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STEPHANIE MCGEE AZAR
Commissioner

Pursuant to the requirements of the Home and Community-Based Settings Final Rule (Final Rule) regulations (CMS 2249- F/2296-F) issued by the Centers for Medicare and Medicaid Services (CMS) on March 17, 2014, the Alabama Medicaid Agency (AMA) is issuing this request for public review and comment. In brief, this opportunity for public comment is focused on the Final Rule requirements that Home and Community-Based Services (HCBS) are delivered in settings that are not institutional in nature.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov. Comments will be available for public review at https://medicaid.alabama.gov/content/6.0_LTC_Waivers/6.1_HCBS_Waivers/6.1.8_Transition_Plan.aspx.

Overview of this Request for Public Comment

The Final Rule describes institutional settings that cannot be considered home and community-based as well as settings that are presumed to have institutional qualities and therefore do not meet the requirements for Medicaid home and community-based settings. These include:

- Settings in a publicly or privately operated facility that provides inpatient institutional treatment (Prong I)
- Settings in a building on the grounds of, or adjacent to, a public institution (Prong II)
- Settings with the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS (Prong III)

For a setting that is presumed to have institutional qualities as described above, the State has the option of submitting evidence to CMS to demonstrate the setting does not have the qualities of an institution and that it does have the qualities of a home and community-based setting. In order to overcome the presumption that a setting has the qualities of an institution, CMS must then determine that the setting does not have the qualities of an institution and does have the qualities of a home and community-based setting. This process is known as “Heightened Scrutiny.”

While the State did not identify any Prong I or Prong II settings in its review and validation activities, on September 30, 2021, AMA submitted a list of settings that it identified as Prong III, but it believed could remediate prior to the regulatory transition date of March 17, 2023.

Pursuant to CMS guidance issued on March 22, 2019, and July 14, 2020, regarding the requirements and processes for heightened scrutiny, the State must make available for public comment the findings of its review of settings that the State initially determined institutional in nature but has since determined compliant due to the setting’s remediation activities and evidence. This public comment request addresses the State’s identification of settings with characteristics that are presumed to be institutional in nature but, after additional review by the State, have overcome the presumption.

The document attached, deemed the Heightened Scrutiny Review Summary, describes individual setting’s original evidence of non-compliance found by the State as well as new evidence supporting the State’s determination that the setting no longer has the effects of isolating individuals receiving Medicaid HCBS from the broader community.

CMS will review all information presented by the State and other parties on settings selected for a sampled review and will either: approve the State’s assertion that the setting overcomes the presumption that the setting is an institution; or provide the State feedback on missing information, questions for clarity, or reason(s) why CMS cannot agree that a setting is able to overcome the presumption that it is an institution. States will then have the opportunity to provide the additional information needed to support their assertion before final determination is made by CMS.

Based on the process described in the State's STP on how CMS feedback on a particular setting will be applied to similarly situated settings, the State will use the CMS feedback to remediate settings that have the qualities of an institution not included in the CMS review sample. CMS will make final heightened scrutiny review determinations of each setting in the sample available on the [Medicaid.gov/hcbs](https://www.Medicaid.gov/hcbs) website.

Please note that this opportunity for public comment is focused on the current status of individual settings with regard to characteristics that are presumed to be institutional in nature but have demonstrated that their practices effectively overcome that presumption.

Alabama Medicaid Agency
Home and Community-Based Services Heightened Scrutiny Evaluation

Summary Sheet

Date of Public Notice: February 10, 2023

The following setting has been determined to be in compliance with the requirements of the HCBS Final Settings Rule for non-residential settings as detailed in the Compliance Summary below.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov.

Provider Name	Braxton Senior Care
Setting Name	Braxton Senior Care
Setting Address	307 S. Cherry Avenue
	Demopolis, AL
	36732
Site Assessment Date	October 28, 2021
Validation Date	February 3-9, 2023

Setting Type: Adult Day Health (ADH)

Heightened Scrutiny Category: Has the effect of isolating individuals receiving Medicaid home- and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS

Setting Description
The ADH program is not physically located in any institutional or presumed institutional setting as defined in <i>42 CFR 441.304(c)(5)(i-v)</i> .
The ADH setting is located in a home within a residential neighborhood in downtown Demopolis, Alabama. In the setting, there is an activity room, dining room, and exercise room. It also has a large backyard, where they do activities and exercises and a front porch where participants often sit and interact with neighbors.

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Heightened Scrutiny Evaluation
Setting Summary Sheet

Summary of Initial Assessment Findings

10/12/21

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **develop** written policies and procedures on the following to achieve full HCBS compliance:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care; and
- Ensuring clients are free from coercion and restraint at all times.

While training is provided on the use of restrictive interventions and seclusion, and while the program audit indicated that the setting had not and did not use any coercion or restraint, the program must **develop** a policy consistent with the waiver requirements that prohibits the use of restrictive interventions and seclusion, including staff training requirements. The program must also **develop** a policy and train staff on reporting abuse, neglect, mistreatment, or exploitation (ANME), including reporting to DHR and the case manager as well as in client files and the incident management portal.

Alabama Home and Community-Based Services
Heightened Scrutiny Evaluation
Setting Summary Sheet

Compliance Validation Narrative

2/9/23

Per the previous findings of non-compliance, the ADH setting submitted the policy "2022-2023 Policies-Braxton-HCBS" that demonstrates policy and procedure compliance with the following:

- The program is located in a setting that is neither institutional nor presumed institutional.
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily; activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care;
- Providing the same snacks and meals to clients appropriate to the number of hours clients attend;
- Ensuring clients are free from coercion and restraint at all times;
- As consistent with the waiver requirements, prohibiting the use of restrictive interventions and seclusion, and that staff must be trained on the policy and appropriate/allowable behavioral interventions, acceptance, and accommodations.

Per the previous findings of non-compliance, the ADH setting submitted the policy "2022-2023 Policies-Braxton-ANE" that demonstrates policy and procedure compliance with ANE reporting requirements, including training staff on reporting abuse, neglect, mistreatment, or exploitation (ANME) as well as reporting to DHR and the case manager as well as in client files and the incident management portal

