

HCBS HEIGHTENED SCRUTINY REVIEW DOCUMENTATION GUIDANCE  
**MANAGED SPECIALTY SERVICES AND SUPPORTS WAIVER**  
 DRAFT 3.13.19

The purpose of this document is to provide guidance about what the evidence must demonstrate - and/or the provider must show – for each of the issues that put the setting on the Heightened Scrutiny Review list. Some issues may be addressed by the provider providing documents requested for a Desk Audit; other issues may require an On-site Review.

Each section identifies the issues that resulted in the presumption the setting is NOT home and community based, and therefore is subject to the Heightened Scrutiny Review process. These sections include: 1) a general statement about what must be documented to show the setting IS home and community based; 2) sources of evidence for the documentation; and 3) specific elements that the documentation must address. **NOTE:** Not all sources of evidence have to be provided, and not all “bulleted elements” need to be addressed. **HOWEVER**, sufficient sources and evidence must be provided to meet the criteria specified in the statement “**The evidence must document:**”

The HS Review process is a sequential one, and all issues must be addressed – beginning with the Question that put the setting on the HS List. For example: if the setting is on the HS List for Q#7 or Q#8, that issue **and** all the service specific questions/ issues must be addressed. (If the setting is not on the HS List for Q#7 or Q#8, then only the service specific issues must be addressed).

<b>INSTITUTIONAL</b>		
<b>The evidence must document:</b> That despite the service being delivered in a setting that is not separate from a hospital, nursing home, intermediate care facility or institute for mental health treatment, or in a setting that is not separate from a residential school or child caring institution, the setting does not isolate individuals from the larger community.		
Q #7	<u>Issue:</u> Are the individual’s services (Skill Building, Supported Employment or Community Living Supports) delivered in a setting that is separate from a hospital, nursing home, intermediate care facility or institute for mental health treatment?	<u>Evidence Sources:</u> Separate financial reporting. Separate board/governance membership. Campus map showing independent structure and access. Separate training requirements including evidence of training provided to staff that support choice and independence. License of where service is provided. Staff interview supporting separate staff training. Photos showing separate entrances and signage. <ul style="list-style-type: none"> <li>• Are the non-residential services provided ON the grounds of an institution, or OFF the grounds of the institution?</li> </ul>
Q #8	<u>Issue:</u> Are the individual’s services (Skill Building, Supported Employment or Community Living Supports) delivered in a setting that is separate from a residential school or child-caring institution?	<u>Evidence Sources:</u> Observation of location and settings and for what population. Separate financial reporting. Separate board/governance membership. Campus map showing independent structure and access. Separate training requirements including evidence of training provided to staff that support choice and

		<p>independence. License of where service is provided. Staff interview supporting separate staff training. Photos showing separate entrances and signage.</p> <ul style="list-style-type: none"> <li>• Are the non-residential services provided ON the grounds of an institution, or OFF the grounds of the institution?</li> </ul>
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**ISOLATION**

**The evidence must document:** That even if the service is delivered in one of the institutional settings as referenced in Q 7 & Q 8, when receiving CLS, Skill Building Assistance or Supported Employment, the HCBS participants are not isolated from the greater community and are able to interact with the community to the same extent as any other individual who lives in the community and to the degree they wish. When the participant receives services in a disability specific setting there must be documentation that clearly identifies the settings the individual was offered that include people without disabilities and that visits to various settings were encouraged and facilitated to ensure choice of settings.

<p>Q #104 CLS</p> <p>Q #9 Skill Building Assistance</p> <p>Q #88 Supported Employment</p>	<p><u>Issue:</u> Where is the service provided?</p>	<p><u>Evidence Sources:</u> Policy &amp; procedures and pamphlets relative to who is served in the setting. Policies &amp; procedures that focus on community inclusion and/or integration. Observation of diversity. Report of staff &amp; participant relative to individuals served. IPOS supports choice of where to receive services including non-disability specific settings.</p> <ul style="list-style-type: none"> <li>• Evidence the participant chose the setting from among others, including those that are not disability specific.</li> <li>• Are the services provided in the community? E.g., at a local business, restaurant, or at a place where members of the community gather for social or recreational purposes?</li> <li>• Are the services provided at a place or site for people with disabilities, such as a workshop for people with disabilities, work force for people with disabilities, or a day program for people with disabilities?</li> <li>• Evidence the participant chose the setting from among others, including those that are not disability specific.</li> </ul>
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<p>Q #47 CLS</p>	<p><u>Issue:</u> Is the individual's home the only home within their neighborhood that offers services to people with disabilities?</p>	<p><u>Evidence Sources:</u> Observation of location and settings and for what population. Licensing of multiple home-settings.</p> <ul style="list-style-type: none"> <li>• Does this provider operate other residential homes located on the same site or same street as this setting?</li> <li>• Do the homes share programming &amp; staff?</li> <li>• In what ways do residents interact with the broader community?</li> </ul>
<p>Q #95 CLS</p>	<p><u>Issue:</u> Does the individual receive all or most of the services and supports outside the home?</p>	<p><u>Evidence Sources:</u> Provider's statement as to whether residents have the choice to go into the community to access services &amp; supports (e.g. doctor's appointments, attending church, getting a haircut, going to the library) or are required to use services brought into the residence. Staff and participant interviews.</p> <ul style="list-style-type: none"> <li>• Participants in the setting do not have to rely primarily on services provided by the setting, to the exclusion of other options.</li> </ul>

