

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:		Site ID:	
Site Address:			
Website:			
# of Individuals Served at this location regardless of funding:		# of Medicaid Individuals Served at this location:	
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 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 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 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 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 			

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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 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:	
Description of Setting:	
Things to include in this section: <ul style="list-style-type: none"> • Type of setting (type of residential setting, etc.) • Location of setting (proximity to community, description of community- e.g. rural, etc.) • If Prong 1 or Prong 2- description here 	
Current Standing of Setting:	
<input 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 type="checkbox"/> Not Applicable
Summary:	<p>Note: If Not applicable is checked, this box will be removed</p> <p>Things to include in this section:</p> <ul style="list-style-type: none"> • Onsite Visit Summary • Remediation Plan Summary (if applicable) • Policy/Documents (if applicable) • Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> ○ Interconnectedness between the institution and the setting, including administrative or financial interconnectedness, does not exist or is minimal ○ To the extent any institutional staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the institutional staff are crossed trained to meet the same qualifications as the HCBS staff ○ Participants in the setting in question do not have to rely primarily on transportation or services provided by the institution setting <p>Onsite Visit Summary:</p> <p>Remediation Plan Summary:</p> <p>Interconnectedness between the institution and the setting:</p> <p>Policy/Document Review:</p>

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	The following were reviewed for compliance:
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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 type="checkbox"/> Not Applicable
Summary:	<p>Note: If Not applicable is checked, this box will be removed</p> <p>Things to include in this section:</p> <ul style="list-style-type: none"> ● Onsite Visit Summary ● Remediation Plan Summary (if applicable) ● Policy/Documents (if applicable) ● Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> ○ Interconnectedness between the institution and the setting, including administrative or financial interconnectedness, does not exist or is minimal ○ To the extent any institutional staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the institutional staff are crossed trained to meet the same qualifications as the HCBS staff ○ Participants in the setting in question do not have to rely primarily on transportation or services provided by the institution setting <p>Onsite Visit Summary:</p> <p>Remediation Plan Summary:</p> <p>Interconnectedness between the institution and the setting:</p> <p>Policy/Document Review: The following were reviewed for compliance:</p>

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 type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p>Things to include in this section:</p> <ul style="list-style-type: none"> ● Onsite Visit Summary ● Remediation Plan Summary (if applicable) ● Policy/Documents (if applicable) ● Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> ○ Provides opportunities to seek employment and work in competitive integrated employment; if does not offer employment services, what is their plan to provide opportunities ○ Engage in community life and receive services in the community

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	<ul style="list-style-type: none"> o If the setting is located separate and apart from the broader community, how the setting overcomes their location and facilitates individual opportunity to access the broader community o Control personal resources o Description of the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited o Individuals participate regularly in typical community life activities outside of the setting to the extent the individual desires. Such activities do not include those only organized by the provider agency specifically for a group of individuals with disabilities and/or only paid staff. Community activities should foster relationships with community members unaffiliated with the setting <p>Onsite Visit Summary:</p> <p>Remediation Plan Summary:</p> <p>Policy/Document Review: The following were reviewed for compliance:</p>
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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 type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p>Things to include in this section:</p> <ul style="list-style-type: none"> ● Onsite Visit Summary ● Remediation Plan Summary (if applicable) ● Policy/Documents (if applicable) ● Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> o The setting does not restrict access to non-disability settings o Setting reflects individual needs and preferences o Services provided are chosen by the individual o Individuals understand how to request a change in services/setting option <p>Onsite Visit Summary:</p> <p>Remediation Plan Summary:</p> <p>Policy/Document Review: The following were reviewed for compliance:</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

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coercion and restraint. The setting ensures the individual has the freedom and support to control his/her own schedule and activities.	
Compliance:	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p style="color: #0070c0;">Things to include in this section:</p> <ul style="list-style-type: none"> ● Onsite Visit Summary ● Remediation Plan Summary (if applicable) ● Policy/Documents (if applicable) ● Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> ○ The setting optimizes individual initiative, autonomy, and independence in making life choices ○ The setting ensures an individual’s right of privacy, dignity, and respect ○ The setting ensures an individual’s freedom from coercion and restraint (policies on restrictions and modifications) ○ The setting ensures the individual has the freedom and support to control his/her own schedule and activities (policies to support) <p>Onsite Visit Summary:</p> <p>Remediation Plan Summary:</p> <p>Policy/Document Review: The following were reviewed for compliance:</p>

Overall, the setting enforces the Home and Community-Based Settings Regulation requirements.	
Compliance:	<input type="checkbox"/> Met <input type="checkbox"/> Remediation Plan demonstrating will be compliant
Summary:	<p style="color: #0070c0;">Things to include in this section:</p> <ul style="list-style-type: none"> ● Onsite Visit Summary ● Remediation Plan Summary (if applicable) ● Policy/Documents (if applicable) ● Require provider to submit the following in writing to demonstrating compliance: <ul style="list-style-type: none"> ○ Provider qualifications for staff employed in the setting that indicate training or certification in HCBS and that demonstrates the staff is training specifically for HCBS support in a manner consistent with HCBS settings regulations

Input from Individuals Served and Staff

Individuals Served Summary:	<p style="color: #0070c0;">Things to include in this section:</p> <ul style="list-style-type: none"> ● Attach questions asked (template document) ● Summary of interviews
Staff Summary:	<p style="color: #0070c0;">Things to include in this section:</p> <ul style="list-style-type: none"> ● Attach questions asked (template document) ● Summary of interviews

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Ongoing Remediation Activities	
Current Standing: <input type="checkbox"/> Currently Compliant <input type="checkbox"/> Approved Remediation Plan	
Continued Remediation Activities	<input type="checkbox"/> N/A for currently compliant
Ongoing Monitoring Activities	

Summary of Stakeholder Workgroup Comments Received

Public Comment Period:
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Summary of State’s Response to Stakeholder Workgroup Comments Received

Public Comment Period:
•

Summary of Public Comments Received

Public Comment Period:
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Summary of State’s Response to Public Comments Received

Public Comment Period:
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Utah’s Recommendation

Date of Recommendation:
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