Alabama Home and Community-Based Services

Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Summary

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.304(c)(4)(i)</p> <p>Yes</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. 42 C.F.R. § 441.304(c)(4)(i).</p>	<p>The ADH setting is located in a home within a residential neighborhood in downtown Demopolis, Alabama. In the setting, there is an activity room, dining room, and exercise room. It also has a large backyard, where they do activities and exercises in the springtime.</p> <p>The setting supports full access to the community through activities such as field trips to regional museums and nearby towns; walking and other exercise activities in the neighborhood. Before COVID, the program participated in neighborhood block parties and hope these will re-start in the near future. Per setting policy, Braxton Senior Care staff ensure that clients are informed of choices for activities that promote access and integration in the community. Opportunities to integrate within the community are communicated verbally and in written format to clients. Announcements of community events are posted and easily assessable to clients and caregivers on a board in the Center's Hallway and in the Activity room. It is also announced by the daycare worker and/or executive Director during morning activities.</p> <p>Per program policy, the ADH setting is structured to provide opportunities for each client to participate in activities that will support clients' abilities to control personal resources. The ADH schedules quarterly speakers to inform clients about shopping, banking, and financial literacy training. Community leaders and volunteers are invited to participate quarterly in workshops informing clients and caregivers on safety, financial, and health education topics. BSC board members, college students, high school students, and volunteers attend to play games, conduct activities and entertain clients at least three times during the year. The client's individual needs and the broader group's interests are considered prior to the visit. To accommodate individual needs, choices, and interests, participants are invited and encouraged to share what information they may find valuable. Information is tailored to the basic understanding of the setting's clientele and fits within the broader group interests.</p> <p>Caregivers also take participants to their respective medical appointments. Per the setting director, at this time, no HCBS participants have expressed interest in employment or volunteering.</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>However, the program does have the ability to refer participants to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP).</p> <p>The setting provided “2022-2023 Policies-Braxton-HCBS” and “2022-2023 Policies-Braxton-ANE”, which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(ii)</p> <p>Yes</p>	<p>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. The setting options are identified and documented in the person-centered service plan and are based on the individual’s needs, preferences, and for residential settings, resources available for room and board.</p> <p><i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>The ADH program is not a disability-specific setting and serves both Medicaid waiver and non-waiver individuals. The available setting options are identified and documented in the person-centered service plan.</p>
<p>42 CFR 441.301(c)(4)(iii)</p> <p>Yes</p>	<p>The setting ensures an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint. <i>Id.</i> § 441.301(c)(4)(iii).</p>	<p>The setting has two bathrooms for participant privacy, where staff assist participants as needed. If a participant needs assistance, staff discreetly take the participant into the bathroom for assistance.</p> <p>Staff also observe hygiene daily, observe for new health problems, report symptoms of new physical, functional, mental or emotional problems to the case manager and caregiver, and help individuals as needed. A previous participant struggled with personal hygiene, and the director privately talked with the caregiver, who made an improvement.</p> <p>While the setting does not have any current participants who need assistance with the following, the setting’s daycare worker job description also includes the following: assist with activities of daily living such as grooming, dressing and maintenance of clothing; provide privacy for and assist in the development of self-care and personal</p>

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		<p>hygiene, and for social support services and other activities as appropriate; and assist with personal hygiene when needed.</p> <p>The program does not use any form of coercion or restraint, and staff are trained annually on the setting's policy regarding freedom and coercion. The setting has a written policy to this effect. The Center Director stated that if a participant gets upset, she tries to calm the person down and identify what is wrong.</p> <p>It is the written policy of the Center that the staff members are to not discuss or share clients' private information with anyone outside of those who need to know. Any violation could lead to disciplinary action, including termination. All files are kept in a locked office and are not accessible to anyone other than those needing the information. Staff is informed at the point of employment and are trained annually on the client's right to privacy and confidentiality.</p> <p>The setting provided "2022-2023 Policies-Braxton-HCBS" and "2022-2023 Policies-Braxton-ANE", which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(iv)</p> <p>Yes</p>	<p>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.</p>	<p>The ADH setting is located in a home within a residential neighborhood in downtown Demopolis, Alabama. In the setting, there is an activity room, dining room, and exercise room. It also has a large backyard, where they do activities and exercises.</p> <p>The ADH provides at least 4 hours of various planned activities daily, including individual and group options; indoor and outdoor options; choices of therapeutic activities that stimulate mental activities, communication and self-expression; activities directed at maintaining, improving and preventing further deterioration of the participants' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact; field trips to regional museums and nearby towns; walking and other exercise activities; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; and educational activities; however, participants are not required to participate in any activity. They are also</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>able to suggest activities and the ADH attempts to accommodate that request. Additionally, participants are able to engage in activities as they wish; for example, participants can choose their teams for a group activity.</p> <p>Additionally, per the setting's policy, participants are able to choose whom they interact with and are not assigned to specific groups. Additionally, participants are not assigned seats and are able to choose whom they sit with, dine with, and converse with. Staff ask participants to choose where they would like to sit when participating in activities and dining, and participants are free to change seating when they so desire.</p> <p>The setting provided "2022-2023 Policies-Braxton-HCBS", which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(v)</p> <p>Yes</p>	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>Per their person-centered planning, individuals have freedom of choice about the services and supports they receive, including whether to access available ADH services for which they are eligible.</p> <p>As described above, the ADH provides a variety of activities to support the self-identified needs and interests of the participants. Per setting policy, before the program begins, the Director meets with the caregiver and client to determine their individual requirements and preferences. They receive special consideration for their unique requirements. A notation is made in the person's file when the assessment is completed during intake. Any adjustments to the client's preferences are updated and added to their file during the 60-day reviews. The client's needs incorporated or adjusted to maintain consistency within the broader group structure. Ongoing communication and observation to identify clients' abilities and interests enable the Center's staff to identify clients' interests and abilities to volunteer within the community. If the client expresses interest, the caregiver is informed, and a determination is made if the client is ready to take on the responsibility. If so, Braxton Senior may provide a list of organizations where the client can pursue their interests.</p> <p>Additionally, monthly lists of community activities are listed on the</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>bulletin board that clients and caregivers easily see. Daily morning activity incorporates any community activities and events that may be of interest to the broader group or the individual. BSC staff assists clients and caregivers in identifying opportunities such as volunteering at the local humane shelter, referring to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, State Health Insurance Assistance Program (SHIP), and others.</p> <p>The setting provided “2022-2023 Policies-Braxton-HCBS,” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p><i>42 CFR</i> <i>441.301(c)(4)(vi)(A)</i></p> <p>Not Applicable</p>	<p>The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord-tenant law of the State, county, city or other designated entity. For settings where landlord-tenant laws do not apply, a lease, residency agreement, or other form of written agreement is in place for each HCBS participant providing protections that address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord-tenant law.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p>Not Applicable</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p>Not Applicable</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p>Yes</p>	<p>The setting is physically accessible to the individual.</p>	<p>The ADH audit demonstrated that the Center met state and federal requirements for accessibility.</p>

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Summary Sheet

Date of Public Notice: February 10, 2023

The following setting has been determined to be in compliance with the requirements of the HCBS Final Settings Rule for non-residential settings as detailed in the Compliance Summary below.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov.

Provider Name	Eastside Adult Day Health Care
Setting Name	Eastside Adult Day Health Care
Setting Address	2033 E 2nd Street
	Montgomery, AL
	36106
Site Assessment Date	October 22, 2021
Validation Date	February 3-9, 2023

Setting Type: Adult Day Health (ADH)

Heightened Scrutiny Category: Has the effect of isolating individuals receiving Medicaid home- and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS

Setting Description
The ADH program is not physically located in any institutional or presumed institutional setting as defined in <i>42 CFR 441.304(c)(5)(i-v)</i> .
The site is located in a residential home in Montgomery, Alabama. The home is part of a residential neighborhood.

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Heightened Scrutiny Evaluation
Setting Summary Sheet

Summary of Initial Assessment Findings

10/22/21

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **develop and/or expand** written policies and procedures include all of the following to achieve full HCBS compliance:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care;
- Observing, assisting with, and providing privacy for and assist in the development of self-care and personal hygiene and for social support services and other activities as appropriate;
- Observing clients for new health problems daily and reporting symptoms of new physical, functional, mental or emotional problems to case manager and caregiver;
- Teaching positive health measures and encouraging self-care;
- Assisting with activities of daily living;
- Ensuring clients are free from coercion and restraint at all times; and
- Client compliant and grievances, including that client files must contain records of all complaints/incidents lodged by the client/family against any staff member and action taken as well as a copy of the Client Rights and Responsibilities Form.

