

The Office of Developmental Programs (ODP)
Heightened Scrutiny Evidentiary Information for Community
Participation Support Service Locations

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.

Service Location Name:	The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)
Service Location Address:	122 Leopard Road, Berwyn, PA 19312
Number of Individuals Receiving Services as of 6/30/21:	2
Onsite Visit Date:	3/24/22
Licensing Inspection Date:	12/20/21
The CPS program is located:	<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)
ODP’s Heightened Scrutiny Determination: Does the Service Location Overcome the Presumption of Institutional Qualities:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Service Location's Summary:

Devereux Foundation's Alpha program at the Whitlock Center encourages individuals to develop work, social, and communication skills. Individuals attend community outings in small groups and also have the opportunity to engage in recreation and socialization throughout their day at the program. The program allows individuals with a goal of gaining employment to prepare for employment by acquiring and improving necessary vocational skills if desired. For more information on the program please visit

https://www.devereux.org/site/SPageServer/?pagename=penn_services_for_adults

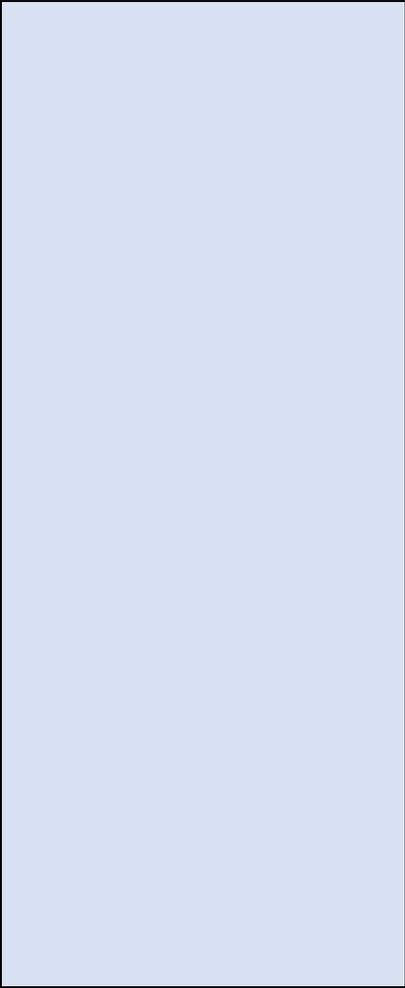
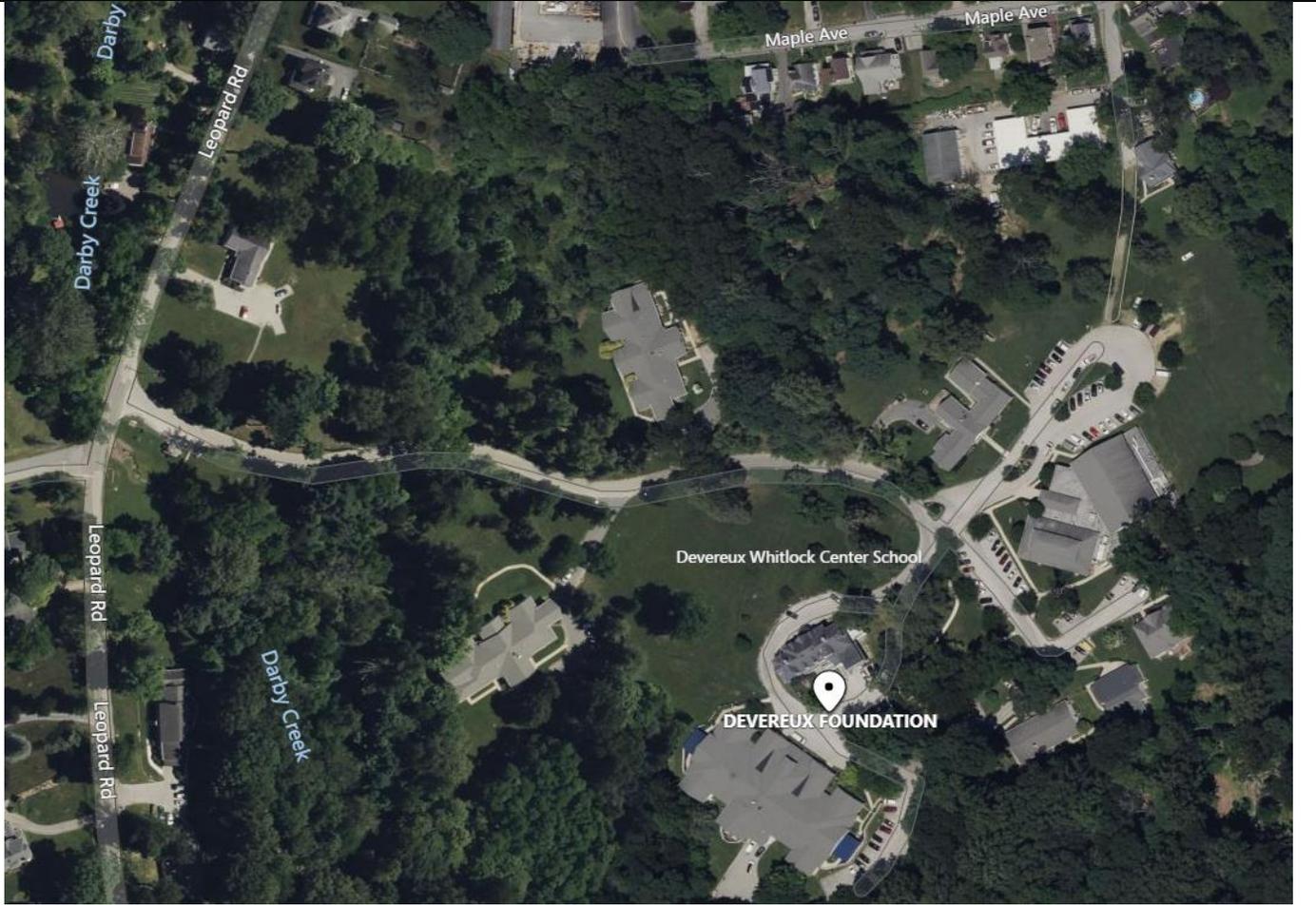
This service location's onsite visit confirmed that it is in a building on the same property as an Intermediate Care Facility for individuals with an Intellectual Disability (ICF/ID). The program incorporates individual desires, preferences, and choices into the activities offered, including in the community. While it is located on the same property as the ICF, it does not isolate individuals from the greater community.

