

The Office of Developmental Programs (ODP)

Heightened Scrutiny Evidentiary Information for Community  
Participation Support Service Locations

(Melmark - Anne and Brutus Kenan Center for Adult Services)

The following table includes:

- where the CPS program 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),
- ODP’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,
- regulatory and waiver requirements specific to services funded by ODP used to measure HCBS Rule compliance, and
- the information reviewed by ODP to determine whether the service location currently meets, or will meet, regulatory and waiver requirements to overcome the presumption of having institutional qualities.

CPS service locations that ODP determined have or will overcome the presumption of institutional qualities will be sent to CMS (after public comment) for final review of compliance with the HCBS Rule.

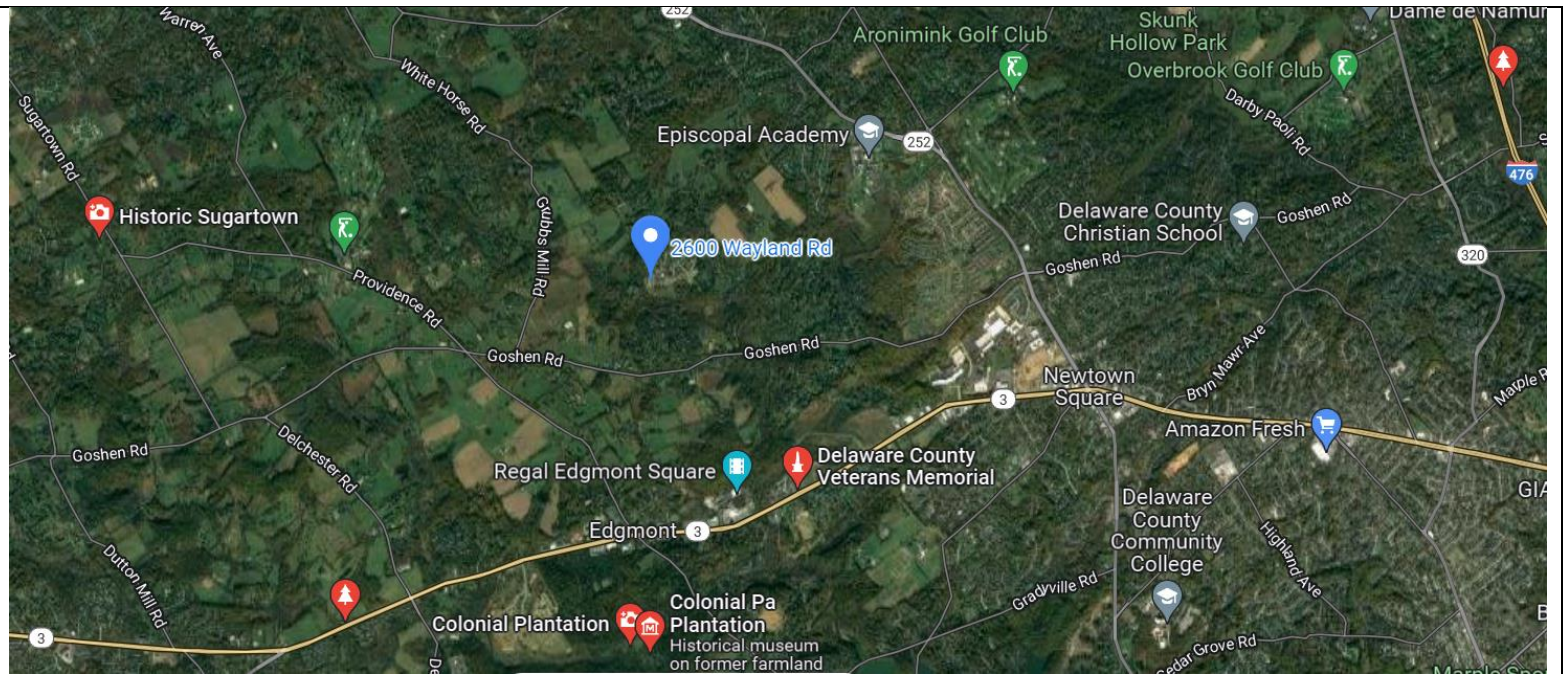
<b>Service Location Name:</b>	Melmark (Anne and Brutus Kenan Center for Adult Services)
<b>Service Location Address:</b>	2600 Wayland Road, Berwyn, PA 19312
<b>Number of Individuals Receiving Services as of 6/30/21:</b>	18
<b>Onsite Visit Date:</b>	3/15/22
<b>Licensing Visit Date:</b>	8/3/21-8/4/21
<b>The CPS program is located:</b>	<input checked="" type="checkbox"/> In a building located on the same property as an Intermediate Care Facility for individuals with an Intellectual Disability (ICF/ID) <input type="checkbox"/> Immediately adjacent to a public institution (ICF) <input type="checkbox"/> In a building that is also a public or privately operated facility that provides inpatient Institutional treatment (Hospital/SNF)
<b>ODP’s Heightened Scrutiny Determination: Does the Service Location Overcome the Presumption of Institutional Qualities:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Service Location Summary:</b>	The Melmark service location has more than one program available at the physical site. This program, the Anne and Brutus Kenan Center for Adult Services, assists with pre-vocational, wellness, daily living, social, and

communication skills. Please see Melmark's website for more information: <https://www.melmark.org/what-we-do/for-families-and-caregivers/adult-services/adult-day-programming/>