While the program audit indicated that the setting had not and did not use any coercion or restraint, the program must **develop** a policy consistent with the waiver requirements that prohibits the use of restrictive interventions and seclusion, including staff training requirements. The program must also **develop** a policy and train staff on reporting abuse, neglect, mistreatment, or exploitation (ANME), including reporting to DHR and the case manager as well as in client files and the incident management portal.

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Setting Summary Sheet

Compliance Validation Narrative

2/9/23

Per the previous findings of non-compliance, the ADH setting submitted the policy "Eastside -ADH Policy HCBS" that demonstrates policy and procedure compliance with the following:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care;
- Observing, assisting with, and providing privacy for and assist in the development of self-care and personal hygiene and for social support services and other activities as appropriate;
- Observing clients for new health problems daily and reporting symptoms of new physical, functional, mental or emotional problems to case manager and caregiver;
- Teaching positive health measures and encouraging self-care;
- Assisting with activities of daily living;
- Ensuring clients are free from coercion and restraint at all times; and
- Client compliant and grievances, including that client files must contain records of all complaints/incidents lodged by the client/family against any staff member and action taken as well as a copy of the Client Rights and Responsibilities Form.

Per the previous findings of non-compliance, the ADH setting submitted the policy ""Eastside ADH Policy. ANE" that demonstrates policy and procedure compliance with ANE reporting requirements, including training staff on reporting abuse, neglect, mistreatment, or exploitation (ANME).

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Compliance Summary

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.304(c)(4)(i)</p> <p>Yes</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. 42 C.F.R. § 441.304(c)(4)(i).</p>	<p>The ADH setting is located in a home within a residential neighborhood in Montgomery, Alabama. The home has a day room with couches and chairs as well as an area for private conversations and a separate room for isolation. Current participants are unable to walk in the neighborhood, but the setting has a porch where they engage in activities such as reading stories.</p> <p>The ADH provides at least 4 hours of various planned activities daily, including individual and group options; indoor and outdoor options; choices of therapeutic activities that stimulate mental activities, communication and self-expression, such as tables games and reviewing flash cards with staff; activities directed at maintaining, improving and preventing further deterioration of the participants' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact, including exercise sessions; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; educational activities; and bringing guest speakers into the home for various discussions such as devotionals; however, participants are not required to participate in any activity. They are also able to suggest activities and the ADH would try to accommodate that request. Additionally, participants are able to engage in activities as they wish; for example, participants can choose their teams for a group activity.</p> <p>Per setting policy, upon initial assessment, participants are interviewed by the Director. During this time, participants are asked about their needs and interests, social life, and diets as well as activities they enjoy. Participants are interviewed again every 60 days to update any preference they might have and are instructed to notify staff if they have any ideas or suggestions for specific activities. The setting uses participants' expressed individual interests to identify ways to integrate into the community as a whole. Eastside offers opportunities on at least a bi-weekly basis for community activities for the group and individually as requested based on the activity. Opportunities for access to and integration in the community include, but are not limited to bank, pay</p>

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		<p>bills, go to the zoo, attend local fairs in the community, participate in community educational events, and engage in interaction with other members of the community not receiving HCBS waiver services. Eastside staff ask each participant which upcoming community activities he/she is interested in participating in and will facilitate attendance by safe transport and accompanying participants.</p> <p>Group socialization and activities are planned on an individual basis due to the participant’s needs, interests, and limitations. Since the setting is located in the City of Montgomery, it is able to leverage multiple resources. Examples of potential opportunities include taking someone to the zoo for educational opportunities if the person love animals or taking someone who loves history to the Archives and History Museum. Local universities may be used as a resource for anyone who might want to participate in the courses they offer. The setting will explore volunteer possibilities for those who are interested and may want to be referred to the Senior Community Services Employment Program (SCSEP) operated by ADSS, or other volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP).</p> <p>The setting provided “Eastside -ADH Policy HCBS” and “Eastside ADH Policy ANE,” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p><i>42 CFR 441.301(c)(4)(ii)</i></p> <p>Yes</p>	<p>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. The setting options are identified and documented in the person-centered service plan and are based on the individual’s needs, preferences, and for residential settings, resources available for room and board.</p> <p><i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>The ADH program is not a disability-specific setting and is available to both Medicaid waiver and non-waiver individuals. The setting options are identified and documented in the person- centered service plan and are based on the individual’s needs, preferences.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(iii)</p> <p>Yes</p>	<p>The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint. <i>Id.</i> § 441.301(c)(4)(iii).</p>	<p>The setting has a private bathroom and wipes for clients. Staff help clients with toileting as needed. Participants can inform staff if they need assistance to go to the restroom, and there is a sign on the restroom door advising people to knock on the restroom door and get permission from a person before entering unless there is an emergency.</p> <p>Per setting policy, staff assess each participant on an ongoing basis about his/her ability to take care of personal needs and consult with the caregiver for permission to assist if the participant is unable to verbalize that he/she needs help. Personal assistance is offered as needed to respect each client's privacy and dignity. As appropriate to individual needs, staff provide privacy for and assist in other social support services and activities. Privacy is ensured in the Director's office with the door closed if the participant asks for privacy.</p> <p>Per the setting's job descriptions, the program nurse is responsible for observing and assisting with personal hygiene daily; observing for new health problems daily; and providing privacy for and assistance in the development of self-care and personal hygiene, and for social support services and other activities as appropriate.</p> <p>If staff begin to notice a change with the participant, they monitor the person and try to talk to them. Staff also report symptoms of new physical, functional, mental or emotional problems to the family and to the case manager as warranted. For example, one participant was not well groomed, so the director privately talked to the family.</p> <p>The program does not use any form of coercion or restraint. If a participant becomes upset or has behavioral challenges, staff may offer the person a quiet area in a separate room for privacy. The room is not locked and the participant may come and go from the area at will.</p> <p>The setting has a policy/practice in place for handling complaints and grievances.</p> <p>The setting provided "Eastside -ADH Policy HCBS," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>

