employment and Training Center (CETC)	<b>Site ID:</b>	374
<b>Site Address:</b>	275 West 400 South Logan, UT 84321		
<b>Website:</b>	<a href="http://cetcsupports.org/">http://cetcsupports.org/</a>		
<b># of Individuals Served at this location regardless of funding:</b>	180	<b># of Medicaid Individuals Served at this location:</b>	180
<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: <ul style="list-style-type: none"> <li><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</li> </ul>			

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	<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>	9/15/21 (virtual), 4/21/2022 (virtual)
<b>Description of Setting:</b>	
<p>The setting is a day support and employment program located in an area of Logan containing stores, parks, and restaurants.</p> <p>Cache Employment &amp; Training Center INC (CETC) chose to apply for and participate in the USU technical assistance program. They engaged with industry experts through USU to identify what areas they needed to focus on to come into compliance with the settings rule and established a transformation plan for their setting. As this was a very intensive and optional process, they did not go through the additional review onsite visit with the State in 2019.</p>	
<b>Current Standing of Setting:</b>	
<input type="checkbox"/> Currently Compliant: the setting has overcome the qualities identified above  <input checked="" 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 type="checkbox"/> Met <input checked="" type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<p><b>Transformation Plan Summary:</b></p> <p>CETC will develop a planning team and involve participants, families, staff, and the State Medicaid Agency (SMA) in the development and implementation of the Transition Plan. Holding meetings held with all parties to gain insights and recommendations. Educate all parties on the principles of the Settings Rule and receive input from the different perspectives of each group.</p>

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The composition of the team is representative of relevant stakeholders as identified in action items. This will be tracked by documenting participants and outcomes of the meetings.

- Creating community-based Day Supports (Training) are available and valued (transportation, staffing, funding, staff training, schedules)
  - Making meaningful, skill building activities. CETC implements consumer-led activities. Person provides input in planning activities of interest, sign-ups to group person(s) with similar interests, practice and implement skills in the community, etc. To enhance the experiences and skills of our clients so that they can lead meaningful lives through independent living and employment. This is valued by individuals, families, staff, SCEs, and the community. To enhance the experiences and skills of our clients so that they can lead meaningful lives through independent living and employment. This is valued by individuals, families, staff, SCEs, and the community.
  - Develop volunteer sites and tasks that teach marketable skills. Individuals participate in volunteer opportunities to increase community learning and employability. Developed list of local non-profits. Work with local non-profits and Just Serve Websites for more opportunities. Member of local interagency councils and committees for networking. To enhance opportunities for clients to improve skills. Scheduled, routine, develop skills to increase self-worth. Provide training in individual or small groups.
  - Identify marketable skills compile these skills into a list that can be used to help the Person identify what skills they would like to develop. To enhance the likelihood that a client will be employed.
  - Life skills needed outside of work skills for successful employment using AFLS and other assessments to prioritize skills. Evidence-based assessments provide skill building opportunities for a person-centered planning process.
  - Work with funding agencies to implement Employment Preparation Services (EPR).
- Increase community based employment and strengthen services to encourage and lead to community engagement and employment.
  - Job Developers and Job Coaches trained in Customized Employed and ACRE Certified.
  - Develop business relationships.
  - Work with Workforce Services, schools, and Vocational Rehabilitation.
  - Renegotiate job sites to pay minimum wage or above.
  - Hiring and training of staff to be teachers, not caregivers.
  - Business tours will educate individuals on opportunities for employment and the skills needed to obtain a job.
- Increase community awareness and acceptance
- Update marketing materials

## **Onsite Visit Summary (9/15/21)**

- There are various groups. Some are more focused on community activities, others more focused on working. There are various classes to take throughout the day,

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Leadership stated that people have the freedom to join whatever class they wish at whatever time.

- The schedule indicates most of the classes are in the building. However leadership stated that many activities are in the community around employment opportunities, community exercise classes, community safety, community access and recreation. One specific example of an integrated community activity is 'Jump the Moon' art classes and education classes at the library.
- Focus is on Community jobs. When someone is not in a community work focused group but was interested, all staff indicated they would connect the person with a job developer.
- The setting uses a lot of resources through USU virtually for health and nutrition as a result of COVID, attending community reading classes, etc.
- CETC has hired an intern to build community connections and set up places in the community people supported by CETC can access.
- Staff stated they are celebrating CIE successes of people in their workshop through a bell people can ring when they get a job.

