HCBS Rule Compliance Assessment Guiding Questions

Purpose: Evaluation guidance for site assessors to use with SADC self-assessment tool, Heightened Scrutiny Prongs, and questions for Social Adult Day Care Providers #1 - #34.

Note: Guiding comments/questions in the far-right column are used to assist with determining compliance by HCBS Rule standard and are used to support the self-assessment process, the virtual or on-site assessment process used to validate a statistically significant sample of self-assessments, and the required site assessments for Heightened Scrutiny settings.

Heightened Scrutiny Guidance			
Question	**CMS HCBS Standard**	**Observational Guidance to Assess Compliance**	**Guiding Comments/Questions to Assist with Determining the Compliance by Standard**
Heightened Scrutiny Prongs 1, 2 or 3	The setting is integrated in and supports full access to the greater community	Setting is in a publicly or privately operated facility that currently provides inpatient institutional treatment (Nursing Facility, Intensive Care Facility /IID, Institutes for Mental Disease, hospital), on the grounds of, or adjacent to, a public institution, or has the effect of isolating individuals from the broader community.	➢ Look around at the setting take pictures of the building and take pictures of the immediate area. ➢ If/when you enter the site (or view it virtually) and/or interview the program staff, be sure to ask about any public (run by the state) or private (providers) facilities or inpatient care programs attached to the residence or adjacent to it. While it is often obvious to see these other facilities, sometimes it is not clear upon entry.

Self-Assessment Questions #1-34 Guidance			
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1	The setting is integrated in and supports full access to the greater community	Setting is integrated and support full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work/volunteer in competitive integrated settings.	➢ Are there obvious choice of activities noted in activity calendars, sign in sheets for registrant council meetings where activity choices are discussed regularly? ➢ Ask the provider if an individual was to express wanting to work or volunteer are opportunities discussed and worked towards through the planning process in coordination with the Managed Care plan?

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2	The setting is integrated in and supports full access to the greater community	Does the site provide opportunities for regular meaningful activities in community settings with people who do not receive services, for the amount of time desired by participants?	➢ Ask the provider to expand on how often these activities occur and ask if individuals are able to pursue interests they might have on an individual level different than others in the program. How are individual outings supported?
3	The setting is integrated in and supports full access to the greater community	Do the individuals served at this site regularly interact with members of the community (not staff or volunteers) while participating in program? ***Note:*** *This question is not only referring to time spent at the daycare site, other examples would be interacting with others at community events and outings, health care provider offices, stores, etc.*	➢ Ask the provider to show you an activity calendar of events. Ask if it contains community events. Also, ask how often these occur, and if individuals deemed competent by the plan are able to go out into the community on their own, perhaps for lunch or to run an errand.
4	The setting is integrated in and supports full access to the greater community	Does the site afford opportunities for individualized activities that focus on the needs and desires of the individuals served and an opportunity for individual growth?	➢ Ask the provider to discuss the individuals' services and support planning process. Is the individual able to discuss with staff if something changes and they want to work at or towards some other goal(s)? How does the individual know this is okay, does staff check-in on a weekly/monthly basis with individuals?
5	The setting is integrated in and supports full access to the greater community	Does the site allow individuals, who are known to be safe and competent (per plan assessment), the freedom to move about the setting, including the freedom to go outside as they choose? ***Note:*** *The plan will be doing the UASNY assessment and would be the entity determining if the consumer is "safe and competent," sharing results with the SDC provider. Individuals who require support to be able to go outside or*	➢ Observe the setting to determine if individuals can freely move about the setting, do you see any barriers? Is there a privacy fence to the backyard? If so, can individuals enter the backyard off a deck or patio, thus not limiting access. ➢ How about access to common areas, or the lunch room for anyone who utilizes assistive devices to move around such as a wheelchair or walker? Are there any stairs in the

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		move about the building should have support to do so, as indicated in their care plan.	unit?
6	The setting is integrated in and supports full access to the greater community	Is public transportation available to/from the site? ***Note:*** *In a rural setting this may include STAR bus, taxi, Lyft/Uber, etc. Answering "no" does not necessarily indicate non-compliance as long as the program provides adequate transportation for individuals to access the community.*	➢ Ask to see where the closest bus/metro stop is located, take a picture of the stop/station, if within short walk. . ➢ In a rural setting this may include STAR bus, taxi, Lyft/Uber, etc. Answering "no" does not necessarily indicate non-compliance as long as the program provides adequate transportation for individuals to access the community.
7	The setting is integrated in and supports full access to the greater community	Is information regarding transportation available to individuals in a convenient manner such as participant handbooks, handouts, or public postings?	➢ Ask the provider how they assist individuals in figuring out the bus or metro. ➢ Are there maps hanging up? (If so, grab a photo). ➢ Is there a communal computer where participants could look it up?
8	The setting is integrated in and supports full access to the greater community	Are resources other than public transportation, including financial and staff resources, available for individuals during the time at the SDC to access the site and/or individualized activities that participants may wish to attend in the community?	➢ If it is a site serving individual with mobility issues, ask the provider if individuals take senior bus service? ➢ Ask if the provider includes transportation, such as their own buses/vans in their program costs. ➢ Is there a lock box with funds held available for individuals who need support with managing their funds to go on activities? ➢ Is staffing scheduled so there is flexibility as to when