Alabama Home and Community-Based Services

Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p><i>42 CFR 441.301(c)(4)(iv)</i></p> <p>Yes</p>	<p>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.</p>	<p>The ADH setting is located in a home within a residential neighborhood in Montgomery, Alabama. The home has a day room with couches and chairs as well as an area for private conversations and a separate room for if additional privacy is required. The setting has a porch where participants frequently engage in activities. Although the mobility status of current participants is limited, neighborhood walks remain an option.</p> <p>Per setting policy, upon initial assessment, participants are interviewed by the Director. During this time, participants are asked about their needs and interests, social life, and diets as well as activities they enjoy. Participants are interviewed again every 60 days to update any preference they might have and are instructed to notify staff if they have any ideas or suggestions for specific activities. The setting uses participants' expressed individual interests to identify ways to integrate into the community as a whole. Eastside offers opportunities on at least a bi-weekly basis for community activities for the group and individually as requested based on the activity. Opportunities for access to and integration in the community include, but are not limited to bank, pay bills, go to the zoo, attend local fairs in the community, participate in community educational events, and engage in interaction with other members of the community not receiving HCBS waiver services. Eastside staff ask each participant which upcoming community activities he/she is interested in participating in and will facilitate attendance by safe transport and accompanying participants.</p> <p>The ADH provides at least 4 hours of various planned activities daily; however, participants are not required to participate in any activity. They are also able to suggest activities and the ADH would try to accommodate that request. Additionally, participants are able to engage in activities as they wish; for example, participants can choose their teams for a group activity. Given the small size of the program, participants are typically seated together while dining and at game time but may choose if they wish to do so or who they wish to interact with. If the participant cannot or does not know how to participate, another client may assist along with staff, if the participant expresses a desire for assistance.</p> <p>The setting provided "Eastside -ADH Policy HCBS," which included a description of current practices and annual staff training and</p>

Alabama Home and Community-Based Services

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		demonstrated the necessary remediation to achieve compliance with this HCBS requirement.
<p>42 CFR 441.301(c)(4)(v)</p> <p>Yes</p>	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>The setting has a complaints and grievances form provided by the Operating Agency and a practice in place for handling complaints and grievances, including notifying the family and case manager, as appropriate, investigating, and reporting to the ADH's consortium.</p> <p>Per setting policy, upon initial assessment, participants are interviewed by the Director. During this time, participants are asked about their needs and interests, social life, and diets as well as activities they enjoy. Participants are interviewed again every 60 days to update any preference they might have and are instructed to notify staff if they have any ideas or suggestions for specific activities. The setting uses participants' expressed individual interests to identify ways to integrate into the community as a whole. Eastside offers opportunities on at least a bi-weekly basis for community activities for the group and individually as requested based on the activity. Opportunities for access to and integration in the community include, but are not limited to bank, pay bills, go to the zoo, attend local fairs in the community, participate in community educational events, and engage in interaction with other members of the community not receiving HCBS waiver services.</p> <p>Since the setting is located in the City of Montgomery, it is able to leverage multiple resources. Examples of potential opportunities include taking someone to the zoo for educational opportunities if the person love animals or taking someone who loves history to the Archives and History Museum. Local universities may be used as a resource for anyone who might want to participate in the courses they offer. The setting explores volunteer possibilities for those who are interested and may want to be referred to the Senior Community Services Employment Program (SCSEP) operated by ADSS, or other volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP). If participants express interest in learning more about controlling personal resources, the Director is able to request presentations from the Finance Department staff from local universities, such as Alabama State University or Auburn University Montgomery.</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>Per setting policy, staff ensure that participants are informed of choices for activities that promote access to and integration in the community. Eastside will make participants aware of any new opportunities that become available in the community so that they know about all possible activities. Participants are verbally informed of upcoming events and by calendar on the bulletin board. The Director also informs participants of upcoming opportunities each morning. Staff document participation in activities that promote access to and integration in the community for each individual in the setting's Activity Log, including each participant's participation for the activity and the date.</p> <p>The setting provided "Eastside -ADH Policy HCBS," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(vi)(A)</p> <p>Not Applicable</p>	<p>The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord-tenant law of the State, county, city or other designated entity. For settings where landlord-tenant laws do not apply, a lease, residency agreement, or other form of written agreement is in place for each HCBS participant providing protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p>Not Applicable</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p>Not Applicable</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p>Yes</p>	<p>The setting is physically accessible to the individual.</p>	<p>The ADH audit demonstrated that the Center met state and federal requirements for accessibility.</p>

Alabama Medicaid Agency
Home and Community-Based Services Heightened Scrutiny Evaluation

Summary Sheet

Date of Public Notice: February 10, 2023

The following setting has been determined to be in compliance with the requirements of the HCBS Final Settings Rule for non-residential settings as detailed in the Compliance Summary below.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov.

Provider Name	Tri County Adult Day Care
Setting Name	Tri County Adult Day Care
Setting Address	P.O. Box 142
	Georgiana, AL
	36033
Site Assessment Date	October 8, 2021
Validation Date	February 3-9, 2023

Setting Type: Adult Day Health (ADH)

Heightened Scrutiny Category: Has the effect of isolating individuals receiving Medicaid home- and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS

Setting Description
The ADH program is not physically located in any institutional or presumed institutional setting as defined in <i>42 CFR 441.304(c)(5)(i-v)</i> .
The ADH setting is located in a facility owned by the city of Georgiana. It is a free-standing building in the downtown area. The setting has multiple areas available for different activities with appropriate square footage of activity space for each client.

Alabama Home and Community-Based Services
Heightened Scrutiny Evaluation
Setting Summary Sheet

Summary of Initial Assessment Findings

10/8/21

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **develop** written policies and procedures on the following to achieve full HCBS compliance:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Offering information and activities related to daily living skills and assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care;
- Observing, assisting with, and providing privacy for and assist in the development of self-care and personal hygiene and for social support services and other activities as appropriate;
- Observing clients for new health problems daily and reporting symptoms of new physical, functional, mental or emotional problems to case manager and caregiver;
- Teaching positive health measures and encouraging self-care;
- Assisting with activities of daily living;
- Ensuring clients are free from coercion and restraint at all times; and
- Client complaint and grievances, including that client files must contain records of all complaints/incidents lodged by the client/family against any staff member and action taken.

While the program audit indicated that the setting had not and did not use any coercion or restraint, the program must **develop** a policy consistent with the waiver requirements that prohibits the use of restrictive interventions and seclusion, including staff training requirements. The program must also **develop** a policy and train staff on reporting abuse, neglect, mistreatment, or exploitation (ANME), including reporting to DHR and the case manager as well as in client files and the incident management portal.

Compliance Validation Narrative

2/9/23

Per the previous findings of non-compliance, the ADH setting submitted the policy ““HCBS Policy – Tri County” that demonstrates policy and procedure compliance with the following:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients’ mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Offering information and activities related to daily living skills and assisting with activities of daily living;
- Observing clients daily for and assisting with personal hygiene as needed and new health problems;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;
- Teaching positive health measures and encouraging self-care;
- Providing nourishment appropriate to the number of hours the participant attends the ADH center, but not equal to a full nutritional regimen (3 meals per day) as well as providing the same snacks and meals to clients appropriate to the number of hours participants attend;
- Observing, assisting with, and providing privacy for and assist in the development of self-care and personal hygiene and for social support services and other activities as appropriate;
- Observing clients for new health problems daily and reporting symptoms of new physical, functional, mental or emotional problems to case manager and caregiver;
- Teaching positive health measures and encouraging self-care;
- Assisting with activities of daily living;
- Ensuring clients are free from coercion and restraint at all times; and
- Client compliant and grievances, including that client files must contain records of all complaints/incidents lodged by the client/family against any staff member and action taken; and
- As consistent with the waiver requirements, prohibiting the use of restrictive interventions and seclusion, and that staff must be trained on the policy and appropriate/allowable behavioral interventions, acceptance, and accommodations.

Per the previous findings of non-compliance, the ADH setting submitted the policy “ANE – Tri County” that demonstrates policy and procedure compliance with ANE reporting requirements, including training staff on reporting abuse, neglect, mistreatment, or exploitation (ANME) as well as reporting to DHR and the case manager as well as in client files and the incident management portal.