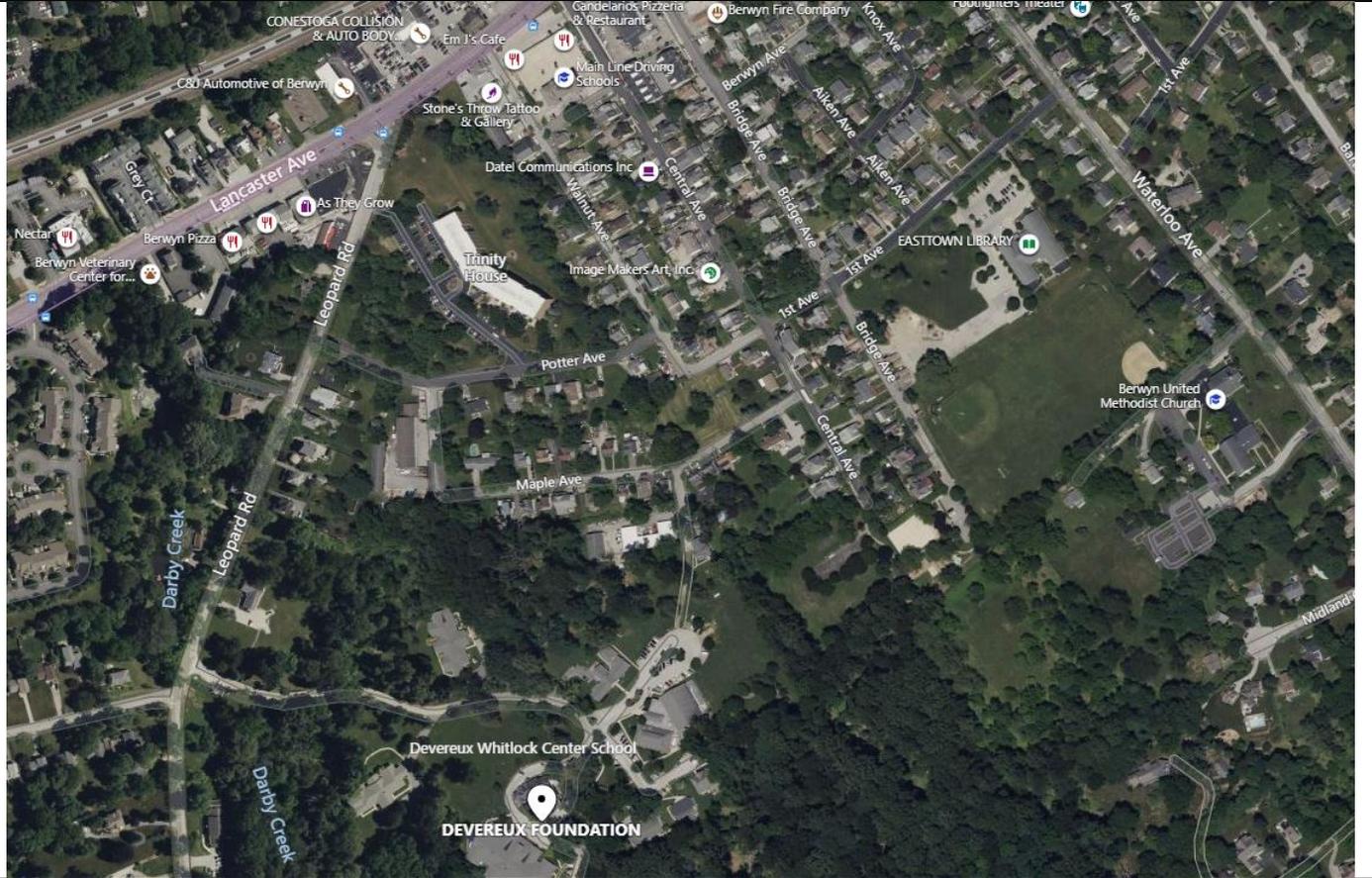
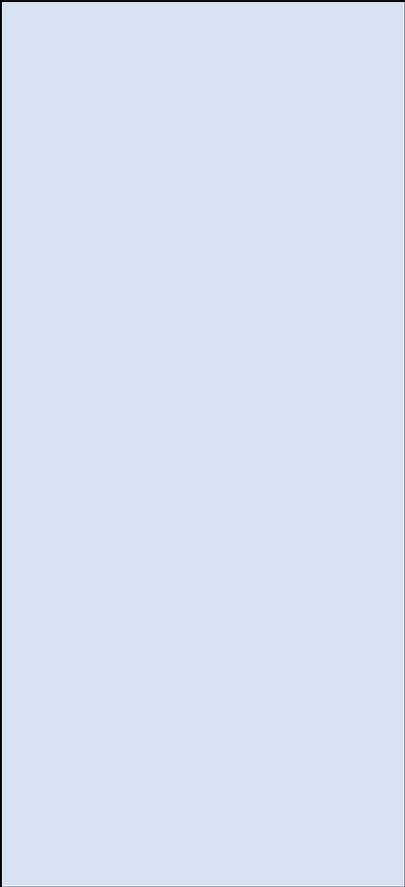
The Alpha program is situated on the ICF property but is surrounded by residential zones. It is a short drive or walk to many community spaces housing restaurants, grocery and convenience stores, a library, museums, and parks, including a nearby arboretum.

