Ohio Department of Medicaid

HEIGHTENED SCRUTINY EVIDENCE PACKAGE

Setting Information

Provider's Name		
Canal Winchester Care Center		
Location of the Setting	Type of Setting	Number of Individuals Served at the Setting
Franklin County, Ohio	Assisted living	0 waiver licensed for 10 individuals
Waiver Services Being Provided at the Setting		
Assisted living services		

Heightened Scrutiny Prong

- [x] Prong 1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment.
- [ ] Prong 2: Setting is in a building on the grounds of, or adjacent to, a public institution.
- [ ] Prong 3: Setting has the effect of isolating individuals from the broader community.

Recommendation

As required by 42 CFR 441.301 (c) (5), the State of Ohio submits this request for heightened scrutiny review for the setting identified above. The State has compiled evidence that the setting is integrated and supports full access of individuals to the greater community, is selected by the individual from among disability and non-disability-specific settings, ensures individual rights, and promotes individual initiative, autonomy, choice, and independence.

Section One

On Site Visit Observation

Date(s) Conducted	State Agency that Conducted the On-Site Visit
May 8, 2019	Ohio Department of Aging

Description of the Setting

Canal Winchester Care Center is privately owned by The MacIntosh Company (hereafter AL or setting). The setting is in Canal Winchester, Ohio. The setting has an assisted living (AL) setting co-located with a nursing facility (NF). While the AL and NF share the Director and the Director of Nursing (DON) positions, the rest of the staff work on the AL only. The AL maintains separate capital and operating budgets from the NF.
• Separate administrative/fiscal structure
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4

There is an exterior sign identifying the AL and NF from the main road. A short driveway off the main road leads to a sign identifying the AL main entrance on the left, and the NF main entrance which is straight ahead. There is a parking lot immediately in front of the AL entrance and there is designated handicap parking for individuals residing at the setting or for visitors. The setting is across the street from two elementary schools. The AL is on the second floor and is approximately one mile away from a Walmart Supercenter, Planet Fitness, Walgreens, PNC Bank, O'Charley's, Maurices, Shoe Show, Dollar Tree, and private residences. Individuals living in private residences have the same proximity to the community as individuals residing in the AL.
• 441.301(c)(4)(i) Proximity to the community

Immediately outside the AL entrance is an outdoor lounge area with chairs, tables, and rocking chairs. There are two sets of glass doors at the AL main entrance, separated by a mud room. Immediately inside the AL main entrance is a small foyer with tables and chairs and directional signage. The directional signage lets visitors and individuals living at the setting know they must use the elevator around the corner to access the AL, which is on the second floor of the setting.
• Meaningful Distinction/Separate entrances
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4
• 441.301(c)(4)(vi)(E) Accessible

After one takes the elevator to the second floor, the elevator opens to a small lounge area with seating, magazines, a computer, and fireplace. Once off the elevator and to the left of the lounge area are a few AL living units, with another lounge area and a nurse's station. To the right of the elevator are additional AL living units. Around the corner of the elevator, is a hallway with AL living units on both sides. About halfway down the hallway, the AL units give way to the AL dining room, movie theatre, beauty salon, activity room, and bar. Further down the hallway is a billiards area and more AL living units.
The AL dining room has several dining room tables and booths, a sink, microwave, refrigerator, and a beverage and snack table. The refrigerator and kitchen drawers are full of snacks and drinks which individuals may access at any time. Within the bar area are several tables with chairs, a fireplace, TV, and balcony which overlooks the first floor. Inside the movie theatre is a popcorn station and several chairs. For outdoor entertainment activities at the setting, individuals may choose to garden, bird watch in the gazebo located by a nearby pond, or walk on a walking path. Individuals use flowerbeds to plant flowers and grow vegetables, which are used by the kitchen in meal preparation.
Most individuals had their own cell phone or a telephone in their living unit. However, there is a telephone in the nursing office which is always available for individuals to make private calls, if needed.
• Meaningful Distinction/Separate entrances
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4
• 441.301(c)(4)(iii) Right to privacy, dignity, and freedom from coercion and restraint