Alabama Home and Community-Based Services
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Compliance Summary

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.304(c)(4)(i)</p> <p>Yes</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. 42 C.F.R. § 441.304(c)(4)(i).</p>	<p>The ADH setting is located in a facility owned by the city of Georgiana. It is a free-standing building, and the program pays rent to the city. The setting has multiple areas available for different activities with appropriate square footage of activity space for each client.</p> <p>The ADH provides at least 4 hours of various planned activities daily, including individual and group options, such as bingo, puzzles, and devotion; indoor and outdoor options; choices of therapeutic activities that stimulate mental activities, communication and self-expression; activities directed at maintaining, improving and preventing further deterioration of the participants' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; and educational activities. For example, participants are given the opportunity to visit residents in the local nursing home as well as to go to town to buy groceries, pick up medicine, pay bills and pick up mail. If a participant does not want to go to town, staff are available to be sent on the person's behalf to handle their needs. The ADH also provides transportation for participants' medical appointments. Participants are made aware of all the ADH's activities and have the choice to join, including with the assistance of a staff member. Participants also receive training on self-care and safety in the home annually.</p> <p>The program structure is based on and reflects the needs and interests of the participants. Needs are identified via individual needs assessments at enrollment, updating preferences at the time of the 60 day review, and via suggestion boxes. Per setting policy, the Day Care Director talks to participants about what they would like to do/have an interest in and help them identify how to do that, such as volunteering at the local humane shelter, referring to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP).</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>Staff observe participants to assess their mental and physical health and provide appropriate assistance to meet the person's needs. For example, a participant that has mental limitations may need to have a bathroom schedule with appropriate assistance.</p> <p>The setting provided the policies "HCBS Policy – Tri County" and "ANE – Tri County," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(ii)</p> <p>Yes</p>	<p>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. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board.</p> <p><i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>The ADH program is not a disability-specific setting and serves both Medicaid waiver and non-waiver individuals. The available setting options are identified and documented in the person-centered service plan.</p>
<p>42 CFR 441.301(c)(4)(iii)</p> <p>Yes</p>	<p>The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint. <i>Id.</i> § 441.301(c)(4)(iii).</p>	<p>The setting has a small room set up with a bed, a comfortable chair, and telephone where privacy is available for a participant who is upset or desires to have a private conversation. Self-care and personal hygiene activities take place in a separate room where there can be privacy or in the bathroom behind a closed door.</p> <p>Per setting policy, aides provide privacy for and assist in self-care and personal hygiene activities. All staff members are readily available to assist as needed; staff knock on the bathroom door and get permission from a person before entering unless there is an emergency; and staff ask permission to provide assistance with self-care and personal hygiene activities. As appropriate to individual needs, Aides provide privacy for and assist in other social support services activities. Staff keep client personal information private and do not share it with others without the participant's expressed consent. Staff do not discuss an individual in the open or within earshot of those who do not need to hear</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>the discussion, participants' full names and personal/health information are not left in public for others to see.</p> <p>Additionally, per setting policy, staff treat all clients with dignity and respect. Staff address people in the manner in which the person would like to be addressed, by their preferred name, not "hon," "sweetie"; staff do not curse or use profanity; staff converse with people in a respectful and appropriate manner; staff do not discuss a person who is present like they are not there or within earshot of others, staff converse respectfully with people while providing care and assistance; and staff use written, verbal and non-verbal communication that demonstrates the values of respect and dignity; and, when in the community, staff model respectful interactions and communications for others.</p> <p>Tri County Adult Day Care publicly posts, in large activity room where clients and staff can view it without difficulty and written in large letters, a clients' rights document that includes the rights to be free from coercion and restraint. Per policy, behavioral restraint is not permitted, This includes impeding a client's freedom of movement through any means, including blocking, manual holding, using seat belts or other restraining devices that are not medically prescribed, or enforcing any seclusion that is not for documented infection control purposes. The setting makes sure people know their rights and how to exercise them and provides them with instructions on how to file a complaint if their rights are violated by a peer, staff or any other person present at the setting. The setting has a complaints and grievances form and a practice in place for handling complaints and grievances, including reporting to the ADH Director. All of the clients and caregivers are given a written description of Client Rights and instructions on how to file a complaint or grievance upon enrollment. The Director reviews this with them. A copy is signed and placed in the client's file.</p> <p>The setting provided the policies "HCBS Policy – Tri County" and "ANE – Tri County," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(iv)</p> <p>Yes</p>	<p>The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in</p>	<p>The ADH setting is located in a facility owned by the city of Georgiana. It is a free-standing building, and the program pays rent to the city. The</p>

Alabama Home and Community-Based Services

Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
	<p>making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>	<p>setting has multiple areas available for different activities with appropriate square footage of activity space for each client.</p> <p>The ADH provides at least five hours of various planned activities daily, including individual and group options, such as bingo, puzzles, and devotion; indoor and outdoor options; choices of therapeutic activities that stimulate mental activities, communication and self-expression; activities directed at maintaining, improving and preventing further deterioration of the participants' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; and educational activities. For example, participants are given the opportunity to visit residents in the local nursing home as well as to go to town to buy groceries, pick up medicine, pay bills and pick up mail. If a participant does not want to go to town, staff are available to be sent on the person's behalf to handle their needs. The ADH provides transportation for participants' medical appointments. In addition, the AAA ombudsman offers training on self-care and safety in the home annually and the Nurse on staff does individual patient teaching on above topics during individual's monthly health evaluations.</p> <p>Participants are made aware of all the ADH's activities and have the choice to join, including with the assistance of a staff member if desired, or to engage in other options outside the group setting.</p> <p>The program structure is based on and reflects the needs and interests of the participants. Needs are identified via individual needs assessments at enrollment, updating preferences at the time of the 60 day review, and via suggestion boxes. Per setting policy, the Day Care Director talks to participants about what they would like to do/have an interest in and helps them identify how to do that, such as volunteering at the local humane shelter, referring to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, State Health Insurance Assistance Program (SHIP), etc.)</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>Tri County Adult Day Care program ensures that clients have choice about with whom to interact. Clients are not assigned to specific groups without consent; clients are offered options to choose who to sit with, dine next to, converse with.</p> <p>The setting provided the policy “HCBS Policy – Tri County.” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(v)</p> <p>Yes</p>	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>Per their person-centered planning, individuals have freedom of choice about the services and supports they receive, including whether to access available ADH services for which they are eligible.</p> <p>As described above, the ADH provides a variety of activities to support the self-identified needs and interests of the participants. Needs are identified via individual needs assessments at enrollment, updating preferences at the time of the 60 day review, and via suggestion boxes. Per setting policy, the Program Director talks to participants about what they would like to do/have an interest in and helps them identify how to do that.</p> <p>The setting provided the policies “HCBS Policy – Tri County” and “ANE – Tri County,” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>

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Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(A)</p> <p>Not Applicable</p>	<p>The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord-tenant law of the State, county, city or other designated entity. For settings where landlord-tenant laws do not apply, a lease, residency agreement, or other form of written agreement is in place for each HCBS participant providing protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>

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Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p>Not Applicable</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p>Not Applicable</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p>Yes</p>	<p>The setting is physically accessible to the individual.</p>	<p>The ADH audit demonstrated that the Center met state and federal requirements for accessibility.</p>

Alabama Medicaid Agency
Home and Community-Based Services Heightened Scrutiny Evaluation

Summary Sheet

Date of Public Notice: February 10, 2023

The following setting has been determined to be in compliance with the requirements of the HCBS Final Settings Rule for non-residential settings as detailed in the Compliance Summary below.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov.

