

**The State of Michigan**  
**High Scrutiny Evidence packet**

<b>Provider's Name:</b> Marian E. Burch Adult Day Care Center	
<b>Location of the Setting:</b> Battle Creek, Michigan	<b>Type of Setting:</b> Non-Residential
<b>Waiver Services Being Provided at the setting:</b> Adult Day Center	
<b>Heightened Scrutiny Prong</b>	
<div style="margin-bottom: 5px;"><input type="checkbox"/> Prong1: Setting is in a publicly or privately operated facility that provides inpatient institutional treatment</div> <div style="margin-bottom: 5px;"><input checked="" type="checkbox"/> Prong2: Setting is in a building or on the same grounds of, or adjacent to, a public institution.</div> <div style="margin-bottom: 5px;"><input type="checkbox"/> Prong3: setting has an effect of isolating individuals from the broader community</div>	
<b>Recommendation</b>	
<p>As required by 42 CFR 441.301 (c) (5), the State of Michigan submits this request for heightened scrutiny review for the setting identified above. The State has compiled evidence that the setting is integrated and supports full access of individuals to the greater community, is selected by the individual from among disability and non-disability-specific settings, ensures individual rights, and promotes individual initiative, autonomy, choice, and independence.</p>	

## Section 1: Facility Description

Marian E. Burch Adult Day Care Center is located on a county property. It is adjacent and attached to the two-story County skilled nursing facility (SNF). The skilled nursing facility is licensed, but the Adult Day Care (ADC) is not. Marian E. Burch Adult Day Care Center and the skilled nursing facility each have a separate entrance. All facility services are separate except food service. The Adult Day Care operates on the first floor only. There is an automatic secure door (used in emergencies only by staff) between the skilled nursing facility & Adult Day Care. There is no intermingling of skilled nursing facility and Adult Day Care participants unless visiting. The Calhoun County Board provides oversight, and there are separate boards and board actions for the skilled nursing facility and the Adult Day Care.



### Evidence:

- B3 SNF Board of Directors Roster, B4-ADC Client Council Minutes, B5-ADC Advisory Board Minutes, B6-ADC Advisory Board Roster
- C2-CCMCF 2021 SNF License
- D1-Maps and pictures, D2-Facility Site Map
- H5-New Participant General Info Sheet

The program offers scheduling that accommodates the individuals. Activities are focused on decreasing social isolation and providing cognitive and physical activities within the abilities of individual participants. Multiple activities are scheduled daily, and individuals may choose to participate in the ones they wish and change participation at any time during the day.

Activities include bringing people onsite and arranging for visits into the community. Individuals can choose if they want to participate in the day's activities. Individuals can participate in either part or full-time days. The facility has a bathing room, beauty salon, and massage available for participants. They may make appointments if they choose and can self-direct timing when these are open. The facility offers a breakfast program, lunch, and afternoon snacks. Overnight respite care would be available for those interested.

### Evidence:

- E1-Activity Aide, E2-Activity Director position descriptions
- G1-Care Planning Conferences Policy, G4-Person Centered Care Planning/Cultural Competency, G8-Initial Assessment Policy
- H1-Client Letter for Quarterly Care Conference, H5-New Participant General Info Sheet, H6-Functional Assessment, H7-Social History Assessment, H8-Interdisciplinary Assessment, H9-Level of

Care Assessment, H10-Medical/Health History, H12-Notification of Participant Rights, H15-Dietary Assessment, H16-Client Letter for 30 day Care Conference,

- I1-Benie YW, I2-Benie DK, I3-Benie YW, I4-Benie CG interviews
- J1-Staff MFrisby interview



B3-SNF Board of Directors Roster.pdf



B4-ADC Client Council meeting mir



B5- ADC Advisory Board Mtg 12\_2020



B6-2021 ADC Advisory Board List



C2-CCMCF 2021 SNF License - annot



D1\_maps and pictures.pdf



D2-FACILITY SITE MAP-annotated.pdf



E1-Activity Aide-annotated.pdf



E2-Activity Director-Recreation



G1 Care Planning Conferences - anno



G4-PERSON CENTERED CARE-CU



G8 Initial Assessment-annotat



H1-Client Ltr re Quarterly Care Conf



H5 New Participant General Information



H6 FUNCTIONAL ASSESSMENT-Mariar



H7 Initial Assessment SOCIAL



H8 Initial Interdisciplinary ass



H9 LEVEL OF CARE ASSESSMENT-Mariar



H10 MEDICAL AND HEALTH HISTORY-M



H12 Notification of PARTICIPANT RIGHT



H15 DIETARY ASSESSMENT-Mariar



H16 Client-30 Day Care Conference Let



I1 Benie-YW.pdf



I2 Benie-DK.pdf



I4 Benie- CG 2021.pdf



I3 Benie-YW 2021.pdf



J1 Staff-MFrisby.pdf

## Section 2: Final Rule Compliance and Input from Individuals, Family Members, Guardians, and Staff

This setting accepts people who are on Medicaid waiver as well as those not on Medicaid. All residents receiving Medicaid funded HCBS are provided the same opportunities to receive services and supports and participate in social and/or recreational activities in the same manner as individuals who are not receiving Medicaid funded HCBS.

This setting does not limit based on disability or diagnosis. Participants are admitted regardless of disability or diagnosis as long as the setting is able to meet their needs.

There are options to use providers, supports, and services at the setting, but participants are able to choose to use options outside the setting if they choose to do so. Individuals are able to update or change the services and supports they receive based on their preferences and needs, and they are able to refuse services if they choose.

This setting does not restrict common areas. Common areas are not locked within the facility, and individuals have full access to all common areas. Access to the building and within the facility is barrier-free (wheelchair ramp) and accessible.

This setting provides all participants with their policies, which outline individual rights, protections, and expectations of services and supports in an understandable format.

Information about filing an anonymous complaint at this setting is in an understandable format and posted in an obvious location. Individuals are also provided with the information on how to discuss any concerns with staff if they choose to discuss concerns with staff.

