Ohio Department of Medicaid

HEIGHTENED SCRUTINY EVIDENCE PACKAGE

Setting Information

Provider's Name		
HCF of Van Wert, Inc. DBA Van Wert Manor		
Location of the Setting	**Type of Setting**	**Number of Individuals Served at the Setting**
Van Wert County, Ohio	Assisted living	0 waiver licensed for 9 indviduals
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
April 16, 2019	Ohio Department of Aging

Description of the Setting

Section One
HCF of Van Wert, Inc DBA Van Wert Manor is privately owned by HCF Management, Inc. (hereafter AL or setting). The setting is in rural Van Wert, Ohio. The setting has an assisted living (AL) setting co-located with a nursing facility (NF). The AL has separate staffing from the NF.
• Separate administrative/fiscal structure
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4

The single-story setting is on a main road in rural Van Wert, Ohio. There is an exterior sign identifying the AL and NF from the main road. The AL is a single-story setting and is approximately two miles from CVS, a high school and middle school and several churches. There are also shopping and restaurants nearby including, Big Lots, McDonalds, Subway, and Bob Evans. The setting is also nearby local banks, the Van Wert Civic Theatre, the YMCA, as well as 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

A driveway from the main road leads to a covered NF main entrance and parking lot on the right and a sign identifying the AL main entrance on the left. The driveway wraps around the left side of the NF and leads to the AL main entrance, which is in the back of the setting. There is another sign in front of the AL main entrance along with the AL parking lot . There is a short sidewalk from the AL parking lot to the AL main entrance. There is one door at the AL main entrance which opens to a large space including the AL dining room and the AL kitchen straight ahead. The AL laundry room is on the right, and AL living units are on the left. There is another AL entrance accessible by a sidewalk on the right side of the NF parking lot. In front of this AL entrance are several outdoor seating areas. This AL entrance is approximately 90 feet from the NF parking lot and is not used often. This AL entrance opens to the AL café.
• 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

The AL dining room and kitchen have several dining room tables, a sink, microwave, refrigerator, large counter space, and oven. The refrigerator and drawers are full of snacks and drinks, which individuals may access at any time. Beyond the AL dining room and kitchen are two lounge areas. These lounge areas have a TV, books, magazines, chairs and tables, movies, a telephone, games, and puzzles. There are more AL living units, the AL café, nurses' station, and medication room to the right of the lounge areas. The café has a telephone, TV, sink, and several tables and chairs. There are flower beds outside the AL setting, which individuals use to plant vegetables and flowers. Some individuals use the vegetables to cook with during cooking classes held at the AL setting. At the end of the hallway are two doors, which are always closed and connect to the NF.
Most individuals had their own cell phone or a telephone in their living unit. However, there is a telephone in the AL café and in the director of nursing office which are 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

The AL allows individuals to keep pets in their living units. One individual kept a bird as a pet. The AI staff also brings pets to the setting for activities including goats, cats, and dogs. Visitors are welcome at anytime and are encouraged to join individuals during meals. A daily food menu is posted in the AL kitchen. An alternate menu is also posted in the AL kitchen.
Individuals have the option to eat when, where, and with whom they choose. There are no seating assignments during meals. Individuals have the option to eat in their living unit when they desire. Individuals may get a snack from the kitchen at any time or may ask staff to bring a snack to their living unit. Snacks are available in the AL kitchen and include yogurt, juice, coffee, crackers, fruit, cookies, and chips. Individuals may keep snacks in their living units as well. Individuals may ask staff to save a meal for them, if they are going to miss a particular meal.
• 441.301(4)(C) 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
• 441.301(4)(C) Control schedule, activities, and access to food at any time

Several individuals have decorated their living units and doors with 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, sink, and microwave. 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. The AL administrator, STNA's, maintenance, and housekeepers each have their own master keys to individuals' living units. The master keys are passed between each shift. Staff will only use the master key in the event of 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. All staff must knock and announce themselves prior to entering the individuals' living units. All staff receive training on the use of the master key annually.
• 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

Reviewers discussed individuals having a roommate with the administrator. One married couple currently shares a living 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 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, attending plays at the Civic Theatre, going to the park, and attending track meets at the local high school. During the summer months, individuals attend the local county fair and other outdoor activities. Individuals go on outings with their family, friends, and on their own as they wish.
If an individual chooses not to participate in an activity in the community, the AL has many activities to choose from at the setting: Bingo, pet visits, current events discussion, cooking classes, wine and cheese tastings, different religious services, and other entertainment. The setting has cub scouts, girl scouts, and local churches visit with individuals on a regular basis. A staff member reported the girl scouts brought Easter baskets for every individual recently. Individuals may participate in 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. 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.