The following concerns were identified during the visit:

- People with jobs in the community should be supported to expand their responsibilities, number or lengths of shifts, or additional career growth. Unless an identified prevocational skill is present, work in a sheltered workshop setting, when someone has a job, would not be recommended.
- People are only accessing the community, outside of their community jobs on their day off from sheltered work. On that day they are out anywhere from 1-3 hours based on their responses.
- Comments about quotas and needing to ask people that have jobs in the community to help on cardboard or other contracts more often they would like to in order to meet the quotas were made.

### **Remediation Plan Summary:**

- CETC transitioned individuals that have jobs in the community to other options including a) more employment (a 2nd job or additional shifts), b) activities and responsibilities supported by natural supports or c) other services (day services, supported living, etc.). Persons with jobs in the community however will not work on the vocational training floor once they have transitioned to EPR unless there is an additional pre-vocational skill that has been identified for the person that might lead to additional job responsibilities, more hours of employment, a second job or an alternative job.
- While the workforce crisis is challenging, CETC is accessing all available resources to ensure people have the opportunity to pursue their employment goals. For example, we are working with the employer by training their staff to provide the necessary support to the person (co-worker supports).
- CETC has been using a 'preferred option' selection process to enable persons to choose what they would like to do if they work on the vocational training floor. They have refined this process to make it more transparent. The 'Vocational Training' sign up sheet is designed for those persons who do not have jobs in the community. It is also

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designed to show the range of vocational training options that a person can sign up for. The vocational training sign-up form also identifies which jobs promote the EPR related skills. The person can also choose not to sign up for any of the vocational opportunities. Vocational training opportunities have transitioned to only those persons receiving EPR.

- Persons access the community on a regularly scheduled basis outside of their community jobs. Each area within the day program schedules community outings. These community outings are identified and planned by the persons within the area. Persons can sign up for the outing that they would like.
- The setting provided copies of activity schedules and class sign-ups for evidence of the process that people have to access community activities, alternate activities and skills training. You will notice in the schedules that vocational training, classes and community activities are offered at the same time thereby affording people the opportunity to choose from amongst these options.

## **Onsite Visit Summary (4/21/22)**

- The setting has fully implemented EPR services. Staff were able to give detailed information on the process and flow of support to obtain CIE.
- Individuals are being placed in the community, are developing independence on the job, and showing success in different industries.
- Employers are calling the setting and asking if they have someone who can work for them.
- The setting is providing a variety of options for individuals to develop skills.
- Individuals have reported visiting the community (Dollar Tree, Zurchers, WalMart, sporting goods stores, Hobby Lobby, fairgrounds, nursery centers, arcades, malls, swimming, fast food, going on walks, etc.).

The following concerns were identified during the visit:

- The setting has created a CETC Mart, which is like a store, where individuals can earn CETC bucks for achieving their behavioral goals. They report this has turned into a vocational opportunity for those that are interested in work. Not everyone has access to the CETC Mart and it has the effect of isolation. There is also no clear path to how these skills are being transferred into the community.

## **Remediation Plan Summary:**

- Cache Mart was not created as a stepping stone towards Competitive Integrated Employment. Individuals seeking competitive integrated employment will follow the Employment pathway tool and access Vocational Rehabilitation Services when they are ready to do so. At that point CETC will provide the individual with a Job developer who may conduct assessments prior to developing a job for the individual.

## **Policy/Document Review:**

- Attachment 1-EPR Flowchart.pub
- Attachment 2-Vocational Training Sign Up Sheet (1).pub
- Attachment 2-Vocational Training Sign Up Sheet.pub
- Attachment 3-Monthly schedule-Jenny\_s place.docx
- Attachment 4-Monthly Schedule-Prevocaional group-Sep.pub
- Attachment 5-Monthly Schedule \_ Community sign up-Prevocational Group-Aug.pub
- Attachment 6-Client ActivityClass Menu-Employment Skills Group.docx