Provider Name	Wiregrass Adult Day Care, LLC
Setting Name	Wiregrass Adult Day Care, LLC (Dothan)
Setting Address	2461 E. Burdeshaw Street
	Dothan, AL
	36303
Site Assessment Date	October 12, 2021
Validation Date	February 3, 2023

Setting Type: Adult Day Health (ADH)

Heightened Scrutiny Category: Has the effect of isolating individuals receiving Medicaid home- and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS

Setting Description
<p>The ADH program is not physically located in any institutional or presumed institutional setting as defined in <i>42 CFR 441.304(c)(5)(i-v)</i>.</p> <p>The ADH setting is part of the Wiregrass Rehabilitation Center, located within the city limits of Dothan, Alabama. The Center is multi-divisional vocational evaluation and rehabilitation, job training and job placement service for those who have vocational barriers including but not limited to physical disabilities, mental health illnesses, cognitive impairment, and chronic underemployment. The ADH program occupies a separate portion of the Center with its own entrance and egress.</p>

Alabama Home and Community-Based Services
Heightened Scrutiny Evaluation
Setting Summary Sheet

Summary of Initial Assessment Findings

10/12/21

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **develop** written policies and procedures on the following to achieve full HCBS compliance:

- The program is located in a setting that is neither institutional nor presumed institutional; and
- Having a weekly activity plan outlining daily activities being posted and written in large letters.

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **expand** its written policies and procedures on the following to achieve full HCBS compliance:

- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Offering educational activities;
- Offering information and activities related to daily living skills as applicable;
- Assisting with personal hygiene as needed; and
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;

Additionally, the setting must **update**/modify its written client complaint and grievance policy and procedure to describe how and when the ADH notifies client/family of complaint and grievance process and how the notification will be documented against any staff member and action taken.

While the program audit indicated that the setting had not and did not use any coercion or restraint, the program must **develop** a policy consistent with the waiver requirements that prohibits the use of restrictive interventions and seclusion, including staff training requirements. The program must **update** its policy on reporting abuse, neglect, mistreatment, or exploitation (ANME) with recommendations from the Alabama Medicaid Agency and the Alabama Department of Senior Services and train staff regarding those updates.

Compliance Validation Narrative

Per the previous findings of non-compliance due to the lack of needed policies and procedures, the ADH setting submitted the policy “WRC Adult Day Care HCBS” that demonstrates policy and procedure compliance with the following:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients’ mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Offering educational activities;
- Offering information and activities related to daily living skills as applicable;
- Assisting with personal hygiene as needed;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;

Additionally, the setting’s written client complaint and grievance policy and procedure must be updated to describe how and when the ADH notifies client/family of complaint and grievance process and how the notification will be documented against any staff member and action taken as well as a copy of the Client Rights and Responsibilities Form.

Per the previous findings of non-compliance, the ADH setting submitted the policy “WRC Adult Daycare Client Rights Responsibilities” that demonstrates policy and procedure compliance with ANE reporting requirements, including training staff on reporting abuse, neglect, mistreatment, or exploitation (ANME).

Alabama Home and Community-Based Services
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Compliance Summary

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.304(c)(4)(i)</p> <p>Yes</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. 42 C.F.R. § 441.304(c)(4)(i).</p>	<p>The ADH setting is part of the Wiregrass Rehab Center (WRC), which provides vocational evaluation and rehabilitation, as well as job training and placement training for individuals who have vocational barriers including, but not limited to, physical disabilities, mental health illnesses, cognitive impairment, and chronic underemployment in Dothan, Alabama. Activities are offered both within and outside of the setting.</p> <p>The ADH provides at least 4 hours of various planned activities daily, including individual and group options; indoor and outdoor options, such as “Park Day”, “Picnic Day”, and intermural activities; choices of therapeutic activities that stimulate mental activities, communication and self-expression; activities directed at maintaining, improving and preventing further deterioration of the participants’ mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; and educational activities.</p> <p>Per setting policy, the program offers opportunities to shop, bank, pay bills, participate in community social events, participate in community educational events and engage in interaction with other members of the community not receiving HCBS waiver services. For example, the setting provides opportunities for access to the community, including participating in city activities and special days such as “Citizens’ Day”; as well as field trips to places such as the Botanical Gardens. Per the ADH director, the Dothan community is very welcoming to participants. Per staff interviews, participants are very vocal regarding their interests and the setting’s various outings. Participants are able to choose their seating and with whom to interact during activities.</p> <p>The ADH performs monthly questionnaires as well as utilizes staff observations and participant suggestions via participant suggestion box or verbal request to identify and provide for individual needs to be incorporated into the activity calendars. Participants can choose from a variety of other available activities (such as board games, puzzles, and cards) to participate in if they chose not to participate in the activity</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>being offered. The setting also uses these exploratory mechanisms to schedule field trips, guest speakers, community encounters, and job search assistance as indicated by the participant's interests. For example, per participant interest, field trips may include trips to museums, bowling, movie theatres, festivals, recreation centers, and shopping; inviting guest speakers like the fire department to speak to participants for fire prevention week; and identifying employment opportunities. If a participant indicates an interest in employment or volunteering in the community, WRC's Work Services Department, located on the WRC--Dothan Campus, will be contacted to assist in employment/volunteer opportunities and training for the participant.</p> <p>The setting provided "WRC Adult Day Care HCBS" and "WRC Adult Daycare Client Rights Responsibilities," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(ii)</p> <p>Yes</p>	<p>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. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board.</p> <p><i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>The ADH program is not a disability-specific setting and serves both Medicaid waiver and non-waiver individuals. The available setting options are identified and documented in the person-centered service plan.</p>
<p>42 CFR 441.301(c)(4)(iii)</p> <p>Yes</p>	<p>The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint. <i>Id.</i> § 441.301(c)(4)(iii).</p>	<p>All of the setting's bathrooms have locks to ensure client privacy but are accessible to staff in emergencies. Per setting policy, staff must knock on doors and gain permission before entering and before providing assistance (unless staff makes a reasonable determination that an emergency situation exists).</p> <p>As appropriate to individual needs, ADH staff provide privacy for and assist in other social support services activities. If a participant becomes upset or has behavioral challenges, staff may offer that person a separate room for privacy where there is a bed until the participant</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>feels ready to rejoin group activities. The program does not use any form of coercion or restraint.</p> <p>ADH staff keep personal information private and do not share it with others without the participant's expressed consent. All staff members have received, understood, and signed the WRC Adult Day Care Center's Confidentiality Statement as well as the Rules and Conduct forms which outline HIPAA guidelines.</p> <p>Per program policy, staff treat all clients with dignity and respect. Staff address people in the manner in which the person would like to be addressed, by their preferred name, not "hon," "sweetie" and do not curse or use profanity. Additionally, staff converse with people in a respectful and appropriate manner and do not discuss a person who is present like they are not there or within earshot of others.</p> <p>Per setting policy, staff converse respectfully with people while providing care and assistance and use written, verbal and non-verbal communication that demonstrates the values of respect and dignity. When in the community, staff model respectful interactions and communications for others. Staff receive training upon hiring and as needed on Disability Etiquette and respect and dignity of the person.</p> <p>The setting has a rights, responsibilities, and service complaints form signed by each participant and a policy/practice in place for handling complaints and grievances.</p> <p>The setting provided "WRC Adult Day Care HCBS" and "WRC Adult Daycare Client Rights Responsibilities," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(iv)</p> <p>Yes</p>	<p>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.</p>	<p>The ADH performs monthly questionnaires as well as utilize staff observations and participant suggestions via participant suggestion box or verbal request to identify and provide for individual needs to be incorporated into the activity calendars. Participants can choose from a variety of other available activities (such as board games, puzzles, and cards) to participate in if they chose not to participate in the activity being offered. The setting also uses these exploratory mechanisms to schedule field trips, guest speakers, community encounters, and job</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>search assistance as indicated by the participant’s interests. For example, per participant interest, field trips may include trips to museums, bowling, movie theatres, festivals, recreation centers, and shopping; inviting guest speakers like the fire department to speak to participants for fire prevention week; and identifying employment opportunities. Participants are able to choose their seating and with whom to interact during activities.</p> <p>The setting provided “WRC Adult Day Care HCBS,” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(v)</p> <p>Yes</p>	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>Per their person-centered planning, individuals have freedom of choice about the services and supports they receive, including whether to access available ADH services for which they are eligible.</p> <p>As described above, the ADH provides a variety of activities to support the self-identified needs and interests of the participants.</p> <p>If a participant indicates an interest in employment or volunteering in the community, WRC’s Work Services Department, located on the WRC--Dothan Campus, will be contacted to assist in employment/volunteer opportunities and training for the participant, or can make a referral to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP), depending on the preference of the participant.</p> <p>The setting provided “WRC Adult Day Care HCBS” and “WRC Adult Daycare Client Rights Responsibilities”, which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(A)</p> <p>Not Applicable</p>	<p>The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord-tenant law of the State, county, city or other designated entity. For settings where landlord-tenant laws do not apply, a lease, residency agreement, or other form of written agreement is in place for each HCBS participant providing protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p>Not Applicable</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p>Not Applicable</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p>Yes</p>	<p>The setting is physically accessible to the individual.</p>	<p>The ADH audit demonstrated that the Center met state and federal requirements for accessibility.</p>