During the review, the staff mentioned one individual was at the YMCA. They stated she goes to the YMCA twice a week to run on the treadmill and swim laps. This individual also plays the piano and guitar for the individuals on a weekly basis. Other individuals were observed spending time with visitors in their living units, attending an activity in the NF, and watching TV in their living unit.
• 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)(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)(vi)(D) Visitors welcome at any time

Individuals may access transportation, with or without assistance of AL staff. They may contact their case manager to assist in arranging transportation. Due to the rural location of the setting, there is no ride share, but there is a local taxi company. The AL setting uses their van for outings and other transportation needs. The local Council on Aging and Spirit Transportation are also available to transport individuals, as are family members and friends. Individuals may use their own cars and park at the setting's parking lot.
• 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

All exterior doors are locked from 10:00 p.m. to 6:00 a.m. Individuals and visitors may use either of the AL entrance doors. There is a door bell at each of the AL entrance doors. The doorbell rings at the AL nurse's station and at the NF nurse's station. Individuals may also use the NF main entrance. There is a doorbell outside the NF main entrance, which rings to the NF nurse's station. The NF nurse's station is directly in front of the NF main entrance. This is the preferred method for visitors and AL individuals. Individuals may also call the AL setting ahead of time to notify them of their arrival.
• 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
• 441.301(c)(4)(i) Supports full access to the greater community

The nurses and STNAs work in the AL only. The DON is shared between the AL and the NF. 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. Trainings include: The Aging Process, HIPAA, Guiding Principles for Assisted Living, Dementia Care Training, and Emergency Preparedness.
• Meaningful Distinction between setting and facility
o CMS Guidance: Home and Community-based Setting Requirements, June 26, 2015, Heightened Scrutiny, Page 4, Q4
o 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

Individual Interviews

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 all the staff are polite. Everyone reported they feel comfortable talking with staff if they have a concern. They said the food is always hot and they like the variety of desserts. One individual said she enjoys the pie and cookies. Individuals can eat in their living unit when they desire, 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 kitchen. One individual hosted an Easter party at the AL with her family and the other two individuals have family visitors on a regular basis. There are no restrictions for when they must return to the setting and they can come and go as they please. All three had a cell phone and can lock their living units. Everyone said staff will knock before entering and will ask permission to enter the living unit. One of the individuals attends resident council meetings. 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. Bingo is one of their favorite activities, and all three report the AL has several outings a month. Two of the individuals said the activity director includes their input about scheduled outings.

- 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
- 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

Employee Interviews

Three employees were interviewed without the presence of administrative staff. All three staff members have worked at the setting for at least twenty years. All three said they knock before entering a living unit, wait for a response, and ask for permission to enter. Each staff member interviewed has a master key and use it in the event of 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. Staff members are trained to knock before entering the living unit, identify themselves, and ask permission before entering the living unit. All three said they receive training upon hire and annually. The staff confirmed the individuals follow their own schedule and do not have assigned seats during meals or activities, but the individuals prefer to sit in the same spot. The individuals can ask for a meal to be saved if they miss a meal or staff will make them a sandwich. All three said individuals can eat meals in their living unit and can keep snacks in their living units. The three also said family and friends help with most of the transportation needs, but staff will assist with scheduling other transportation options, like the Council on Aging, if the 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 close at 10:00 p.m. and individuals can use the key pad, the NF main entrance, or can call staff ahead of time. Staff report one married couple lives in the setting. All three said there are several scheduled outings a month and one individual goes to the YMCA a few times a week. The staff indicated they will help schedule transportation and pack a lunch if an individual wants to work outside the setting.

- 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
- Grievance Policy
- Food Menus
- Master Key Policy
- Photos
- Residential Agreement
- Residential Council Minutes
- Residential Handbook
- Residential Interviews
- Residential Rights
- Staff Interviews
- Staff Training
- 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