Individuals have the option to eat when, where, and with whom they choose. There are no seating assignments during meals. Visitors are welcome at anytime and are encouraged to join individuals during meals. A daily food menu is posted on the exterior walls of the AL dining room along with an alternate food menu. If an individual is going to miss a meal, they may notify staff and a meal is saved for them upon their return.
Individuals have the option to eat in their living unit when they desire. Snacks are always available in the AL dining room and include danishes, juice, coffee, crackers, fruit, and cookies. Individuals may ask staff to bring a snack to their living unit. Individuals may keep snacks in their living units, as well.
• 441.301(4)(C) Control schedule, activities, and access to food at any time
• 441.301(4)(D) Visitors welcome at any time
• 441.301(c)(4)(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.

Several individuals have decorated their living unit and doors with seasonal holiday décor including wreaths, flowers, and other personal decorations. Each living unit bathroom has a walk-in or roll-in shower with grab bars. Every living unit has a small kitchenette including a refrigerator and sink. Several living units were decorated with the individual's own furniture, bed spreads, family photos, and keep sakes.

Living units are equipped with locking doors, curtains, and other privacy supports. Individuals are given a key to their living unit, if they choose to have one. Aides, nurses, housekeepers, and department managers will have master keys. Aides, nurses, and housekeepers are given a master key at the start of their shift and will sign for the key at the beginning of each shift. The staff must knock and announce themselves prior to entering the individuals' living units. The AL administrator indicated staff only use the master key in the event of an emergency, to clean the living unit while the individual is not present, to make repairs on the living unit, to pass medication, or to ensure the safety and well-being of the individual, if there is no response to the initial knock. All staff receive training on the use of the master key.
• 441.301(c)(4)(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact
• 441.301(c)(4)(iii) Right to privacy, Dignity
• 441.301(c)(4)(vi)(B)(1) Locked entrance doors with only appropriate staff having keys
• 441.301(c)(4)(vi)(B)(3) Individualized living spaces

Ohio has protections in place for waiver enrollees to ensure they understand they have the ability to choose their providers. Individuals work with a case manager, their families, their provider(s), and the setting administrator or other setting official(s) to ensure the setting is the best option to meet their needs. Upon enrollment, individuals residing in the setting are offered the same protections as an individual who is not enrolled on a waiver. Individuals also sign the Ohio Department of Aging's enrollment agreement form which indicates an individual has chosen waiver services in lieu of institutionalization in a NF, including the setting of their choice.
Prior to attending a review, reviewers request evidence from each AL setting administrator, including the resident agreement. This setting confirmed individuals execute or sign a legally enforceable agreement pursuant to ORC 3721.13, ORC 3721.16, OAC 3701-16-07, OAC 5516-44-01, and OAC 173-39-02(E).
• 441.301(4)(ii) Setting is selected by the individual from among a variety of setting options, including non-disability specific settings
• 441.301(4)(v) Individuals had a choice in selecting their non-residential service providers
• 441.301(c)(4)(vi)(A) Lease or legally enforceable tenancy agreement

Reviewer discussed individuals having a roommate with the administrator. No one currently shares a unit. The administrator stated they are aware of the shared unit rules and adhere to OAC 173-39-2.16(B)(2)(a)(ii). During the review, reviewers noted no seclusion rooms or restraints used in this setting.
• 441.301(c)(4)(vi)(B)(2) Individuals offered choice of roommates
• 441.301(c)(4)(iii) Freedom from coercion and restraint