Aerial View of the Service Location:



View of the Alpha Program located on the same property as the ICF





The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)		
CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	Validation used by ODP to make the Heightened Scrutiny Decision ¹ :
<p>The setting supports opportunities to engage in community life, including seeking employment and working in competitive integrated settings.</p>	<ul style="list-style-type: none"> • 6100.261 <i>The provider shall provide the individual with the assistance necessary to access the community in accordance with the individual plan.</i> • 6100.262(a) <i>The provider shall provide active and ongoing opportunities and information about employment options appropriate for the individual.</i> • 6100.443 <i>The individual shall have the same degree of community access and choice as an individual who is similarly situated in the community who does not have a disability and who does not receive an HCBS.</i> • 6100.182(k) <i>An individual has the right to choose where, when, and how to receive needed services.</i> • 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> • 6100.182(e) <i>An individual has the right to make choices and accept risks.</i> • 6100.182(f) <i>An individual has the right to refuse to participate in activities and services.</i> 	<ul style="list-style-type: none"> • ISPs, Service notes, Progress Notes, Interest Survey, Staff Interviews, Participant Interviews <ul style="list-style-type: none"> ○ Participants were offered multiple different activities in the community, outside of the day program. <ul style="list-style-type: none"> ▪ Examples include: Volunteering at Retirement Communities, visiting local shops in their community, visiting local restaurants, etc. ○ Program staff ensured individuals' choices and provided alternate activities. <ul style="list-style-type: none"> ▪ Staff during interview explained how attempts were made to offer flexible community participation options based on each individual's preferences. ▪ A checklist is used to ensure proper preparation for each outing. ▪ Individuals can move freely about the program and receive support to go outside whenever they desire to, as some enjoy walking outdoors around the property.