This setting protects the privacy of individuals' health and personal information by keeping this information locked up. Staff do not discuss individual residents' issues in public spaces.

When addressing individuals, this setting addresses the individual in the manner they prefer.

This setting does not control residents' funds. Residents access and control their own funds.

Residents at this setting have a safe and locked space to store their belongings.

Provider staff receives training and continuing education on individual rights and protections.

This setting will provide assistance to residents who need help with dressing, showering, or other hygiene matters. Participants are able to wear whatever clothing they want and can get assistance with dressing. The setting does ensure privacy for the individual when providing assistance.

The setting must comply with all aspects of the CMS Final Rule. The person-centered service plan must be developed through an individualized planning process and is driven by the individual. Any modification to the rule must be done on a case-by-case basis and should never apply to all. Any modification must be documented in the person-centered service plan. The HCBS Final Rule states the modification should:

1. Identify a specific and individualized assessed need.
2. Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
3. Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
4. Include a clear description of the condition that is directly proportionate to the specific assessed need.
5. Include regular collection and review of data to measure the ongoing effectiveness of the modification.
6. Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
7. Include the informed consent of the individual or guardian
8. Include an assurance that interventions and supports will cause no harm to the individual.

All modifications would need to be reviewed frequently and the service plan updated to ensure the participant still needs the modifications.

This setting does not have restrictions on visiting hours. The setting is located nearby residential, retail, private, professional businesses, and local restaurants. The setting accommodates personal visitors of participants, although it is rare since this is an Adult Day Program. There is a robust volunteer program and community involvement in activities offered to the participants at the facility. There is usually sufficient volunteer availability to provide a 1:1 activity ratio. Participants are allowed the freedom to move about the Adult Day Program designated areas of the facility and receive assistance with assistive devices as needed. Staff accompany participants for walks outside or sitting in the outdoor furnished areas.

**Evidence:**

- D1-Maps and pictures
- E2-Activity Director, E8-Director of Volunteers position descriptions
- H7-Initial Assessment Social History, H26-Participant Newsletter/Activity Calendar, H29-Visitor Sign-in Sheet, H30-Activity Calendar
- I2-Benie DK, I4-Benie CG interviews
- J1-Staff MFrisby, J2-Staff ABushouse interviews
- 2019 direct observation of crafts on display which local high school students assisted participants in making. Also, preparations are being made for a local barbershop quartet to entertain later in the afternoon on the day of the site visit.



The facility provides barrier-free entrance and exit. There are no limits to access by those who are reliant on mobile devices such as wheelchairs, scooters, walkers etc. Staff will assist with entry into the skilled nursing facility if a participant wishes to visit another person.

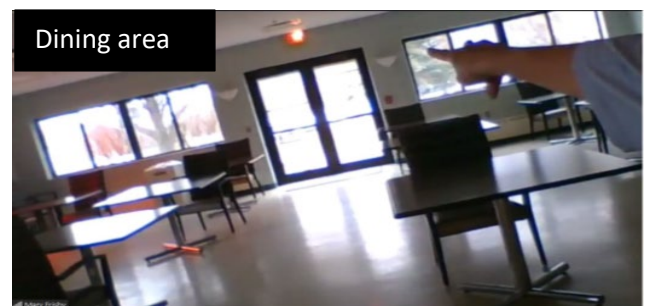


**Evidence:**

- D1-Maps and pictures





















- I1-Benie YW, I3-Benie YW, I4-Benie CG interviews
- J1-Staff MFrisky interview

This setting does not have restrictions on food. The setting does have scheduled mealtimes, but participants do not have to eat during those times. Residents can choose what they eat, when, where, and with whom they eat. Family members or friends can join the residents for a meal at a cost. This is available to all participants. Snacks are served mid-morning and mid-afternoon; snacks are also available throughout the day. There are two dining areas, a "main" room, and a "restorative" room. The restorative room allows those who need assistance to have it more privately. However, individuals may choose to eat in whatever dining area they want.



### Evidence:

- G16 Meal Preparation Client Choice Policy
- H3-Participant Services and Rates, H5-New Participant General Info Sheet, H15-Dietary Assessment, H17-ADC Program Contract, H20, Lunch preferences card, H24, Menu offerings
- I1-Benie YW, I2-Benie DC, I3-Benie YW, I4-Benie CG interviews
- J1-Staff MFrisky interview

 D1_maps and pictures.pdf	 E2-Activity Director-Recreation:	 E8-Director of Volunteers.pdf	 G6-Discharge Policy-annotated.pdf	 H3 Participant Services and Rates-M	 H5 New Participant General Information	 H7 Initial Assessment SOCIAL
 H15 DIETARY ASSESSMENT-Marian	 H17 Adult Day Care Program CONTRACT	 H20 Lunch preferences and Rec	 H24 Menu for Mar 2020-Marian E Burch	 H26 Participant Newsletter with Acti	 H29 VISITOR SIGN-IN SHEET-Mari	 H30 ACTIVITY CALENDAR-Septemb
 I1 Benie-YW.pdf	 I2 Benie-DK.pdf	 I3 Benie-YW 2021.pdf	 I4 Benie- CG 2021.pdf	 J1 Staff-MFrisky.pdf	 J2 Staff_ABushouse.pdf	

The setting does not try to limit activities the individuals participate in, such as shopping, religious or spiritual services, scheduling appointments, participating in meals with friends and family, participating in any activities, participating in community events, participating in school or volunteer activities, engaging in legal activity (voting, drinking, gambling, etc.) or any other activity the participant chooses to participate in. All Day Program participants may participate in individual shopping and outings. Participants may set up trust accounts to cover any additional program costs. The setting also has a donor-funded petty cash fund so those without sufficient funds can participate in off-site activities that have a fee. Activities focus on decreasing social isolation and providing cognitive and physical activities within the individual participant's abilities. Participants may choose with whom they participate in paired or grouped activities. Choices must be mutually agreeable. If an activity requires a partner, staff participate in that capacity.