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	<ul style="list-style-type: none"> <li>● Attachment 7-Weekly Schedule-Discovery.pub</li> <li>● Attachment 8-community and activity sign up examples.pdf</li> <li>● Attachment 9-Class Planning-Sign Up form.pub</li> <li>● Attachment 10-Client Lead Class Attendance Log.pub</li> <li>● Attachment 11-Client Interest Form.pub</li> <li>● Attachment 12-Teaching Choice Support Strategy.pub</li> <li>● Attachment 13-Teaching Choice Worksheet.pub</li> <li>● Attachment 14-EPR Monthly Summary with Review.docx</li> <li>● Attachment 15-EPR Data Sheet.docx</li> <li>● Attachment 16-EPR Process Sheet.docx</li> <li>● Attachment 17-Opportunities for Choice in Employment Skills Group.docx</li> </ul>
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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>	<p><b>Onsite Visit Summary (9/15/21)</b></p> <ul style="list-style-type: none"> <li>● 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.</li> <li>● As CETC has implemented the new EPR prevocational services, they explained the new service to each of the people where that would apply, explained that CIE is their next step and held a graduation for them from the sheltered workshop setting.</li> </ul>

<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 type="checkbox"/> Met <input checked="" type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	<p><b>Onsite Visit Summary (9/15/21)</b></p> <ul style="list-style-type: none"> <li>● There are multiple rules in workshop areas. The rules are based on safety and are for everyone. Some of the people were aware of why the rules were in place, others were not.</li> <li>● Multiple staff and leadership indicated they had a person with a rights restriction, but recently the person was able to fade the restriction and the restriction was removed.</li> <li>● They have lockers for each employee in the workshop and allow them to bring their own lock if they choose to.</li> <li>● Activities the person chooses occur with a variety of 1-on-1 and small groups according to leadership</li> <li>● Staff sit down with each person every month to get an idea of what they want to do for community activities. Activities appeared to be connected, or specific to a group. Leadership indicated that they have complete freedom to choose any activity or class they want to join.</li> </ul>

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- Taking a break during the shift was known and offered, flexibility around lunch time was discussed with leadership. They clearly stated that meal times might be staggered, but anyone could each lunch with a friend or coworker they wanted to, despite what group they were participating in.
- Staff stated that they record daily information for a group of people for about 2 months at a time and switch, this does not mean the person was relegated to stay in the group with that staff daily. Groups were for administrative purposes only.
- One lead aid indicated that prior to some of the most recent changes, people served by CETC were not as comfortable giving opinions or having an opinion on a choice. Staff are now more focused on ensuring they offer choice and the person has as much control as possible.

The following concerns were identified during the visit:

- Some people in the interviews indicated that if they didn't want to participate in a contract job on a given day, the only option was to go home. This differed from what the leadership stated. In some cases, the alternative option was only to work on a widget or put together hardware.
- Staff indicated that group sizes can be up to 10 people at times in one setting. This might have just been one of the groups, others noted group sizes were no more than 3. Staff did say in those settings they try not to mingle in one big group.
- From interviews, it was observed that some individuals at CETC are unaware of how flexible their choices, schedules, community access and options are. Some were unaware of the types of activities and classes (outside of cardboard) that were available to them, and the community activities that they could go on.

## **Remediation Plan Summary:**

- If a person does not want to work on a contract job, they can choose from other activities that are occurring including classes within their area or in another area, job tries, or a community activity. The setting has recently been brainstormed to put together a rotating client committee to solicit ideas from their peers and to participate more fully in the planning of classes, workshops, community activities, vocational training and volunteer opportunities. As these committee meetings are held (at least monthly) the setting will document client participation and the results of their planning meeting.
- Groups within each area however may participate in different activities and the same people do not have to belong to the same group within the area. For example, a group of 3 persons with one staff member may go out to a community outing while another group within that area attends a class. Please refer to the class sign ups, community access sign ups and vocational training sign ups. Furthermore, a group of 6 individuals is typically split into 2 smaller groups when going into the community, wherein one group goes in one direction and the other group in another.
- Class, community, volunteer and vocational training opportunities will be posted in places where a person can review and become informed about their options.
- The settings social work intern will provide a "Teaching Choice" training for individuals.
- staff will emphasize the array of options in client team meetings so that clients are informed of their choices and will ensure clients have access to class, community and vocational training schedules that they can take home and review at their leisure. The

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client planning committee can also engage in efforts to make their peers aware and knowledgeable of the options available.

## **Onsite Visit Summary (4/21/22):**

- None of the individuals or staff interviewed reported restrictions on access to the community. Everyone can participate in the activities of interest with groups going out and can add ideas for the calendar.
- Individuals do have schedules of working hours with CEI workgroups and CEI placements. They have work times for EPR when working in CETC but can choose jobs and can choose (if doing day activities part time) their day program schedule as well.
- Individuals and staff reported people have a choice of contracted jobs available if wanting to work and choice of non-work activities if they don't want to work that day.
- Individuals can give ideas and go with groups based upon interests and available staff/transportation.
- Interviews and observations from this visit indicated increased awareness of choice options throughout the day/week.