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			outings occur?
9	The setting is integrated in and supports full access to the greater community	Does the site restrict individuals from receiving services or engaging in activities outside of the setting?	➢ Are there any policies or practices observed that indicate the setting restricts individuals' abilities to receive services and participate in activities outside the setting itself?
10	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Does the site ensure individual information (medical, diet information, etc.) is kept private/confidential?	➢ Where are the files for individuals kept? In a filing cabinet? In a closet? Do they lock? Are they in a staff office? Take photos of this location. ➢ Or, are the files kept in an on-line system? If so, how is this accessed and is it secure? ➢ Are there no documents with the individuals names on it kept in common areas, such as an activity calendar?
11	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Are individuals given flexibility in when they take breaks/lunch times?	➢ How is the day structured for breaks or if someone just wants a personal time out? ➢ Are individuals able to step out to a break room or outside for some fresh air?
12	The setting ensures an individual's rights of privacy, dignity, and respect,	Are activities adapted to individuals' needs and preferences?	➢ How do you create activities to ensure individuals with various abilities may participate, including individuals with

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	and freedom from coercion and restraint.		physical or developmental needs?
13	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Are health and personal care activities, including discussions of health or personal matters, conducted in private?	➢ Where do discussions around health information take place with individuals? (document, and take photo if possible) ➢ Is it a private office, space with a door? ➢ A non-private location would include a common activity room.
14	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Does the staff interact and communicate with people respectfully and in a manner in which the person would like to be addressed at all times?	➢ Do staff attend regular meetings to check-in on the participants in the program? Are there any changes in behavior? Expressed issues or items that need addressing? ➢ How are new staff brought up to speed on the likes/preferences of individual participants? ➢ Are staff trained in using person-first language and person-centered thinking?
15	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Does site provide the opportunity and space for all individuals to do activities such as speaking on the telephone and visiting with others in private? ***Note:*** *Describe the current conditions, if they are impacted by COVID, and how policies and procedures ensure this standard is met under current and/or normal circumstances.*	➢ Do individuals have cell phones or is there a phone at the program individual can use in a private space? ➢ Where does the mail come to, who gets the mail, do individuals open their own mail? ➢ If a visitor comes are they able to meet with the individual in a private space? If yes, where? If no, why not?

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16	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Are participants given freedom and support to control their own schedule and activities and have access to food and visitors at any time, with any modifications or restrictions made based on a participant's specific assessed need, and done on a time-limited basis after other positive interventions have failed, which is documented in the participant's plan of care? ***Note:*** *Describe the current conditions, if they are impacted by COVID, and how policies and procedures ensure this standard is met under current and/or normal circumstances.*	➢ Are program staff given copies and access to a Care Plan or Person-Centered Plan (PCP). ➢ Does the program director or assigned staff person create times to discuss the ongoing needs and preferences of the individuals attending the program? ➢ Review documentation for evidence of blanket rules or policies limiting individuals from controlling their own schedule, access to food, visitors or creating a rigid time schedule for individuals to follow without flexibility built in. ➢ Ask staff to provide evidence that if anyone is getting support with managing their schedule, activities, or access to food and visitors, this is documented in their Person-Centered Plan/Care Plan, previous interventions where documented, the intervention is time limited and there is a plan to support the individual to regain the independence to manage these things.
17	The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.	Does the setting ensure that one or more person's behavior supports do not impede on the rights of other individuals?	➢ What happens if someone has a behavioral issue (gets angry at another individual or behaves in a way (swears a lot) that impacts the comfort level of others around him/her? ➢ Who gets involved in this instances? Is there a social worker, psychologist, nurse or case manager who can assist?
18	The setting optimizes, but does not regiment, individual initiative,	Does the site provide individuals with flexibility in their daily schedule and activities?	➢ Ask staff how they respond when an individual asks to go on an outing or to the store. Do they schedule time for staff

