

# 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

<b>Setting Name:</b>	Delaware Valley Residential Care LLC
<b>Setting Region:</b>	Southeast
<b>Setting Address:</b>	280 Jacksonville Road OFC, Warminster, PA 18974-4425
<b>Setting Type:</b>	Residential Habilitation and Structured Day
<b>Brief description of setting:</b>	24 Town Homes. Each home contains 3 large size bedrooms with 3 private bathrooms, shared kitchen, living room and dining area. The apartment community has a structured day program facility, full kitchen with staff and offices.
<b>Review Date:</b>	May 17, 2022
<b>Number of Participants Served at the Site</b>	62 Participants

<b>Reason for Category</b>	Characteristics to isolate participants from the greater community. Campus like setting location.
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<b>Overcomes the presumption of institutional qualities?</b>	Yes
<b>Evidence to support</b>	<p>Provider provides transportation for participants for different events and trips into the community.</p> <p>Participant Rights are posted in the Structured Day and Residential Habilitation locations in a common area of the setting. Waiver participants know about and are encouraged to participate in community events. Participants are able to come and go any time they choose. Residential setting provides transportation to participants.</p> <p>Provider has accessible vans and buses to transport participants to various locations for activities. Participants can freely move on and off the property. All sites had Activities and Community Events posted on the bulletin boards.</p> <p>Information about filing a complaint which includes an anonymous complaint is posted in the Structured Day and Residential Habilitation locations in common area of the setting.</p>

<b>Expectation</b>	<b>What you might see (based on CMS suggested Exploratory Questions and the OLTL Assessment Tool)</b>	<b>Notes/Documentation to Support Expectation</b>
(i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including...	N/A- please see responses to questions below.	
1. opportunities to seek employment and work in competitive integrated settings,	Participants having competitive jobs in the community. If not working in the community provider will offer access to assist in finding work.	Provider stated that their high functioning participants do have jobs in the nearby stores. If they are interested in seeking a job, they do have job coaching program and a system in place to help them find a job.
2. engage in community life,	Participants having access to their choice of social/recreational activities in the community.	Once a week, they have an outing event. The residents have gone to the movies, shore/beach, mall, and museum just to name a few. Residents and staff meet once a month to schedule outings

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		(participants share interest in places or activities they would like to do).
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.	Participants have their own accounts set up at TD Bank and visit the bank weekly.
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)	Participants come into Delaware Valley with their own medical practitioner; they usually stay with their own doctors.
(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.	Provider stated the participants can come and check out the apartments ahead of time. They are also able to spend the night, just to get a feel of the bedroom.
and setting options are based on the individual's needs, preferences	Participants should choose the residential setting.	Provider stated they provide participants with options for available living units. They will have choice for homes in which they are recommended after evaluation.
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.	All participants pay the same amount and are treated the same way.

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(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.	Provider's Residence Rights policy stated that it ensures an individual's rights to privacy. This was observed during on-site visits that information on participant rights is posted in a common area of the setting. There were no schedules of medications, diet restrictions, etc. posted in a general open area for all to view.
(iii) Ensures an individual's rights of 2. dignity and respect,	Staff should address participants in the manner which the person would like to be addressed. Staff should converse with waiver participants in the setting while providing assistance and during the regular course of daily activities. Also, a copy of participant rights should be posted in a common area of the setting.	Observed participants being treated with respect and dignity. Also, documented in participant rights which is posted in common area.
(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.	Observed information on filing a complaint which does include an anonymous complaint.
(iii) Ensures an individual's rights of 4. and freedom from restraint.	Participants should be free from coercion and/or restraint.	Documented in Participant Rights which is posted in a common area of the setting.
(iv) The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but	Participant should be able to choose the residential setting. The setting should provide opportunities for individualized outings.	Provider stated participants can choose residential setting and are able to stay overnight prior to deciding. Residents and staff meet once a month to schedule outings (participants share interest in places or activities they

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not limited to, ~daily activities		would like to do) as well as share what meals they would like to add onto the menu for the following month.
(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, ~physical environment	The setting should ensure that participants are supported to make decisions and exercise autonomy to the greatest extent possible.	Provider stated there are many opportunities for different outings and participants are free to participate. If they choose not to participate that's fine.
(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.	Provider stated that each participant is offered a schedule of structured day programs and if they don't want to go, they do not force anyone. The participant can request changes to that schedule to meet their needs and preferences.
(v) Facilitates individual choice regarding services and supports, and who provides them	Participants should be free to choose with whom to interact with during activities.	Participants can tell their service coordinator if they do not want to work with a particular staff. The staff have an open-door policy and are always available. It was also observed that participants would just come up to staff and ask questions or ask to speak with them in private or just to have a conversation.