The following concerns were identified during the visit:

- Some individuals are still reporting that they are unable to give ideas/feedback on where they want to go in the community and it is not being included in the calendar.

## **Remediation Plan Summary:**

- The setting submitted a revised and updated community integration process. The underlying foundation of this process is to provide meaningful activities that will lead toward integrating clients into their community which will lead to inclusion and the formation of relationships with community members.
- The setting currently has a part time settings rule specialist that they plan to make a full-time position as the Quality, integration and Inclusion (QII) Specialist at CETC. The QII specialist will facilitate the monthly client meetings. The QII specialist will form the committee in August 2022 so that the committee is operational by September 2022. This committee will support community integration and inclusion for individuals with disabilities by suggesting and organizing class, workshops and community activities that promote inclusion and integration. The client committee will be integral to identifying barriers and solutions for community integration and inclusion. With greater client input we are confident that people will live more inclusive and integrated lives.

## **Policy/Document Review:**

The following were reviewed for compliance:

- Attachment 1-EPR Flowchart.pub
- Attachment 2-Vocational Training Sign Up Sheet (1).pub
- Attachment 2-Vocational Training Sign Up Sheet.pub
- Attachment 3-Monthly schedule-Jenny\_s place.docx
- Attachment 4-Monthly Schedule-Prevocaional group-Sep.pub
- Attachment 5-Monthly Schedule \_ Community sign up-Prevocational Group-Aug.pub
- Attachment 6-Client ActivityClass Menu-Employment Skills Group.docx
- Attachment 7-Weekly Schedule-Discovery.pub
- Attachment 8-community and activity sign up examples.pdf
- Attachment 9-Class Planning-Sign Up form.pub
- Attachment 10-Client Lead Class Attendance Log.pub

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	<ul style="list-style-type: none"> <li>● Attachment 11-Client Interest Form.pub</li> <li>● Attachment 12-Teaching Choice Support Strategy.pub</li> <li>● Attachment 13-Teaching Choice Worksheet.pub</li> <li>● Attachment 14-EPR Monthly Summary with Review.docx</li> <li>● Attachment 15-EPR Data Sheet.docx</li> <li>● Attachment 16-EPR Process Sheet.docx</li> <li>● Attachment 17-Opportunities for Choice in Employment Skills Group.docx</li> <li>● CETC Client Committee</li> <li>● CETC Client Idea Form</li> <li>● CETC Community Integration Process CETC Sign Up Calendar</li> <li>● CETC UT Satisfaction</li> <li>● CETC Weekly Options for Vocational Training</li> </ul>
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<b>Overall, the setting enforces the Home and Community-Based Settings Regulation requirements.</b>	
<b>Compliance:</b>	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Remediation Plan demonstrating will be compliant
<b>Summary:</b>	Overall, the setting has remediated the majority of the institutional characteristics that required it to go through heightened scrutiny. It has a remediation plan to remediate the remaining items to bring them into compliance.

## Input from Individuals Served and Staff

<b>Individuals Served Summary:</b>	<p><b>Summary of interviews 9/15/21:</b></p> <ul style="list-style-type: none"> <li>● Some people in the interviews indicated that if they didn't want to participate in a contract job on a given day, the only option was to go home. In some cases, the alternative option was only to work on a widget or put together hardware.</li> <li>● Individuals reported that they cannot give ideas/feedback on where they want to go and it is included in the calendar for the week or month.</li> <li>● One individual reported they indicated that a number of times they wanted to do a job that was community based but felt ignored on their request.</li> </ul> <p><b>Summary of interviews 4/21/22:</b></p> <ul style="list-style-type: none"> <li>● One individual reported they are able to pick what classes they choose to participate in.</li> <li>● Individuals have reported going to Dollar Tree (day of our visit), Zurchers, Walmart, Sporting Goods stores, Hobby Lobby, Fairgrounds, garner/nursery centers, arcades, the mall, swimming, local fast food restaurants and talking walks around the local area.</li> <li>● Individuals reported they have a choice of contracted jobs available if wanting to work and choice of non-work activities if they don't want to work that day.</li> </ul>
<b>Staff Summary:</b>	<p><b>Summary of interviews 9/15/21:</b></p> <ul style="list-style-type: none"> <li>● In the leadership interview, leadership reported that Covid had delayed their ability to start new processes as planned but CETC is working on program development.</li> <li>● Staff indicated that group sizes can be up to 10 people at times in one setting. This might have just been one of the groups, others noted group sizes were no more than 3. Staff did say in those settings they try not to mingle in one big group.</li> </ul> <p><b>Summary of interviews 4/21/22:</b></p>