Participants can participate in scheduled appointments at the facility and within the broader community. Usually, family and friends will provide transportation. Because of the nature of the Day Program nature, individuals report using onsite staff for assistance. Participants may change their participation decision at any time. The activity calendar is posted and provided to all participants. A volunteer client committee makes suggestions regarding activities and services. Participants have volunteered in the community beautification project helping plant flowers at a local park.



**Evidence:**

- B4-ADC Client Council meeting minutes
- D1-Maps and pictures (website screenshots)
- E1-Activity Aide, E2-Activity Director, E7-Certified Nursing Asst position descriptions
- H5-New Participant General Info Sheet, H7-Initial Assessment Social History, H17-ADC Contract, H26-Participant Newsletter/Activity Calendar, H30-Activity Calendar
- I1-Benie YW, I2-Benie DK, I3-Benie YW, I4-Benie CG interviews
- J1-Staff MFrisby, J3-Staff AMelanson interviews
- Direct observation of participants choosing with whom to sit during group game activity during a site visit



The facility provides transportation to and from the facility for county residents. The facility will use its accessible busses to transport participants to outings. Public transportations information and assistance are available at the reception desk. Participants do not use public transit off-premises for safety reasons unless family members or guardians are aware and give permission. Usually, family and friends provide additional transportation for appointments outside the facility. Since this is an adult day program, the need for public transport during the day is rare.

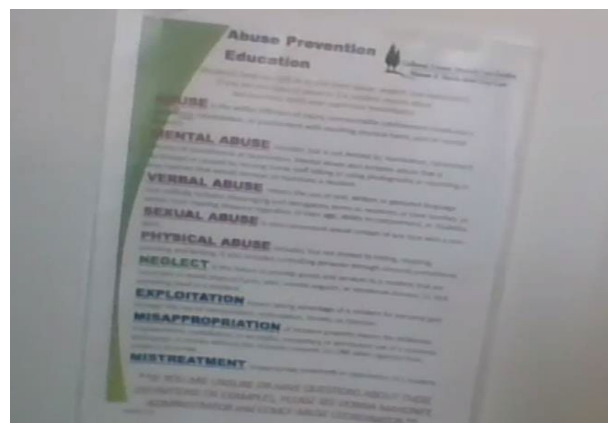
**Evidence:**

- G13-Client Transportation Driver Responsibility Policy
- H3-Participant Services and Rates, H5-New Participant General Info Sheet, H9-Level of Care Assessment, H17-ADC Program Contract, H27-Transportation Needs Assessment
- I1-Benie YW, I3-Benie YW, I4-Benie CG interviews
- J1-Staff MFrisby, J2-Staff ABushouse interviews.

 B4-ADC Client Council meeting mir	 D1_maps and pictures.pdf	 E1-Activity Aide-annotated.pdf	 E2-Activity Director-Recreation:	 E7-Certified Nsg Asst-annotated.pdf	 F1 TRAINING-AB-annot	 F2 TRAINING-AL-annot:
 F4 TRAINING-BC-annot	 F5 TRAINING-BM-anno	 F6 TRAINING-CC-annot	 F7 TRAINING-CG-annot	 F8 TRAINING-CR-annot	 F9 TRAINING-CW2-ann	 F10 TRAINING-CW-anno
 F11 TRAINING-DC-annot	 F12 TRAINING-DM-anno	 F13 TRAINING-DN-anno	 F14 TRAINING-JC-annot:	 F15 TRAINING-JJ-annota	 F16 TRAINING-JW-annot	 F17 TRAINING-KB-annot:
 F18 TRAINING-KT-annot:	 F19 TRAINING-ME-anno	 F20 TRAINING-MF-a nnotated.pdf	 F21 TRAINING-MJ-annot	 F22 TRAINING-MS-anno	 F23 TRAINING-SS-annot:	 F24 TRAINING-VD-annot
 F25 N-Orientation Checklist-SNF and A	 G1 Care Planning Conferences - anno	 G4-PERSON CENTERED CARE-CU	 G13 Client Transportation Drive	 H3 Participant Services and Rates-I	 H5 New Participant General Information	 H6 FUNCTIONAL ASSESSMENT-Maria
 H7 Initial Assessment SOCIAL	 H8 Initial Interdisciplinary ass	 H9 LEVEL OF CARE ASSESSMENT-Maria	 H16 Client-30 Day Care Conference Let	 H17 Adult Day Care Program CONTRACT	 H26 Participant Newsletter with Acti	 H27 TRANSPORTATION
 H30 ACTIVITY CALENDAR-Septemb	 I1 Benie-YW.pdf	 I2 Benie-DK.pdf	 I3 Benie-YW 2021.pdf	 I4 Benie- CG 2021.pdf	 J1 Staff- MFrisky.pdf	 J3 Staff_AMelanson.pd

This setting, as well as the MI Choice waiver program, prohibits the use of physical restraints and/or restrictive interventions. Staff receive annual updated training on individual rights and protections upon hire and annually after that through RELIAS and HEALTHCARE ACADEMY online learning platform.

This setting does not limit communication devices. Individuals can have and use landlines, cell phones, personal computers, and TV's 24/7 without restriction. Residents are free to use personal communication devices such as cell phones, landline phones, personal computers, and tablets in private at any time.














































#### Evidence:

- F1-F24 – Staff Training Logs, Resident Rights and Abuse, F25-Orientation Checklist with Abuse Reporting Flyer
- G2-Resident Abuse-Seclusion Policy, G3-ADC Complaint Reporting Policy, G10- Investigation Abuse/Neglect Policy
- H12-Notification of Participant Rights



• J1-Staff MFrisky interview

						
D1_maps and pictures.pdf	E3-Adult Day Care Director.pdf	F1 TRAINING-AB-annot	F2 TRAINING-AL-annot	F3 TRAINING-AM-anno	F4 TRAINING-BC-annot	F5 TRAINING-BM-anno
						