Alabama Medicaid Agency
Home and Community-Based Services Heightened Scrutiny Evaluation

Summary Sheet

Date of Public Notice: February 10, 2023

The following setting has been determined to be in compliance with the requirements of the HCBS Final Settings Rule for non-residential settings as detailed in the Compliance Summary below.

Written comments for this notice will be received from February 10, 2023, through March 12, 2023. Individuals must send their comments via mail to: Alabama Medicaid Agency, LTC Healthcare Reform Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or via e-mail to PublicComment@medicaid.alabama.gov.

Provider Name	Wiregrass Adult Day Care, LLC
Setting Name	Wiregrass Adult Day Care, LLC (Enterprise)
Setting Address	301 N Ouida St.
	Enterprise, AL
	36330
Site Assessment Date	October 12, 2021
Validation Date	February 3-9, 2023

Setting Type: Adult Day Health (ADH)

Heightened Scrutiny Category: Has the effect of isolating individuals receiving Medicaid home- and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS

Setting Description
The ADH program is not physically located in any institutional or presumed institutional setting as defined in <i>42 CFR 441.304(c)(5)(i-v)</i> .
The ADH setting is located in the back wing of a former junior high school in Enterprise, Alabama, in a clean, residential neighborhood. There are multiple rooms in the setting, some of which are designated for specific activities such as the craft room, as well as a large room where all participants can congregate.

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Setting Summary Sheet

Summary of Initial Assessment Findings

10/12/21

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **develop** written policies and procedures on the following to achieve full HCBS compliance:

- The program is located in a setting that is neither institutional nor presumed institutional; and
- Having a weekly activity plan outlining daily activities being posted and written in large letters.

While interviews, practices, and remote observations reflected compliance with the following requirements, the setting must **expand** its written policies and procedures on the following to achieve full HCBS compliance:

- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Offering educational activities;
- Offering information and activities related to daily living skills as applicable;
- Assisting with personal hygiene as needed; and
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;

Additionally, the setting must **update**/modify its written client complaint and grievance policy and procedure to describe how and when the ADH notifies client/family of complaint and grievance process and how the notification will be documented against any staff member and action taken.

While the program audit indicated that the setting had not and did not use any coercion or restraint, the program must **develop** a policy consistent with the waiver requirements that prohibits the use of restrictive interventions and seclusion, including staff training requirements. The program must **update** its policy on reporting abuse, neglect, mistreatment, or exploitation (ANME) with recommendations from the Alabama Medicaid Agency and the Alabama Department of Senior Services and train staff regarding those updates.

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Compliance Validation Narrative

2/9/23

Per the previous findings of non-compliance due to the lack of needed policies and procedures, the ADH setting submitted the policy “WRC Adult Day Care HCBS” that demonstrates policy and procedure compliance with the following:

- The program is located in a setting that is neither institutional nor presumed institutional;
- Having a weekly activity plan outlining daily activities being posted and written in large letters;
- Offering at least 4 hours of planned activities daily, including daily documentation, as well as activities offered (indoor and outdoor/group and individual);
- Providing daily choices of planned therapeutic activities;
- Having choices of activities directed at maintaining, improving and preventing further deterioration of the clients’ mental and physical capabilities and abilities to exercise autonomy and independence in making life choices;
- Providing opportunities and choices to access the community as appropriate to individual needs and interests;
- Providing opportunities for group socialization that promote community integration;
- Offering information and activities related to nutrition and health;
- Offering physical activities and educational activities;
- Offering recreational/leisure activities;
- Assisting with activities of daily living;
- Offering educational activities;
- Offering information and activities related to daily living skills as applicable;
- Assisting with personal hygiene as needed;
- Providing privacy for and assisting in the development of self-care, personal hygiene, and for social support;

Additionally, the setting’s written client complaint and grievance policy and procedure must be updated to describe how and when the ADH notifies client/family of complaint and grievance process and how the notification will be documented against any staff member and action taken as well as a copy of the Client Rights and Responsibilities Form.

Per the previous findings of non-compliance, the ADH setting submitted the policy “WRC Adult Daycare Client Rights Responsibilities” that demonstrates policy and procedure compliance with ANE reporting requirements, including training staff on reporting abuse, neglect, mistreatment, or exploitation (ANME).

