

# The Office of Long-Term Living (OLTL) Heightened Scrutiny Evidentiary Information

The following table includes:

- Where the setting is located (locations that have the presumption of institutional qualities and therefore, the possibility of isolating individuals from the broader community due to the service location’s physical location),
- OLTL’s Heightened Scrutiny determination on whether the service location currently meets, or will meet, waiver and regulatory requirements to overcome the presumption of having institutional qualities,
- The HCBS Rule requirement that was measured,
- Waiver requirements specific to services funded by OLTL used to measure Home and Community-Based Settings (HCBS) Rule compliance, and
- Information reviewed by OLTL to determine whether the service location currently meets, or will meet, regulatory and waiver requirements to overcome the presumption of having institutional qualities.

Service locations that OLTL determined have or will overcome the presumption of institutional qualities will be sent to the Centers for Medicare & Medicaid Services (CMS) (after public comment) for final review of compliance with the HCBS Rule.

In cases where there were modifications or additional conditions (participant restrictions) that would need to be justified in a participant’s person-centered service plan, those modifications or conditions were confirmed to be needed or justified.

### Home and Community Based Settings (HCBS) Quality Review

<b>Setting Name:</b>	Elderday at Penn Hall
<b>Setting Region:</b>	Central
<b>Setting Address:</b>	1427 Philadelphia Ave., Chambersburg, PA, 17201
<b>Setting Type:</b>	Adult Daily Living
<b>Brief description of setting:</b>	Setting located inside of a nursing facility on a provider-owned campus. The Adult Day Center (ADC) is one large room divided by furniture and half walls into 4 sections.
<b>Review Date:</b>	5/25/2022
<b>Number of Participants Served at Site</b>	Less than 10

<b>Reason for Category</b>	Setting is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment.
<b>Overcomes the presumption of institutional qualities?</b>	Yes

<p><b>Evidence to support</b></p>	<p>Elderday at Penn Hall is an ADC designed to assist participants in meeting, at a minimum, personal care, social, nutritional, and therapeutic needs in accordance with their participants' individual service plans. Adult Daily Living services are generally furnished for four or more hours per day on a regularly scheduled basis for one or more day/s per week.</p> <p>It should be noted that all participants in this setting have a physical or mental disability diagnosis and require supervision during their time at the adult day center.</p> <p>While Elderday at Penn Hall is physically located in the same building as an institution, they do have a designated set of rooms, with a private entrance/exit. In addition, Elderday at Penn Hall operates by its own set of policies and procedures and maintains separate staff and management for the Day program apart from the ICF/IID.</p> <p>It is the policy of the Elderday at Penn Hall to involve the participants in center activities and programs that are "designed to promote each member's active involvement with other Members, the Volunteers, Guests and the Community "</p>
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<p><b>Expectation</b></p>	<p><b>What you might see (based on CMS suggested Exploratory Questions and the OLTL Assessment Tool)</b></p>	<p><b>Notes/Documentation to Support Expectation</b></p>
<p>(i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including...</p>	<p>N/A- please see responses to questions below.</p>	
<p>1. opportunities to seek employment and work in competitive integrated settings,</p>	<p>The setting provides services to older adults with mental and/or physical disabilities. Per staff they've never had anyone expresses interest in obtaining a job.</p>	<p>Agency has a policy which lists out steps staff will take to assist participants in seeking competitive employment if this service is requested. In addition, it is a service coordinator's responsibility to assess an individual's desire to seek employment in a competitive integrated settings and assist with</p>

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		referrals as desired during the annual assessment.
2. engage in community life,	The setting has a variety of daily activities that any attendee can choose to participate in. They publish a monthly calendar and newsletter with activity information.	The agency has a policy regarding community and center events and has information regarding activities and events posted in the center.
3. control personal resources,	N/A - Setting is an ADC and does not have access to participant funds.	
4. and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.	The setting has a variety of daily activities that any attendee can choose to participate in.	Direct observation and program policies found that all attendees, regardless of program or payer, have the same access to activities, events, and physical spaces.
(ii) The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting.	N/A-Not a residential setting.	
and setting options are based on the individual's needs, preferences	N/A-Not a residential setting.	
and, for residential settings, [based on the individual's] resources available for room and board.	N/A-Not a residential setting.	
(iii) Ensures an individual's rights of 1. privacy,	The center delivers daily care with thoughtful behavior to ensure an individual's privacy and confidentiality are respected. Participant's rights and responsibilities	Direct observation and program policies showed that all attendees are granted privacy when needed or requested.

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	are posted in a common area within the facility.	
(iii) Ensures an individual's rights of 2. dignity and respect,	The center delivers daily care with thoughtful behavior to ensure an individual's privacy and confidentiality are respected. Participant's rights and responsibilities are posted in a common area within the facility.	Agency requires annual staff training on appropriate interaction with participants. Staff are monitored to ensure they treat participants appropriately.
(iii) Ensures an individual's rights of 3. freedom from coercion,	Staff are monitored to ensure they treat participants appropriately and do not use coercion.	Direct observation and program policies found that the use of restraints, seclusion and adverse conditioning is prohibited.
(iii) Ensures an individual's rights of 4. and freedom from restraint.	Staff are monitored to ensure they treat participants appropriately and do not use restraints.	Direct observation and program policies found that the use of restraints, seclusion and adverse conditioning is prohibited.
(iv) The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, ~daily activities	Participants have the freedom to choose which activities they participate in.	Direct observation and program policies show that while staff does encourage participation in events, the participants may choose not to participate or may pick a different activity at any time.
(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, ~physical environment	Participants have the freedom to move around the setting.	Direct observation and program policies showed that participants have access to all areas of the setting, except private offices and storage rooms.
(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, ~and with whom to interact	Participants have the freedom to choose when and with whom they would like to interact. Visitors are allowed at the setting.	Direct observation and program policies showed that all the participants have more than adequate space to be able to move around the setting autonomously and interact as desired.

<b>Expectation</b>	<b>What you might see (based on CMS suggested Exploratory Questions and the OLTL Assessment Tool)</b>	<b>Notes/Documentation to Support Expectation</b>
(v) Facilitates individual choice regarding services and supports, and who provides them	Team members of the center are trained in client interactions and their care plans. They are instructed to treat clients respectfully.	Annual staff training on appropriate interaction with participants, and participant's rights. Staff are also trained on the participants' individual care plans and preferences.