		<ul style="list-style-type: none"> <li>• Services to the individual, and activities in which the individual participates, are engaged with the broader community.</li> </ul>
<p><b>The evidence must document:</b> That participants are not isolated from the broader community and from people without disabilities, that participants are supported in accessing the broader community to the extent they wish and in the manner they prefer, and participants have access to transportation to support their choices to the same extent that non-HCBS individuals in the same community do. When access to the broader community and/or access to transportation is restricted for an individual participant, there must be modifications to the individual’s plan in conformance with the requirements of the rule related to health or safety concerns.</p>		
<p>Q #42 CLS</p> <p>Q#6 Skill Building Assistance</p> <p>Q#25 Supported Employment</p>	<p><u>Issue:</u> Does the individual live and/or receive CLS where there is regular (more than once per week) opportunity for contact with people not receiving services?</p> <p>Issue: Did the individual receive Skill Building services and support where there is regular (more than once per week) opportunity for contact with people not receiving services (for example, visitors who are friends, family members, others from the larger neighborhood or community)?</p> <p>Issue: Did the individual receive employment support and services where there is regular (more than once per week) opportunity for contact with people not receiving services (for example, visitors who are friends, family members, others from the larger neighborhood or community)?</p>	<p><u>Evidence Sources:</u> Policy and procedures that support community inclusion. Individual calendars of activities and/or activity logs supporting more than 1X per week activities including individuals not receiving services. Staff and participant interviews. Restrictions are identified in plan in conformance with requirements of rule. Observation of contact with people not receiving services.</p> <ul style="list-style-type: none"> <li>• Procedures support activities in the greater community according to the individual’s preferences and interests.</li> <li>• Staff training materials that speak of the need to support individuals’ chosen activities.</li> <li>• Schedules are varied according to the typical flow of the local community (appropriate for weather, holidays, sports seasons, faith-based observation, cultural celebrations, employment, etc.).</li> <li>• The individual has regular contact (more than once per week) with people not receiving services to the extent the individual desires. Such activities do not include only those organized by the provider agency specifically for a group of individuals with disabilities and/or involving only paid staff; community activities should foster relationships with community members unaffiliated with the setting.</li> <li>• Participants can choose to combine more than one setting or type of service in any given day/week (e.g.</li> </ul>

		<p>combine competitive employment with community-based volunteer activity).</p> <ul style="list-style-type: none"> <li>• The setting does not regiment the participant’s individual initiative, autonomy and independence in making choices – including daily activities, physical environment and with whom to interact. I.e., The setting does not limit the participant to one restricted room or area within the setting or limit interaction solely to people with disabilities.</li> <li>• In what ways does the setting encourage interaction with the public (for example, as customers in a pre-vocational setting)?</li> </ul>
<p>Q #56 CLS</p>	<p><u>Issue:</u> Can individuals choose to come and go from the home as they please (with or without support)?</p>	<p><u>Evidence Sources:</u> Policy and procedures that support choice of coming and going. Staff and participant report and observation of such. Restrictions are identified in the plan in conformance with requirements of the rule. Daily calendars, schedules for individuals, staffing levels which support individuals’ access to the community as identified in their IPOS. Absence of house rules prohibiting individuals from coming and going when they want.</p> <ul style="list-style-type: none"> <li>• What opportunities do residents have to access the broader community to the extent they want to?</li> <li>• How are residents supported in accessing the broader community?</li> </ul>
<p>Q #55 CLS</p>	<p><u>Issue:</u> Can individuals move inside and outside of the setting when they want (with or without support)?</p>	<p><u>Evidence Sources:</u> Key pad, key or gate card to residence that residents have access to. Unlocked outside access doors. Observation of individuals moving inside and outside the setting when they want. Policy and procedure relative to access to setting. Staff and participant report and observation of such. Restrictions are identified in plan in conformance with requirements of rule. Absence of rules prohibiting individuals moving inside and outside the setting.</p>

<p>Q #58 CLS</p>	<p><u>Issue:</u> Is accessible transportation available for individuals to make trips within their larger community?</p>	<p><u>Evidence Sources:</u> Public transportation schedules posted. Participant and staff report on availability of accessible transportation. Observation of individuals using accessible transportation. Restrictions are identified in plan in conformance with requirements of rule.</p>
<p>Q#17 Skill Building Assistance</p>	<p>Is accessible transportation available for individuals to make trips within their larger community?</p>	<p>(NOTE: the standard here is access to transportation that is consistent with other people who live in the community and do not have disabilities.)</p> <ul style="list-style-type: none"> <li>• Participants do not have to rely primarily on transportation provided by the setting, to the exclusion of other options.</li> </ul>
<p>Q#35 Supported Employment</p>	<p>Does the individual have access to transportation to work?</p>	<ul style="list-style-type: none"> <li>• Maps showing access to public transportation or documentation that identifies how individuals can access other transportation options (taxi, uber, other community-based ride options).</li> <li>• Description of the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.</li> </ul>