This service location had an onsite visit that confirmed the service location is on the same property as an ICF but does not isolate the individuals from the broader community. The service location is located in a rural area, surrounded by neighborhoods, including local restaurants and shops within driving distance. Some of these local restaurants and shops include: Bright Spot Café, Buenos Aires Empanada Bar, Rey Azteca Mexican, Regal Edgmont Square, Historic Sugartown, etc.



**Aerial View of the Service Location:**



<b>Melmark (Anne and Brutus Kenan Center for Adult Services)</b>		
<b>CMS HCBS Standard / Expectation:</b>	<b>ODP HCBS Standard / Expectation:</b>	<b>How ODP Determined Compliance:</b>
<p><b>The setting supports opportunities to engage in community life, including seeking employment and working in competitive integrated settings.</b></p>	<ul style="list-style-type: none"> <li>6100.261 <i>The provider shall provide the individual with the assistance necessary to access the community in accordance with the individual plan.</i></li> <li>6100.262(a) <i>The provider shall provide active and ongoing opportunities and information about employment options appropriate for the individual.</i></li> <li>6100.443 <i>The individual shall have the same degree of community access and choice as an</i></li> </ul>	<ul style="list-style-type: none"> <li>ISPs, Summary Document, Annual Assessments, Assessment and Individual Plan Policy, Quarterly Reports, Community Outing Planners, Individual Rights Policy, Corrective Action Plan, Individual Interviews, &amp; Staff Interviews             <ul style="list-style-type: none"> <li>Individuals were given choices to participate in activities in the community, including volunteer work.                 <ul style="list-style-type: none"> <li>Examples include: Meal delivery, parks (such as Ridley Creek State Park), Franklin</li> </ul> </li> </ul> </li> </ul>

**Melmark (Anne and Brutus Kenan Center for Adult Services)**

CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	How ODP Determined Compliance:
	<p><i>individual who is similarly situated in the community who does not have a disability and who does not receive an HCBS.</i></p> <ul style="list-style-type: none"> <li>• 6100.182(k) <i>An individual has the right to choose where, when, and how to receive needed services.</i></li> <li>• 6100.181(b) <i>The provider shall educate, assist, and provide the accommodation necessary for the individual to make choices and understand the individual's rights.</i></li> <li>• 6100.182(e) <i>An individual has the right to make choices and accept risks.</i></li> <li>• 6100.182(f) <i>An individual has the right to refuse to participate in activities and services.</i></li> <li>• 6100.182(g) <i>An individual has the right to control the individual's own schedule and activities.</i></li> </ul>	<p>Institute, Zoos, participating in art classes at the Exton mall, local library, etc.</p> <ul style="list-style-type: none"> <li>○ Individuals have freedom to move about the service location as they wish, according to ISPs. <ul style="list-style-type: none"> <li>▪ Individuals can go wherever they want at the service location, but staff requests that they let them know where they are going. Even if the individual needs 1-1 supervision, staff will just go with them where they want.</li> </ul> </li> </ul>
<p><b>The setting ensures an individual's right of privacy.</b></p>	<ul style="list-style-type: none"> <li>• 6100.182(h) <i>An individual has the right to privacy of person and possessions.</i></li> <li>• 6100.182(i) <i>An individual has the right of access to and security of the individual's possessions.</i></li> </ul>	<ul style="list-style-type: none"> <li>• ISP, Quarterly Reports, Annual Assessments, Individual Rights Policy, Assessments and Individual Plans Policy, Staff Interviews, Individual Interviews, &amp; Observations <ul style="list-style-type: none"> <li>○ Staff followed ISPs when individuals want to use a private space for personal care. <ul style="list-style-type: none"> <li>▪ Observation of lockable bathroom doors.</li> <li>▪ Observation of Hoyer lift with screen protection for those who need it so they can change privately.</li> </ul> </li> <li>○ Designated spaces for individual's personal items at the service location. <ul style="list-style-type: none"> <li>▪ Rack room for coats and bags.</li> <li>▪ Personal cubbies for items.</li> </ul> </li> </ul> </li> </ul>