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	autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact.		to be available for such things on a regular basis?
19	The setting 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.	Does the site have any of the following barriers used to prevent individuals' movement? -Gates -Locked doors -Fences -Other (please specify in the "Comments" column)	➢ Do a full tour of the property, take photos of outside and inside noting any locked doors/gates/fences, etc. preventing access by the individuals in the program. ➢ Privacy fences do not impeded access but if a fence has a locked gate preventing entry by individuals staying there, this would be a yes response.
20	The setting 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.	Does the site offer any options for the participants to meet physical environment goals and needs? -indoor gathering space -outdoor gathering space -large group activity space -small group activity space -private space -area for calming activities -area for stimulating activities ***Note:*** *Describe the current conditions, if they are impacted by COVID, and how policies and procedures ensure this standard is met under current and/or normal circumstances.*	➢ On the tour take photos and ask to see all common spaces both inside and outside the residence. ➢ Are there spaces where an individual can go to do a quiet activity on their own? ➢ Are there larger communal spaces allowing for more movement? Maybe a yard, a driveway? Or a common activity room with some space for moving around?

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21	The setting 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.	Is the site physically accessible to the participants, including access to bathrooms and break rooms?	➢ Are there any areas of the program that would not accommodate a walker or wheelchair? Do the bathrooms have wide doorways, grab bars, shower chairs, etc?
22	The setting 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.	Does the site provide for more than one meal option and private dining space if requested by an individual?	➢ Is an individual able to get a sandwich or similar food item if they are not interested in the main meal choice? ➢ Is there an alternative location for individuals to eat their lunch/snack?
23	The setting 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.	Do the individuals have access to food at any time consistent with individuals in similar and/or the same setting?	➢ Are snacks in place where individuals can go in and get them without asking staff for assistance? ➢ What if an individual missed a main meal and came after the designated time, would food be made available? ➢ Is there a way for individuals to provide feedback on snack and food options and is that accommodated?
24	The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including but not	Does the site allow participants to choose with whom they spend their time while at the setting?	➢ Are individuals able to hang out with those they chose to? Maybe two ladies like painting together and/or two men like play Dominoes?

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	limited to daily activities, physical environment, and with whom to interact.		
25	The setting 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.	Does the site allow participants to have visitors of their choosing at any time?	➢ Is there an absence of visiting hours and restrictions and apparent staff support for visitors?
26	The setting 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.	Does the setting support individuals to do the following? -Make their own decisions -Associate with others -Access their money -Make personal decisions	➢ Do you help individuals with making decisions about money or voting? ➢ How about assisting individuals in accessing community options, maybe a Senior Center or Special Olympics? ➢ How do you assist individuals in managing social relationships?
27	5. The setting facilitates individual choice regarding services and supports, and who provides them.	Does the site allow individuals to choose which of the site's employees provide their services? Example: An individual request that all personal care services for her be conducted by female employees. Is that individual's request met?	➢ What happens when an individual does not get along with a particular staff person? ➢ Are you able to make changes to accommodate switching staff between individuals?
28	The setting facilitates individual choice regarding services and supports, and who provides them.	Does the site afford individuals the opportunity to update or change their work/daily activities based on their preferences?	➢ How do you ensure individuals do not end up doing the same activities day-in and day-out?

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			➢ Is there a process for individuals to provide ongoing input for activities?
29	The setting facilitates individual choice regarding services and supports, and who provides them.	Does the site have person-centered policies to ensure participants are supported in developing specific plans to support their needs and preferences?	➢ How does the staff engage with individuals to ensure they are doing things they wish to be doing or are meeting the needs and preferences as described in their plan? ➢ How often are plans reviewed?
30	The setting facilitates individual choice regarding services and supports, and who provides them.	Does the setting ensure staff is knowledgeable about the capabilities, interests, preferences, and needs of people?	➢ How often are the care plans reviewed with/by staff? ➢ At these planning meetings are individual circumstances discussed and reviewed to ensure understanding of changes in need or preferences?
31	The setting facilitates individual choice regarding services and supports, and who provides them.	Does the site provide information to individuals about how to make a request for additional services or to make changes to their care plan?	➢ Do individuals know who to talk to if they want to do something new or wish to do a different activity? ➢ What if an individual is having a problem or they have to easily request help from a staff person, perhaps a social worker, nurse or case manager?
32	Additional Information	Do all staff (paid and unpaid) receive new hire training related to company policies, including HCBS specific policies and person-centered planning, practice and thinking?	➢ Ask the provider to explain their onboarding procedure for all new staff and review training logs when possible.
33	Additional Information	Are company policies regularly reassessed for compliance and effectiveness, and amended as necessary?	➢ What is the quality assurance process for compliance and how are issues identified, addressed, and brought into the ongoing process for review?

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34	Additional Information	Does the site have documentation that shows staff's adherence to policies such as HCBS specific training documentation and sign-in sheets for relevant activities?	➢ How are trainings for staff, and understanding of policies documented by the agency? Is this in the individual personnel file? A training log? Both?

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