

HCBS HEIGHTENED SCRUTINY REVIEW DOCUMENTATION GUIDANCE
NON RESIDENTIAL SETTINGS
 FINAL – 2/11/2019

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

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

The HS Review process is a sequential one, and all issues must be addressed – beginning with the Tier / Question that put the setting on the HS List. For example: if the setting is on the HS List for the Tier 2 issue, that issue **and** all Tier 3 and Tier 4 issues must be addressed. (If the setting is not on the HS List for a Tier 2 issue, then only Tier 3 and Tier 4 issues must be addressed.)

TIER 2 – QUESTION #8		
<p>The evidence must document: That despite being on the same grounds of, or adjacent to, an institution, the setting functions independently from the institution/facility and does not isolate individuals from their communities. (Providers who accurately answered questions that placed them in or on the grounds of an institution will not be able to show they are not on the grounds of or adjacent to an institution; instead they must show that despite this, they are home and community-based.)</p>		
<p>Q #8</p>	<p><u>Issue:</u> Are the services for this non-residential provider located outside of the same building, off the grounds of, and disconnected from a hospital, nursing home, ICF/IID or IMD?</p>	<p><u>Evidence Sources:</u> Licensure of where service is provided. Staffing rosters show different staff for each location. Training logs show different training of separate staff. Separate financial reporting. Separate board/governance membership. Campus map showing separate structure and access. Observation of separate structures/access. Staff interview.</p> <ul style="list-style-type: none"> • Are the non-residential services provided ON the grounds of an institution, or OFF the grounds of the institution?

TIER 3 – QUESTION #7

The evidence must document: That the service is provided in the community at a local business, a restaurant, or the location of a small business owner; and that participants are not isolated from members of the general public or from people without disabilities. When the non-residential service occurs in a disability specific setting there must be documentation that clearly identifies the settings and services the individual was offered that include people without disabilities and that visits to various settings were encouraged and facilitated to ensure choice of settings. When the participant’s choice of setting, services and supports is restricted, there must be modifications to the individual’s plan in conformance with the requirements of the rule related to health or safety concerns.

Q #7

Issue: Where is the service provided?

Evidence Sources: Participant and staff interview indicating that participant chose setting from setting options, including non-disability specific setting.

- Are the non-residential services provided in the community? E.g., at a local business, restaurant, or at a place where members of the community gather for social or recreational purposes?
- Are the non-residential services provided at a place or site for people with disabilities, such as a workshop for people with disabilities, work force for people with disabilities, or a day program for people with disabilities?
- Evidence the participant chose the setting from among others, including those that are not disability specific.
- Evidence that setting options offered include non-disability-specific settings, such as competitive employment in an integrated public setting, volunteering in the community, or engaging in general non-disabled community activities such as those available at a YMCA.
- The setting provides opportunities for individuals to participate in community-based, versus facility/setting-based, work, activities, services and supports.
- Evidence that restrictions to settings/services are related to health or safety concerns and are documented in the IPOS per the requirements of the rule.

TIER 4 - QUESTIONS #17 & #16

The evidence must document: The setting is integrated in the community to the extent that people without disabilities would consider it a part of their community and would not identify the setting as one that solely provides services to people with disabilities. The evidence must also document that participants are supported in accessing the community to the extent they prefer and in the manner which they prefer.

<p>Q #17</p>	<p><u>Issue:</u> When providing non-residential supports, do individuals contact or connect with individuals from the community/public?</p>	<p><u>Evidence Sources:</u> Policy & procedures related to contact or connection with individuals from the community/public. Staff and participant interview indicating such. Observation of such. Daily activity sheets indicating such.</p> <ul style="list-style-type: none"> • Services to the individual, and activities in which the individual participates, are engaged with the broader community. • The setting does not regiment the participant's individual initiative, autonomy and independence in making choices – including daily activities, physical environment and with whom to interact. I.e., The setting does not limit the participant to one restricted room or area within the setting or limit interaction solely to people with disabilities. • The setting provides opportunities for individuals to participate in community-based, versus facility/setting-based, work, activities, services and supports. • In what ways does the setting encourage interaction with the public (for example, as customers in a pre-vocational setting)?
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Q #16	<p><u>Issue:</u> When providing non-residential supports, do individuals interact with others who do not have disabilities?</p>	<p><u>Evidence Sources:</u> Policy & procedures related to choice of settings that are non-disability specific. Staff and participant interview indicating such. Daily activity sheets indicating such.</p> <ul style="list-style-type: none"> • Participants can choose to combine more than one setting or type of service in any given day/week (e.g. combine competitive employment with community-based volunteer activity). • The setting does not regiment the participant’s individual initiative, autonomy and independence in making choices – including daily activities, physical environment and with whom to interact. I.e., The setting does not limit the participant to one restricted room or area within the setting or limit interaction solely to people with disabilities. • The setting provides opportunities for individuals to participate in community-based, versus facility/setting-based, work, activities, services and supports.
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