Activity calendars are posted in the setting and are also given to individuals monthly. The setting plans outings into the community on a weekly basis. The outings are based on individual feedback. Some outings include trips to local restaurants, country drives, and going to the local park. During the summer months individuals attend additional outdoor activities. Individuals go on outings with their family, friends, and on their own as they choose.
If an individual chooses not to participate in an activity in the community, they have activities to choose from at the setting: Bingo, one-on-one current event discussions with the activity director, cooking classes, movies, wine and cheese tasting, different religious services, and other entertainment. Individuals may participate in the activities on the NF side of the building, as well. There are books, puzzles, board games, newspapers, movies, and magazines available for individuals to use in a group setting or in their living units if they do not wish to participate in group activities. During the review, the staff mentioned one individual enjoys leading the sing along. Another individual, a former elementary music teacher, also plays the piano and guitar for other individuals at the setting on a weekly basis. Individuals were observed spending time with visitors in their living units, attending an activity in the AL, and watching TV in their living unit. The setting also supports full access to individuals to the greater community by helping them seek employment to work, engage in community life, and manage personal resources, if the individuals desire this assistance.
• 441.301(c)(4)(iv) and (v) How schedules meet peoples' individualized needs
• 441.301(4)(C) Control schedule, activities, and access to food at any time
• 441.301(c)(4)(i) Individuals have opportunities to seek employment and work in competitive settings
• 441.301(c)(4)(i) Full access to the greater community, control of resources and services
• 441.301(c)(4)(i): Opportunity to control their own personal resources

Individuals may access transportation, with or without assistance of AL staff. The AL uses their dedicated van for outings and other transportation needs. Additionally, Procare, Divine Status Private Wheel Chair Transportation, SSY Transportation, Yellow Cab of Columbus, Canal Winchester Human Services, COTA Project Mainstream, and ride share all provide transportation for individuals. Family members and friends also help with transportation needs. Transportation information options are posted on the AL community bulletin board. Additionally, individuals may use their own cars and park at the AL parking lot as well.
• 441.301(c)(4)(iv) and (v) How schedules meet peoples' individualized needs
• 441.301(c)(4)(i) & 42 & 441.301(c)(4)(vi)(C) Proximity to and availability of transportation
• Meaningful Distinction/Separate transportation
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4

The AL exterior doors are always locked, however, there is a key fob/pad and door bell system at the AL main entrance doors for individuals living at the AL to use. All individuals are given a key fob and the key pad pin, when they move into the AL. Individuals may ring the AL main entrance doorbell to gain access to the AL setting. The AL main entrance doorbell is answered by the NF reception desk. Individuals may make arrangements with the AL, prior to their departure or call the setting ahead of their return. Individuals have the option, if they prefer, to use the NF main entrance.
• 441.301(4)(C) Control schedule, activities, and access to food at any time
• 441.301(c)(4)(iv) and (v) How schedules meet peoples' individualized needs

The nurses and STNAs work in the AL only. If a shift in the AL needs covered, a NF staff member will assist. All NF staff who cover shifts in the AL have been cross-trained using the same training as AL staff. AL staff are trained upon hire and annually. Staff stated they received training during the year. The training includes Person Centered Care Philosophy.
• Meaningful Distinction between setting and facility
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4
• 441.301(c)(4)(iv) and (v) Staff training regarding supporting chosen activities

Section Two

Community Integration Observations and Input from Individuals, Family Members/Guardians, and Staff

Three individuals were interviewed without the presence of administrative staff. The questions are a set of standard questions used in a conversational tone with individuals to ensure they are at ease during the interviews. All three said they enjoy the setting. One individual said most of the staff are polite. Everyone reported they feel comfortable talking with staff if they have a concern. They said the food was okay and they could grab a snack when they choose. One individual said he enjoys signing during the Karaoke group activities. They all agreed the outings were entertaining. Going out to eat is one of their favorite activities, and all three report the AL has several outings a month. All said the activity director includes their input about scheduled outings. Individuals can eat in their living unit and they are all aware of the alternate food menu. They all said there is no assigned seating during meals or activities. Everyone said they can keep snacks in their living units or grab a snack from the AL dining room. There are no restrictions for when they must return to the setting and they can come and go as they please. All three indicated they had a landline phone and can lock their living unit, when they choose. Everyone said staff knock before entering and ask permission to enter the living unit. Two of the individuals stated they attend the resident council meetings. Individuals indicated staff do not make the individuals adhere to a schedule and they can choose when they want to attend activities. All three manage their own finances and see their own doctors in the community. Lastly, all three stated they could receive visitors when they wanted. All three individuals informed the state reviewer their children and family members come to visit without restrictions.