F6 TRAINING-CC-annot	F7 TRAINING-CG-annot	F8 TRAINING-CR-annot	F9 TRAINING-CW2-ann	F10 TRAINING-CW-anno	F11 TRAINING-DC-annot	F12 TRAINING-DM-anno
						
F13 TRAINING-DN-anno	F14 TRAINING-JC-annot	F15 TRAINING-JJ-annota	F16 TRAINING-JW-annot	F17 TRAINING-KB-annot	F18 TRAINING-KT-annot	F19 TRAINING-ME-anno
						
F20 TRAINING-MF-a nnotated.pdf	F21 TRAINING-MJ-annot	F22 TRAINING-MS-anno	F23 TRAINING-SS-annot	F24 TRAINING-VD-annot	F25 N-Orientation Checklist-SNF and A	G1 Care Planning Conferences - anno
						
G2 Resident Abuse-Seclusion - a	G3 ADC Complaint Reporting Abuse an	G5 Inapr client behav-annotated.p	G10 Investigation Reporting Abuse Ne	H5 New Participant General Information	H11 Notice of Privcy Practice and acknow	H12 Notification of PARTICIPANT RIGHT
						
H13 Release of Information Choice-Program	H17 Adult Day Care CONTRACT	H26 Participant Newsletter with Acti	I1 Benie-YW.pdf	I2 Benie-DK.pdf	I3 Benie-YW 2021.pdf	I4 Benie- CG 2021.pdf
						
J1 Staff-MFrisky.pdf						

### Section 3: Additional Evidence

Reception area



Dining room entrance



Accessible Bathroom



Conference room

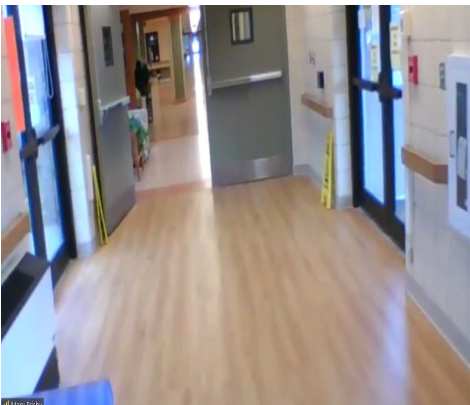
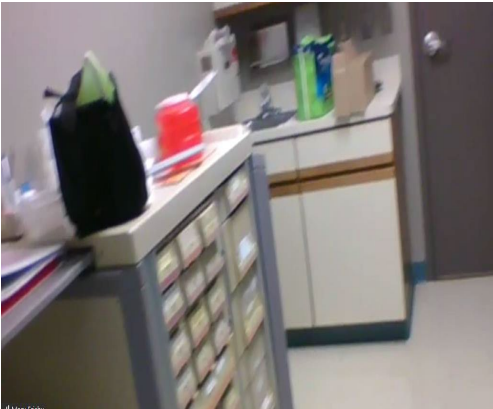
Restroom



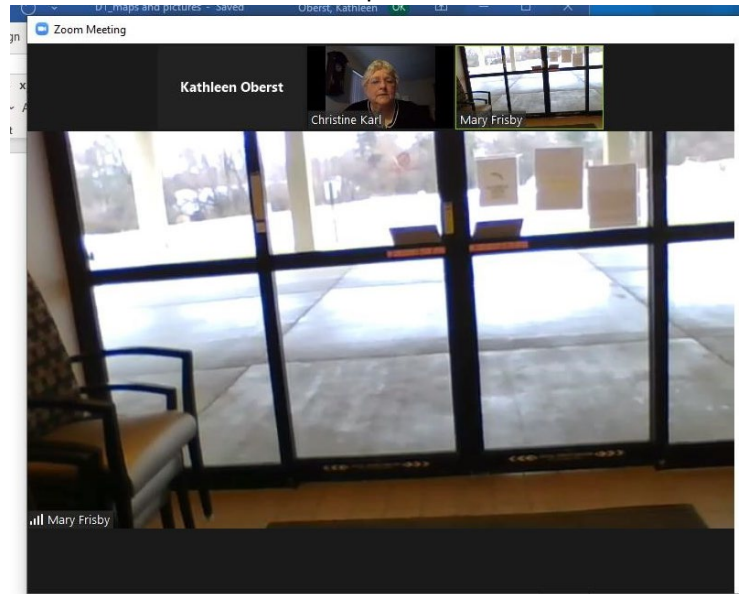
Exam room

Doorway to SNF

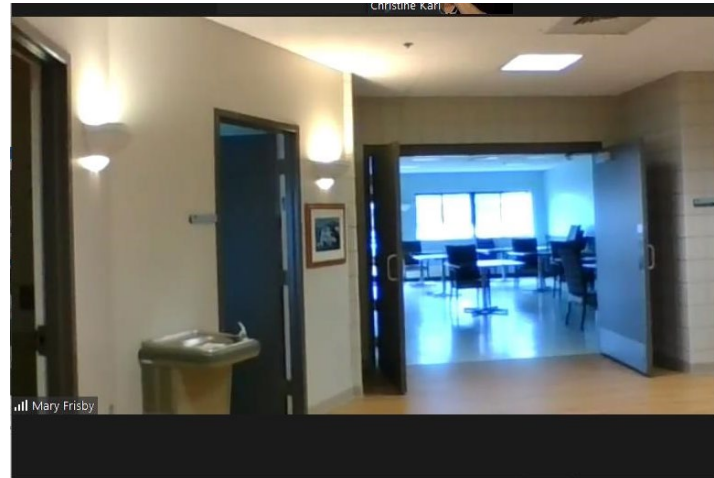
Hallway to SNF



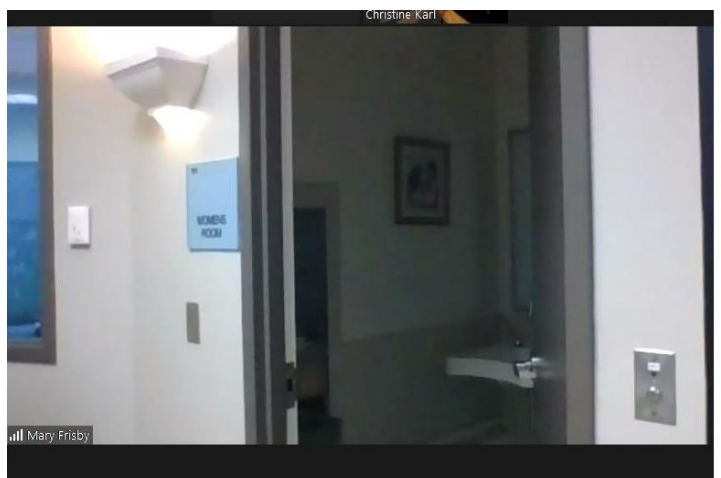
ADC Front door – automatic open:



Walking to the dining room, men's bathroom business office



Looking to right – business office and another bathroom

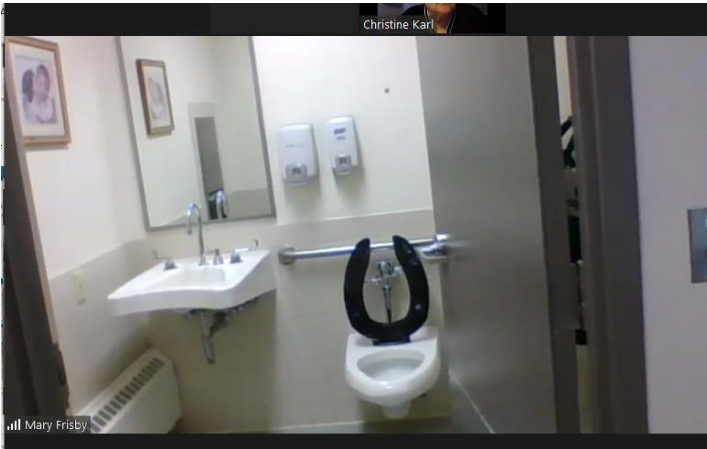


Going into the conf room, director, and volunteer director office:





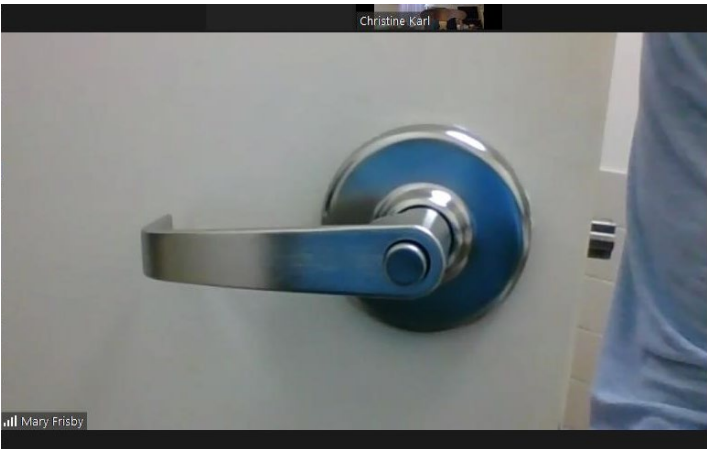
Public bathroom:



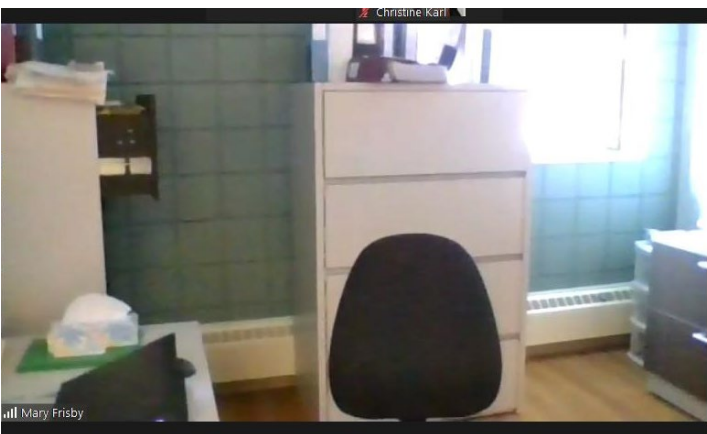
Bathroom door from outside



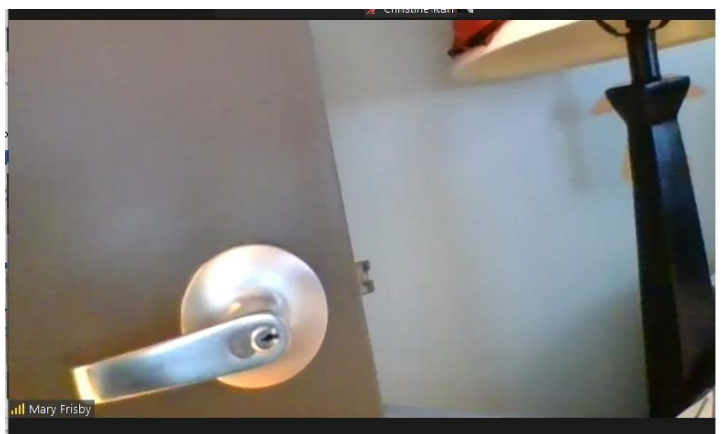
Interior shot of bathroom door:



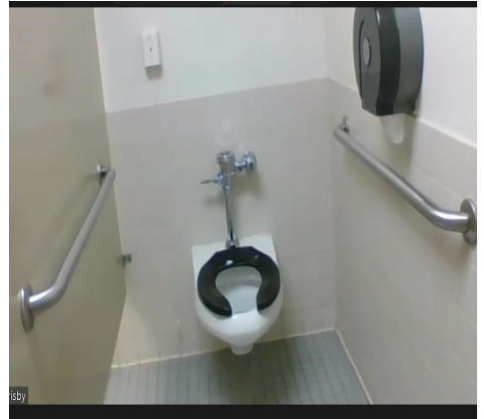
Filing cabinet for records in business office