Melmark (Anne and Brutus Kenan Center for Adult Services)		
CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	How ODP Determined Compliance:
		<ul style="list-style-type: none"> <li>○ Privacy respected when individuals take phone calls.</li> </ul>
<p><b>The setting ensures an individual's dignity and respect.</b></p>	<ul style="list-style-type: none"> <li>● <i>6100.50 Written, oral, and other forms of communication with the individual, and persons designated by the individual, shall occur in a language, and means of communication understood by the individual or a person designated by the individual.</i></li> <li>● <i>6100.182(d) An individual shall be treated with dignity and respect.</i></li> <li>● <i>6100.182(m) An individual has the right to assistive devices and services to enable communication at all times.</i></li> </ul>	<ul style="list-style-type: none"> <li>● ISPs, Annual Assessments, Summary Documents, Individual Rights Policy, Individual Interviews, Staff Interviews Communication Goal Document, &amp; Observations</li> <li>○ Activities adapted to each individual <ul style="list-style-type: none"> <li>▪ Melmark staff use any adaptive equipment needed by individuals. Melmark staff also use adaptive equipment needed to help an individual make choices about activities in which they want to participate.</li> </ul> </li> <li>○ Individuals chose who they spent their time with at the day program (prior to COVID-19 safety measures). <ul style="list-style-type: none"> <li>▪ Individuals may visit with their friends in different rooms.</li> </ul> </li> <li>○ Individuals chose when and where they took their breaks. <ul style="list-style-type: none"> <li>▪ There is a time when most people take a break, but individuals can wait to eat with their other friends if they wish.</li> </ul> </li> <li>○ Staff work with individuals to build their own personal schedule. <ul style="list-style-type: none"> <li>▪ If an individual wants to do something different than is already scheduled, staff said they will change the schedule for that individual.</li> </ul> </li> </ul>

**Melmark (Anne and Brutus Kenan Center for Adult Services)**

CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	How ODP Determined Compliance:
		<ul style="list-style-type: none"> <li>○ Staff communicate in a method of preferred communication stated and known by the individuals.                             <ul style="list-style-type: none"> <li>▪ During interviews with staff, staff explained in great detail the training they went through to ensure they are providing person-centered services.</li> <li>▪ Speech Therapist and physical therapist will educate staff about specific instruction based on the individual's needs.</li> <li>▪ For individuals who cannot read, Melmark uses visual schedules.</li> </ul> </li> </ul>
<p><b>The setting supports opportunities to control personal resources.</b></p>	<ul style="list-style-type: none"> <li>● <i>6100.350(a) Access to or the use of an individual's personal funds or property may not be used as a reward or punishment.</i></li> </ul>	<ul style="list-style-type: none"> <li>● ISPs, Quarterly Reports, Assessments and Individual Plans Policy, Individual Rights Policy, Individual Interviews, Staff Interviews, &amp; Observation                             <ul style="list-style-type: none"> <li>○ Staff will help the individual manage their money if needed.                                     <ul style="list-style-type: none"> <li>▪ Some individuals have a card (like a gift card) and a budget that staff will help with. Some individuals will have money that their caregiver gave them, and staff will help them with that as well.</li> </ul> </li> </ul> </li> </ul>
<p><b>The setting ensures an individual's freedom from coercion and restraint.</b></p>	<ul style="list-style-type: none"> <li>● <i>6100.51(c) The provider shall permit and respond to an oral or written complaint from any source, including an anonymous source, regarding the delivery of a service.</i></li> <li>● <i>6100.181(c) An individual may not be reprimanded, punished, or retaliated against for exercising the individual's rights.</i></li> </ul>	<ul style="list-style-type: none"> <li>● ISPs, Quarterly Reports, Assessments and Individual Plans Policy, Individual Rights Policy, Corrective Action Plan, Individual Interviews, Staff Interviews, &amp; Observation                             <ul style="list-style-type: none"> <li>○ Complaint process followed as per 6100.51.                                     <ul style="list-style-type: none"> <li>▪ Complaint process is explained to the individual at every ISP meeting.</li> </ul> </li> </ul> </li> </ul>

**Melmark (Anne and Brutus Kenan Center for Adult Services)**

CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	How ODP Determined Compliance:
	<ul style="list-style-type: none"> <li>• <i>6100.182(l) An individual has the right to voice concerns about the services the individual receives.</i></li> <li>• <i>6100.343 A restrictive procedure may not be used as retribution, for convenience of staff persons or as a substitute for staffing or appropriate services.</i></li> </ul>	<ul style="list-style-type: none"> <li>○ No restrictive procedures noted or observed.</li> <li>○ Restrictive procedures were checked as part of the desk review of Individual Support Plans, service notes, progress notes, and provider policies.</li> <li>○ All service locations are subject to a licensing inspection at least annually that ensure restrictive procedure requirements in 55 Pa. Code Chapters 2380 or 2390 are followed.</li> </ul>