- 441.301(c)(4)(iii) Right to privacy and dignity
- 441.301(4)(iv) and (v) Evidence that people participate regularly outside the facility
- 441.301(4)(C) Control schedule, activities, and access to food at any time
- 441.301(4)(D) Visitors welcome at any time
- 441.301(c)(4)(iv) and (v) How schedules meet peoples' individualized needs
- 441.301(4)(iv) and (v) People participate in activities with others without disabilities/paid staff
- 441.301(4)(i) Interactions with community settings

Employees were interviewed without the presence of administrative staff. Staff members stated they received training face-to-face and continue to receive ongoing training. All staff are trained to knock before entering the living unit, identify themselves, and ask permission to enter the living unit. When discussing further, all three said they knock before entering a living unit, wait for a response, and ask for permission to enter. Aides, nurse supervisors, housekeepers, and department managers have a master key. The aides and house keepers must sign a master key in and out at the beginning and end of each shift. Staff confirmed individuals follow their own schedule and do not have assigned seats during meals or activities. They agreed individuals can ask for a meal to be saved if they are going to miss a meal or staff will make them a sandwich upon their return. All three said individuals can eat meals in their living unit and keep snacks in their living units. All three said family and friends help with most of the transportation needs, but staff will assist with scheduling other transportation options, if an individual needs assistance. All three said they respect privacy by talking to individuals in private and shutting doors when providing care. Staff report the AL doors are closed at all times and individuals can use the key fob/pad, ring the doorbell at the AL main entrance, use the NF main entrance, or can call staff ahead of time. All three said there are several scheduled outings a month. The staff indicated they will help schedule transportation and pack a lunch if an individual wanted to work outside the setting and they have done this in the past for an individual who was working in the community.

- 441.301(c)(4)(iii) Right to privacy and dignity
- 441.301(4)(C) Control schedule, activities, and access to food at any time
- 441.301(c)(4)(vi)(B)(1) Locked entrance doors with only appropriate staff having keys
- 441.301(4)(iv) and (v) People participate in activities with others without disabilities/paid staff
- 441.301(4)(i) Interactions with community settings
- 441.301(c)(4)(iv) and (v) How schedules meet peoples' individualized needs
- 441.301(4)(iv) and (v) Individual schedules vary to correspond with flow of community activities
- 441.301(4)(iv) and (v) Evidence that people participate regularly outside the facility
- 441.301(4)(iv) and (v) People participate in activities other than those organized by the provider
- 441.301(c)(4)(iv) and (v) Staff training regarding supporting chosen activities

Section Three

Additional Evidence

The following evidence has been compiled that demonstrates the setting is integrated in and supports full access of individuals receiving HCBS into the greater community.

The state has considered all of the following to demonstrate the setting is integrated and supports full access of individuals receiving Home and Community-Based Services into the greater community. Where the state has identified deficiencies, remediation has been requested.

- Abuse Policy
- Activity Calendar
- Alternate Food Menu
- Floor Plan
- Food Menus
- Grievance Policy
- ODH Survey Results
- Organization Chart
- Photos
- Residential Agreement
- Residential Council Minutes
- Residential Handbook • Resident Agreement
- Resident Handbook
- Residential Interviews
- Residential Rights
- Staff Interviews
- Staff Schedule
- Staff Training
- Transportation Policy
- Visitation Policy

Section Four

Public Comments Summary

Public Comment Period
Summary of Public Comments Received

Summary of the State's Response to the Public Comment Received