Office is lockable



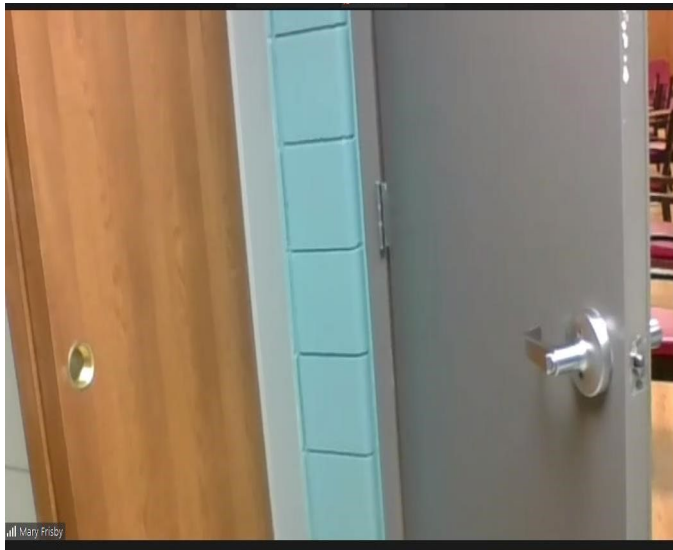
Bathroom with individual stalls



Doorway to exam room



Door to nurse's office – locks



Storage area – main key box (director only has key and will assign own key for their own locker)

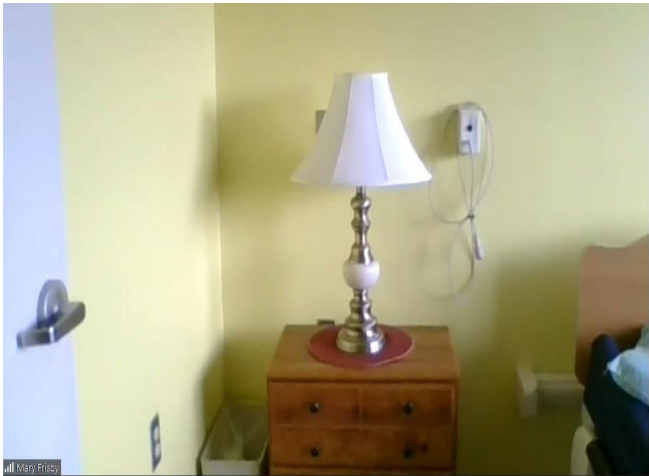
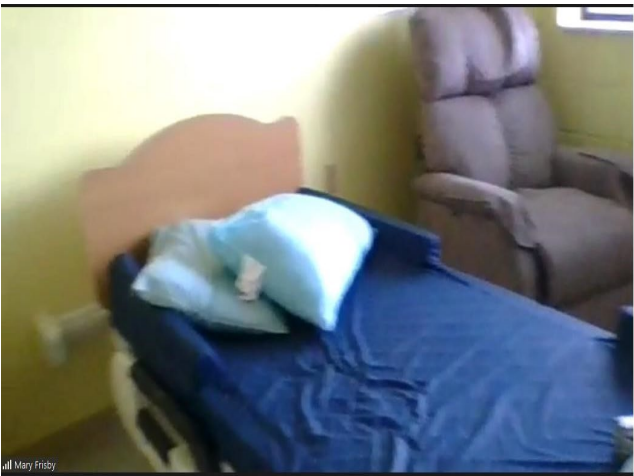
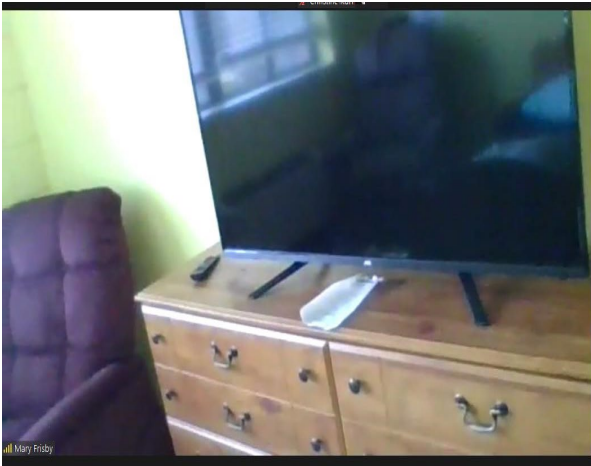