Alabama Home and Community-Based Services

Heightened Scrutiny Evaluation

Setting Summary Sheet

Compliance Summary

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.304(c)(4)(i)</p> <p>Yes</p>	<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. 42 C.F.R. § 441.304(c)(4)(i).</p>	<p>The ADH setting is located in the back wing of a former junior high school in Enterprise, Alabama, in a clean, residential neighborhood. There are multiple rooms in the setting, some of which are designated for specific activities such as the craft room, as well as a large room where all participants can congregate.</p> <p>The ADH provides at least 4 hours of various planned activities daily, including individual and group options; indoor and outdoor options, including intermural activities; choices of therapeutic activities that stimulate mental activities, communication and self-expression; activities directed at maintaining, improving and preventing further deterioration of the participants' mental and physical capabilities and abilities to exercise autonomy and independence in making life choices, such as daily activities, physical environment, and with whom to interact; recreational/leisure time activities appropriate for adults; activities related to daily living skills as applicable to age group, economic situation and existing disability; and educational activities.</p> <p>Per setting policy, the program offers opportunities to shop, bank, pay bills, participate in community social events, participate in community educational events and engage in interaction with other members of the community not receiving HCBS waiver services. For example, the setting provides opportunities to go to special community events such as "Older American Day" and visit local places such as the National Peanut fairgrounds, the botanical gardens, railroad museum, and downtown Enterprise to look at art. The setting also invites speakers to come to the ADH to do activities with the group. Additionally, the ADH takes participants shopping at places like the Dollar Tree and provides education on hygiene, the importance of exercise, and hosts its own special Olympics. Participants are able to choose their seating and with whom to interact during activities.</p> <p>The ADH performs monthly questionnaires as well as utilizes staff observations and participant suggestions via participant suggestion box or verbal request to identify and provide for individual needs to be incorporated into the activity calendars. Participants can choose from a variety of other available activities (such as board games, puzzles, and</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>cards) to participate in if they chose not to participate in the activity being offered. The setting also uses these exploratory mechanisms to schedule field trips, guest speakers, community encounters, and job search assistance as indicated by the participant's interests. For example, per participant interest, field trips may include trips to museums, bowling, movie theatres, festivals, recreation centers, and shopping; inviting guest speakers like the fire department to speak to participants for fire prevention week; and identifying employment opportunities. If a participant indicates an interest in employment or volunteering in the community, WRC's Work Services Department, located on the WRC--Dothan Campus, will be contacted to assist in employment/volunteer opportunities and training for the participant.</p> <p>The setting provided "WRC Adult Day Care HCBS" and "WRC Adult Daycare Client Rights Responsibilities," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(ii)</p> <p>Yes</p>	<p>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. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board.</p> <p><i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>The ADH program is not a disability-specific setting and serves both Medicaid waiver and non-waiver individuals. The available setting options are identified and documented in the person-centered service plan.</p>
<p>42 CFR 441.301(c)(4)(iii)</p> <p>Yes</p>	<p>The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint. <i>Id.</i> § 441.301(c)(4)(iii).</p>	<p>All of the setting's bathrooms have locks to ensure client privacy but are accessible to staff in emergencies. Per setting policy, staff must knock on doors and gain permission before entering and before providing assistance (unless staff makes a reasonable determination that an emergency situation exists).</p> <p>As appropriate to individual needs, ADH staff provide privacy for and assist in other social support services activities. If a participant becomes upset or has behavioral challenges, staff may offer that person</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
		<p>a separate room for privacy where there is a bed until the participant feels ready to rejoin group activities. The program does not use any form of coercion or restraint.</p> <p>ADH staff keep personal information private and do not share it with others without the participant's expressed consent. All staff members have received, understood, and signed the WRC Adult Day Care Center's Confidentiality Statement as well as the Rules and Conduct forms which outline HIPAA guidelines.</p> <p>Per program policy, staff treat all clients with dignity and respect. Staff address people in the manner in which the person would like to be addressed, by their preferred name, not "hon," "sweetie" and do not curse or use profanity. Additionally, staff converse with people in a respectful and appropriate manner and do not discuss a person who is present like they are not there or within earshot of others.</p> <p>Per setting policy, staff converse respectfully with people while providing care and assistance and use written, verbal and non-verbal communication that demonstrates the values of respect and dignity. When in the community, staff model respectful interactions and communications for others. Staff receive training upon hiring and as needed on Disability Etiquette and respect and dignity of the person.</p> <p>The setting has a rights, responsibilities, and service complaints form signed by each participant and a policy/practice in place for handling complaints and grievances.</p> <p>The setting provided "WRC Adult Day Care HCBS" and "WRC Adult Daycare Client Rights Responsibilities," which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(iv)</p> <p>Yes</p>	<p>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</p>	<p>The ADH performs monthly questionnaires as well as utilize staff observations and participant suggestions via participant suggestion box or verbal request to identify and provide for individual needs to be incorporated into the activity calendars. Participants can choose from a variety of other available activities (such as board games, puzzles, and cards) to participate in if they chose not to participate in the activity</p>

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Compliance Status	Federal Requirement	Summary of Evidence of Compliance
	whom to interact.	<p>being offered. The setting also uses these exploratory mechanisms to schedule field trips, guest speakers, community encounters, and job search assistance as indicated by the participant’s interests. For example, per participant interest, field trips may include trips to museums, bowling, movie theatres, festivals, recreation centers, and shopping; inviting guest speakers like the fire department to speak to participants for fire prevention week; and identifying employment opportunities. Participants are able to choose their seating and with whom to interact during activities.</p> <p>The setting provided “WRC Adult Day Care HCBS,” which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>
<p>42 CFR 441.301(c)(4)(v)</p> <p>Yes</p>	The setting facilitates individual choice regarding services and supports, and who provides them.	<p>Per their person-centered planning, individuals have freedom of choice about the services and supports they receive, including whether to access available ADH services for which they are eligible.</p> <p>As described above, the ADH provides a variety of activities to support the self-identified needs and interests of the participants.</p> <p>If a participant indicates an interest in employment or volunteering in the community, WRC’s Work Services Department, located on the WRC--Dothan Campus, will be contacted to assist in employment/volunteer opportunities and training for the participant, or can make a referral to the Senior Community Services Employment Program (SCSEP) operated by ADSS, and volunteer opportunities available through the local AAA, Ombudsman, and State Health Insurance Assistance Program (SHIP), depending on the preference of the participant.</p> <p>The setting provided “WRC Adult Day Care HCBS” and “WRC Adult Daycare Client Rights Responsibilities”, which included a description of current practices and annual staff training and demonstrated the necessary remediation to achieve compliance with this HCBS requirement.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(A)</p> <p>Not Applicable</p>	<p>The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord-tenant law of the State, county, city or other designated entity. For settings where landlord-tenant laws do not apply, a lease, residency agreement, or other form of written agreement is in place for each HCBS participant providing protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(B)</p> <p>Not Applicable</p>	<p>Each individual has privacy in their sleeping or living unit:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>

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Setting Summary Sheet

Compliance Status	Federal Requirement	Summary of Evidence of Compliance
<p>42 CFR 441.301(c)(4)(vi)(C)</p> <p>Not Applicable</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(D)</p> <p>Not Applicable</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Not applicable. This is an Adult Day Health setting and not subject to this requirement for residential settings.</p>
<p>42 CFR 441.301(c)(4)(vi)(E)</p> <p>Yes</p>	<p>The setting is physically accessible to the individual.</p>	<p>The ADH audit demonstrated that the Center met state and federal requirements for accessibility.</p>