¹ Each provider was encouraged to submit documentation to validate their compliance with the HCBS Settings Rule. The following validation may differ depending on what documentation the provider submitted for the desk review.

The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)

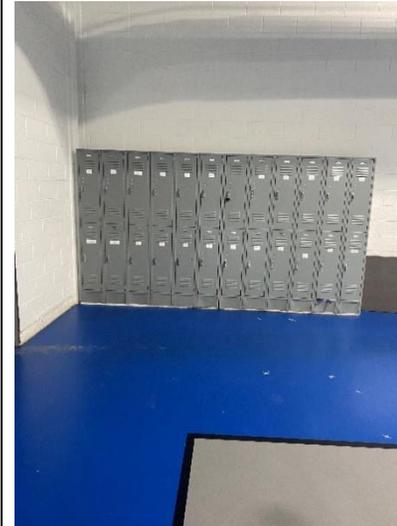
CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	Validation used by ODP to make the Heightened Scrutiny Decision ¹ :																																																
	<ul style="list-style-type: none"> 6100.182(g) <i>An individual has the right to control the individual's own schedule and activities.</i> 	<p><i>Before Trip CPS Community Checklist</i></p> <table border="1"> <thead> <tr> <th>Date ___/___/___</th> <th>Monday</th> <th>Tuesday</th> <th>Wednesday</th> <th>Thursday</th> <th>Friday</th> </tr> </thead> <tbody> <tr> <td>CPS Specialist reviewed CPS Binder to get address of CPS location, arrival time, job tasks and contact person prior to start of trip and assigned vehicle? (Information is in the Community Participation Binder with Daniel K. at the front desk.)</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist confirmed individuals are present and still attending activity with program supervisor?</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist checked vehicle to be sure vehicle has enough gasoline and is in good working condition. If low gas, CPS will fill gas at least 1/2 full at gas pump next to Auto Shop? Ask Daniel for gas card at front desk. Use vehicle safety checklist.</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist will request change of clothing and depends from area staff, if individual have history of incontinence. Swimming trucks for YMCA and other activities involving swimming.</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist will request epi-pen for individuals that have allergies. (See Hot sheet)</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist will confirm with Fenstone Food Services, for food and review with her special diet before accepting food for day trip.</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> <td>Yes/No</td> </tr> <tr> <td>CPS Specialist will request petty cash from Janis <small>Have for paid activities or when toll parking is</small></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Date ___/___/___	Monday	Tuesday	Wednesday	Thursday	Friday	CPS Specialist reviewed CPS Binder to get address of CPS location, arrival time, job tasks and contact person prior to start of trip and assigned vehicle? (Information is in the Community Participation Binder with Daniel K. at the front desk.)	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist confirmed individuals are present and still attending activity with program supervisor?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist checked vehicle to be sure vehicle has enough gasoline and is in good working condition. If low gas, CPS will fill gas at least 1/2 full at gas pump next to Auto Shop? Ask Daniel for gas card at front desk. Use vehicle safety checklist.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist will request change of clothing and depends from area staff, if individual have history of incontinence. Swimming trucks for YMCA and other activities involving swimming.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist will request epi-pen for individuals that have allergies. (See Hot sheet)	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist will confirm with Fenstone Food Services, for food and review with her special diet before accepting food for day trip.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	CPS Specialist will request petty cash from Janis <small>Have for paid activities or when toll parking is</small>					
Date ___/___/___	Monday	Tuesday	Wednesday	Thursday	Friday																																													
CPS Specialist reviewed CPS Binder to get address of CPS location, arrival time, job tasks and contact person prior to start of trip and assigned vehicle? (Information is in the Community Participation Binder with Daniel K. at the front desk.)	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist confirmed individuals are present and still attending activity with program supervisor?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist checked vehicle to be sure vehicle has enough gasoline and is in good working condition. If low gas, CPS will fill gas at least 1/2 full at gas pump next to Auto Shop? Ask Daniel for gas card at front desk. Use vehicle safety checklist.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist will request change of clothing and depends from area staff, if individual have history of incontinence. Swimming trucks for YMCA and other activities involving swimming.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist will request epi-pen for individuals that have allergies. (See Hot sheet)	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist will confirm with Fenstone Food Services, for food and review with her special diet before accepting food for day trip.	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No																																													
CPS Specialist will request petty cash from Janis <small>Have for paid activities or when toll parking is</small>																																																		
<p>The setting ensures an individual's right of privacy.</p>	<ul style="list-style-type: none"> 6100.182(h) <i>An individual has the right to privacy of person and possessions.</i> 6100.182(i) <i>An individual has the right of access to and security of the individual's possessions.</i> 	<ul style="list-style-type: none"> ISPs, Provider Handbook, Staff Interviews, & Observation <ul style="list-style-type: none"> Individual's ISP followed when the individual wants to use a private space for personal care. <ul style="list-style-type: none"> Examples include bathrooms with stalls that are able to be locked. Designated spaces for individual's personal items at the service location. <ul style="list-style-type: none"> Examples include personalized bins and lockers (see images below). 																																																