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	<ul style="list-style-type: none"> <li>● Staff reported individuals have a choice of contracted jobs available if wanting to work and choice of non-work activities if they don't want to work that day.</li> <li>● Staff reported they are creating a "Client Committee"- meet monthly bases - suggestion of changes, to represent their input and interest to help drive their schedule and their interest</li> <li>● Staff reported they go out in small group sizes and this helps them to individualize services and skill building when in the community.</li> <li>● Staff reported they have received a variety of training including training around rights restrictions, code of conduct, person centered planning, etc.</li> </ul>
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<b>Ongoing Remediation Activities</b>	
Current Standing: <input type="checkbox"/> Currently Compliant <input checked="" type="checkbox"/> Approved Remediation Plan	
<b>Continued Remediation Activities</b>	The setting is finalizing its remediation activities in prong 3A and 3C. the State will conduct another validation visit to ensure they are compliant in the areas indicated.
<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>Stakeholder Workgroup Review:</b> October 24 to November 28, 2022
<b>No comments received</b>

## Summary of Public Comments Received and State Response:

<b>Public Comment Period:</b> October 24 to November 28, 2022
<p><b>Comment:</b> One commenter stated that while the setting participated in the technical assistance program and created a transformation plan, the site has not fully remediated. The State reports that an additional validation visit will be required to see if the site has been remediated. Appropriate public comment can't be provided about the settings compliance with the rule until the remediation plan has been fully implemented. At that time the commenter can provide comment about the heightened scrutiny evidentiary packet as to whether the setting complies with the rule and continue to bill as a waiver provider.</p> <p><b>Response:</b></p>

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Settings must demonstrate compliance or demonstrate a plan along with the State's oversight to ensure completion of actions to certify they will become compliant prior to March 17, 2023 before the State submits them through the heightened scrutiny process.

**Comment:**

One commenter stated: "To all the employees of Cache Employment and Training Center, please be proud knowing that you provide a service that is so very important. Important to your clients because you give them self esteem and a sense of belonging. Important to parents like us, knowing that our family members are getting the best possible care available. You cannot possibly know what a relief it is to not have the worries that we as parents had in the past, and the peace of mind you can give to parents just starting out on a very difficult journey. I would also like to thank Sammy who takes such good care of [my child]. I never worry about the care [my child] will receive at Cache because of her and all the wonderful staff. Thanks again for all the love and kindness you show [my child] every day."

**Response:**

Thank you for your positive feedback on the setting.

**Comment:** One commenter stated: "My daughter currently attends the day program at Cache Employment and Training Center in Logan, Utah. She also has a part-time job at Casper's malt shoppe. She enjoys going to CETC during the day, and especially liked working on the production floor making boxes. She would go to her part-time job in the afternoon 2 days a week for 2 hours. The job at Casper's was created just for [her] to give her some access to the community. The hours are minimal, but seem to be perfect for her. When the settings rule came into play, [she] was no longer allowed to work on the production floor at CETC. Now they find alternate activities for her to do while her peers work on the production floor. This rule is not helpful, it's limiting. Instead of having a productive day at CETC she now is faced with alternative activities to do, and really just wants to work as she has done in the past.

Please explain to me how this is benefitting those with disabilities when they are limited on the jobs they can have. Other people have more than one job. Why can't people with disabilities have more than one job? Your new settings rule is discriminatory."

**Response:**

We apologize for the negative impact that the policy changes the State has made has had on your loved one. It was necessary however for the State to better define the separation between Day Support, Supported Employment, Prevocational activities and how this fits with sub-minimum wage work. Unless a specific, time-limited goal is being developed, DHHS is not able to consider employment unless it is for a competitive, integrated job. We recommend reaching out to your Support Coordinator to discuss service/support options.

## Summary of Stakeholder Workgroup Recommendation:

**Stakeholder Workgroup Review:** 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).**

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## Utah's Recommendation

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

**The State has determined the setting has an approved plan to overcome the effect of isolating individuals from the broader community and/or have segregating characteristics and the State will verify compliance with the HCBS Settings Rule.**