

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

Setting Name:	Mentor ABI LLC DBA Neurorestorative Pennsylvania
Setting Region:	West
Setting Address:	6816 W. Lake Rd., Fairview, PA
Setting Type:	Residential Habilitation (Res Hab)
Brief description of setting:	Several buildings in a campus setting providing Res Hab. (Sailors Cove, Cabin #2, Cabin #3)
Review Date:	April 19, 2022
Number of Participants Served at Site	19

Reason for Category	Setting(s) has the effect of isolating individuals receiving Medicaid home and community-based services from the broader community of individuals not receiving Medicaid home and community-based services.
Overcomes the presumption of institutional qualities?	Yes

<p>Evidence to support</p>	<p>Provider supplies transportation for participants who require 24-hour care and therefore are not able to leave the setting on their own.</p> <p>Participant Rights are posted in all Res Hab residences and the Structured Day Program.</p> <p>Waiver participants know about and are encouraged to participate in community events. Participants can come and go any time they choose.</p> <p>Per Corrective Action Plan and review of Provider's policy 7.17 PA-FV Community Integration and 3.13 PA-FV HCBS-Community Access in addition to on-site observation.</p> <p>The provider developed a policy that addresses integration in, and access to the greater community.</p> <p>6816 W Lake Road Fairview PA 16415 site has multiple cabins. Cabin #2, Cabin #3 and Sailors Cove (as referred to by provider).</p> <ul style="list-style-type: none"> - Cabin #2 – has locks on all cabinets and fridge because one resident required pureed food and cannot have free access to cabinets or fridge for their own safety. - Sailors Cove – has locks on all cabinets and fridge because one resident has dietary restrictions. - Participants will have access to the food at any time with the assistance of staff.
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<p>Expectation</p>	<p>What you might see (based on CMS suggested Exploratory Questions and the OLTL Assessment Tool)</p>	<p>Notes/Documentation to Support Expectation</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</p>	<p>Provider's policy states they will assist per Provider's policy 3.04 Pre-Vocational Activities 10-16.</p>

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	expresses interest in obtaining a job.	
2. engage in community life,	The setting has a variety of daily activities that any attendee can choose to participate in.	The provider developed a policy that addresses integration in, and access to the greater community. Per Corrective Action Plan and review of Provider's policy 3.13 PA-FV HCBS-Community Access, in addition on-site observation.
3. control personal resources,	Waiver participants should have their own checking or savings accounts and have access to their funds. Participants should not assign control of income and/or resources to the provider.	Provider indicated that many of the residents in the home have guardians who manage their finances. Provider policies, 10.13 Participant Accounts and 10.13A Participant Money in the Residences.
4. and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.	Participants should not be steered to receive their health services from the provider (if available)? (ex: Primary Care Physician, Podiatrist, Dentist, Therapists) Participants should be provided access to health care services in the community. (ex: transportation, scheduling, staff support).	Provider's policy "Participant Rights and Responsibilities" allows participants to choose a provider of their choice. There is a designated physician onsite monthly as an option.
(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.	Participants should choose the residential setting.	Participants would choose this residential setting based on the providers specialty in rehabilitation of people with traumatic brain injuries.
and setting options are based on the individual's needs, preferences	Participants should choose the residential setting.	The agency furnishes each unit, but participants can also decorate and have furnishings of their choosing. Participants' individual needs and preferences are

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		respected by the setting per on-site observation.
and, for residential settings, [based on the individual's] resources available for room and board.	Participants should choose the residential setting based on resources available for room and board.	The room and board agreement states freestanding, post-acute, program specializing in brain injury rehabilitation and is CARF accredited.
(iii) Ensures an individual's rights of 1. privacy,	Health information should be kept private. (HIPAA) Participants' schedules of medications, diet restrictions, etc. should not be posted in a general open area for all to view.	Participant rights and responsibilities are posted in a common area within the setting.
(iii) Ensures an individual's rights of 2. dignity and respect,	Staff should address participants in the manner the person would like to be addressed.	Participant rights and responsibilities are posted in a common area within the setting.
(iii) Ensures an individual's rights of 3. freedom from coercion,	Information about filing a complaint should be posted in an obvious location and in an understandable format. In addition, waiver participants should be able to file an anonymous complaint.	Provider's Residence Rights policy was updated and includes residents shall be free from coercion. The policy is posted in all service locations.
(iii) Ensures an individual's rights of 4. and freedom from restraint.	Participants should be free from coercion and/or restraint.	Provider's Residence Rights policy was updated and includes residents shall be free from restraints.
(iv) The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, ~daily activities	Participant should be able to choose the residential setting. The setting should provide opportunities for individualized outings.	Provider's Resident Council meets monthly to plan community activities. Form was updated to include participant choices. Per staff interview and review of the policies the provider optimizes individual choices about daily activities.
(iv) Optimizes, but does not regiment, individual	The setting should ensure that participants are	Resident Council meets monthly to plan community activities.

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initiative, autonomy, and independence in making life choices, including but not limited to, ~physical environment	supported to make decisions and exercise autonomy to the greatest extent possible.	Form was updated to include participant choices. Per staff interview and review of the policies the provider optimizes individual choices about daily activities.
(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	The setting should ensure that participants are supported to make decisions and exercise autonomy to the greatest extent possible.	Per staff interview and review of the policies the provider optimizes individual choices about participants physical environment.
(v) Facilitates individual choice regarding services and supports, and who provides them	Participants should be free to choose with whom to interact during activities.	Participants would choose this residential setting based on the providers specialty in rehabilitation of people with traumatic brain injuries.