The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)

CMS HCBS Standard / Expectation:

ODP HCBS Standard / Expectation:

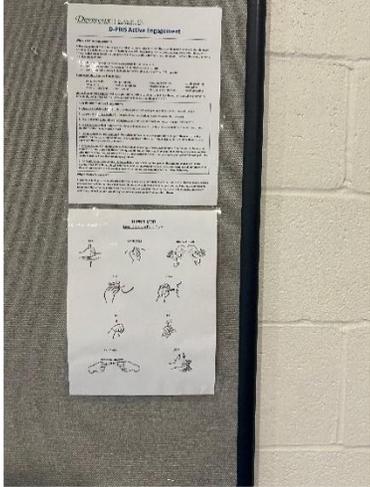
Validation used by ODP to make the Heightened Scrutiny Decision¹:



The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)

CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	Validation used by ODP to make the Heightened Scrutiny Decision ¹ :
<p>The setting ensures an individual’s dignity and respect.</p>	<ul style="list-style-type: none"> • <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> • <i>6100.182(d) An individual shall be treated with dignity and respect.</i> • <i>6100.182(m) An individual has the right to assistive devices and services to enable communication at all times.</i> 	<ul style="list-style-type: none"> • ISPs, Participant Handbook, Progress Notes, Staff Interviews, Individual Interviews, & Observation <ul style="list-style-type: none"> ○ Staff work with individuals to build their own personal schedule. <ul style="list-style-type: none"> ▪ Melmark has “float” staff that support individuals who choose to do something different than the rest of the group. ○ Activities adapted to each individual. ○ Individuals chose who they spent their time with at the day program (prior to COVID-19 safety measures). <ul style="list-style-type: none"> ▪ Individuals can visit other groups as they wish. There are chairs all around each room so people can meet if they want to. ○ Individuals chose when and where they took their breaks. <ul style="list-style-type: none"> ▪ There are usually 3-5 different options of food available. ▪ Individuals can eat their snacks whenever they want. ○ Staff communicate in a method of preferred communication stated and known by the individuals (see image #1). <p>#1</p>

The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)

CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	Validation used by ODP to make the Heightened Scrutiny Decision ¹ :
		
<p>The setting supports opportunities to control personal resources.</p>	<ul style="list-style-type: none"> • <i>6100.350(a) Access to or the use of an individual's personal funds or property may not be used a reward or punishment.</i> 	<ul style="list-style-type: none"> • ISPs, Progress Notes, Participant Handbook, Individual Interviews, & Staff Interviews <ul style="list-style-type: none"> ○ Individuals bring money with them to the day program from their home. Staff will help the individual manage their money if needed.
<p>The setting ensures an individual's freedom from coercion and restraint.</p>	<ul style="list-style-type: none"> • <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> • <i>6100.181(c) An individual my not be reprimanded, punished, or retaliated against for exercising the individual's rights.</i> • <i>6100.182(l) An individual has the right to voice concerns about the services the individual receives.</i> 	<ul style="list-style-type: none"> • ISPs, Progress Notes, Participant Handbook, Corrective Action Plan, Staff Interviews, Licensing Inspection & Observation <ul style="list-style-type: none"> ○ Complaint process followed as per 6100.51. ○ No restrictive procedures noted or observed. ○ Restrictive procedures were checked as part of the desk review of Individual Support Plans, service notes, progress notes, and provider policies. ○ All service locations are subject to a licensing inspection at least annually that ensure

The Devereux Foundation (Devereux Whitlock Center Joyce Mendleson AAC)		
CMS HCBS Standard / Expectation:	ODP HCBS Standard / Expectation:	Validation used by ODP to make the Heightened Scrutiny Decision ¹ :
	<ul style="list-style-type: none"> 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. 	restrictive procedure requirements in 55 Pa. Code Chapters 2380 or 2390 are followed.