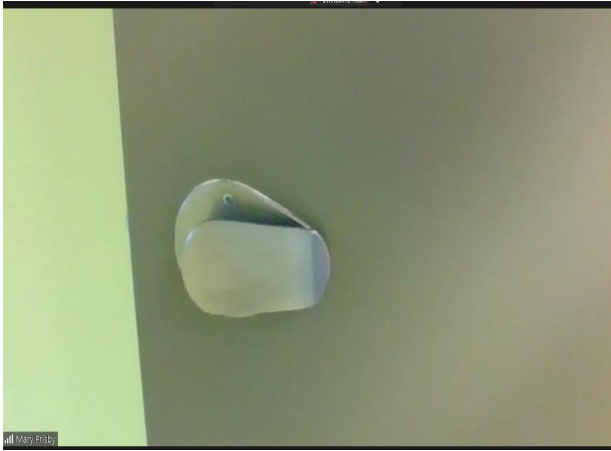
Lockers available – can be decorated



Respite room



Door into respite room: won't lock



Interior shot of respite room



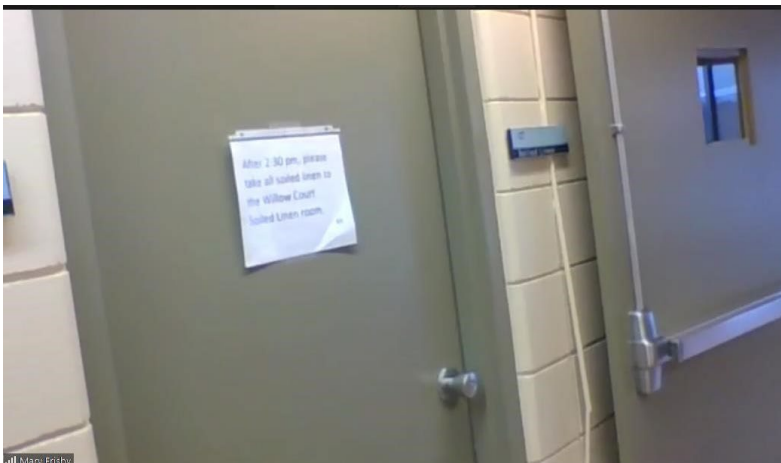
Respite room bathroom



Door from the bathroom in respite room: locks



Janitor closet: kept locked



View from SNF down the hallway to respite rooms and large activity room:



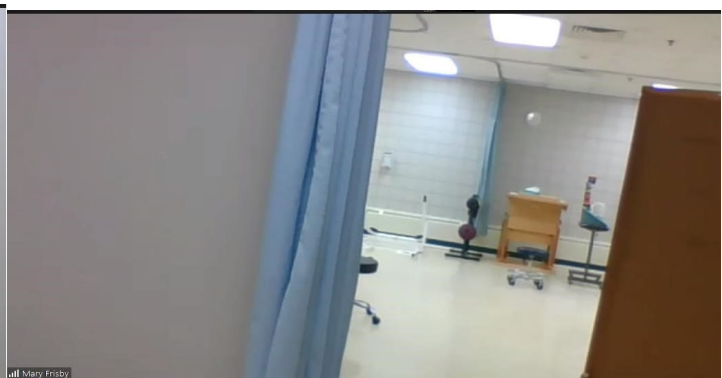
Outside courtyard of daycare: has a fence with two gates, gates kept locked, and staff assist getting through



Restorative therapy room



Main Therapy area





Spa room: Door doesn't lock – there is a curtain to pull in spa



Towel warmer



Personal storage of HBA:



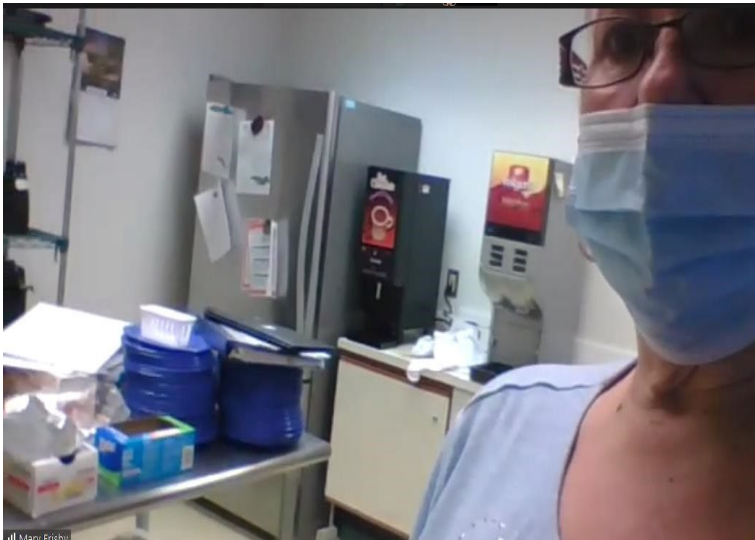
Beverage station in dining area



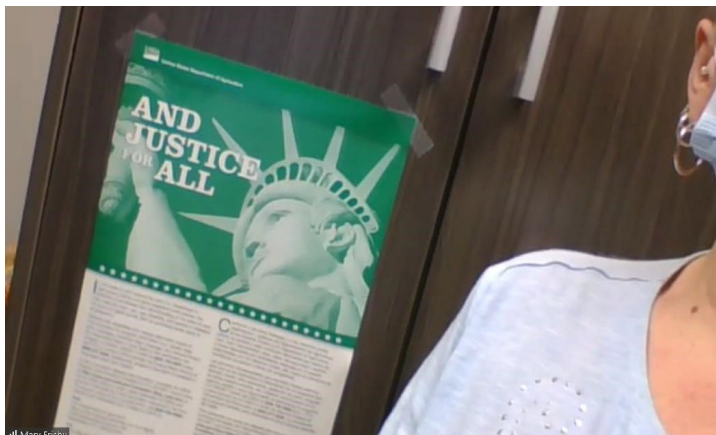
Steam table for meal service: - participant can pick out things or will tell staff



Kitchen area



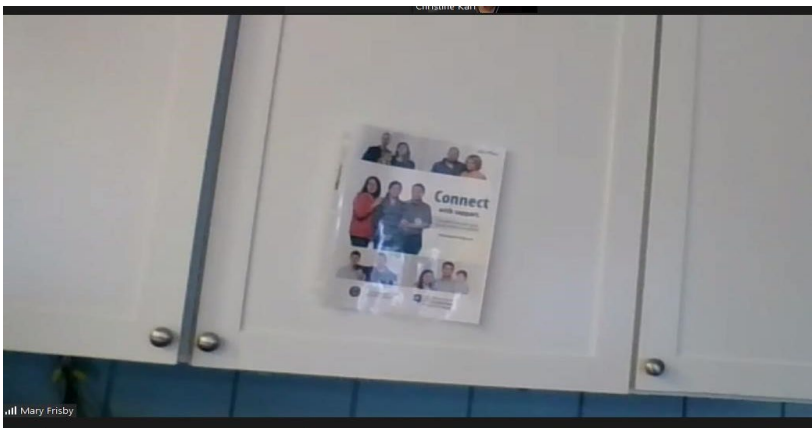
Justice folder – nondiscrimination, behind reception in lobby



Activity room posting

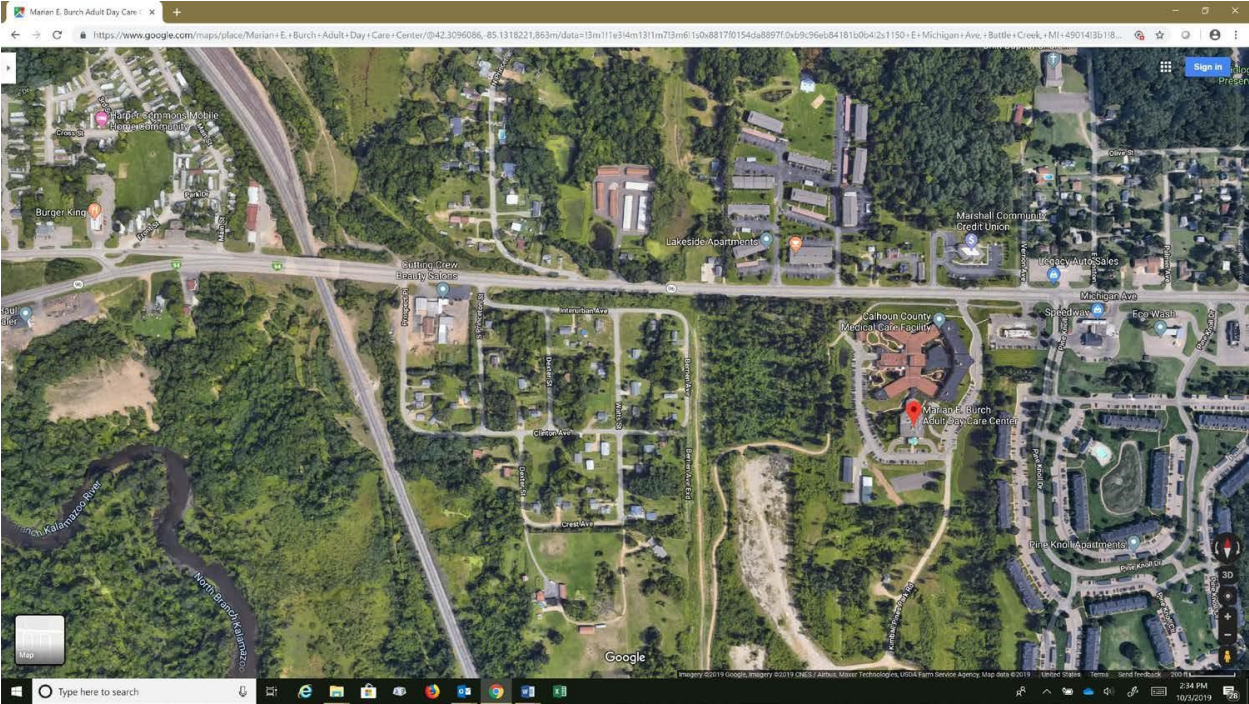


VA crisis line posting:

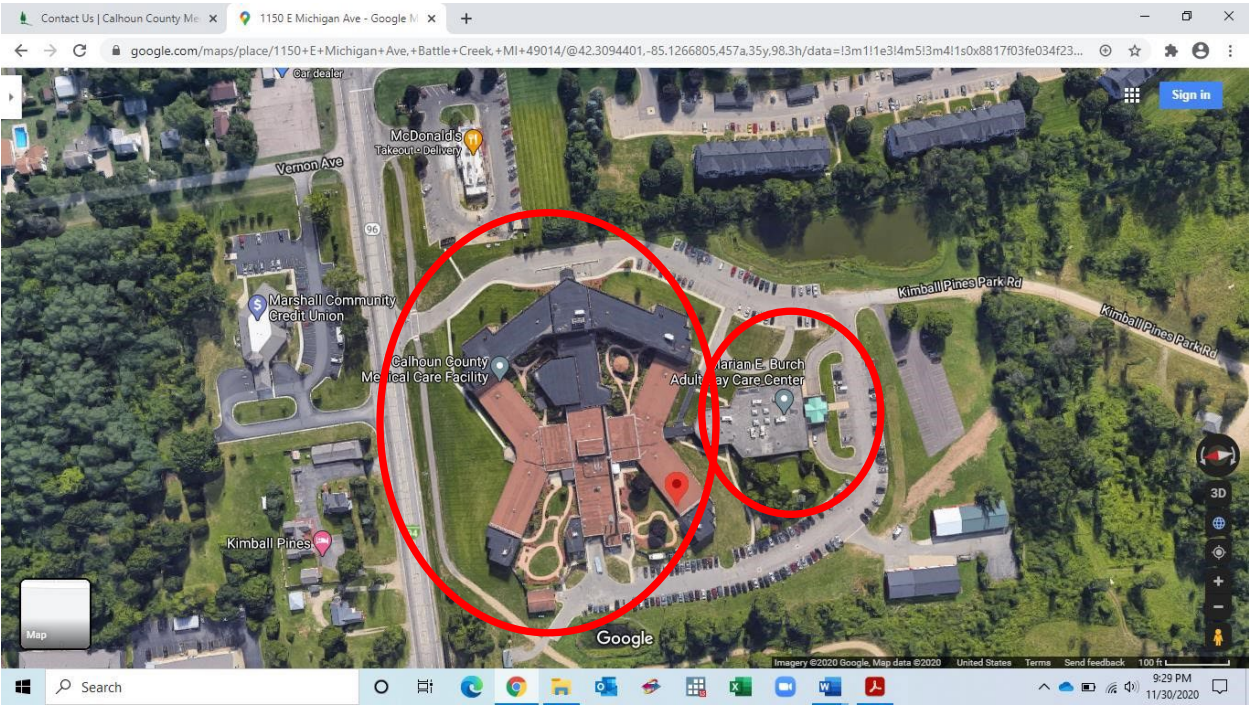




**NON-RESIDENTIAL SITE: Marian E. Burch Adult Day Care Program, 1150 E. Michigan Avenue, Battle Creek, MI 49014**

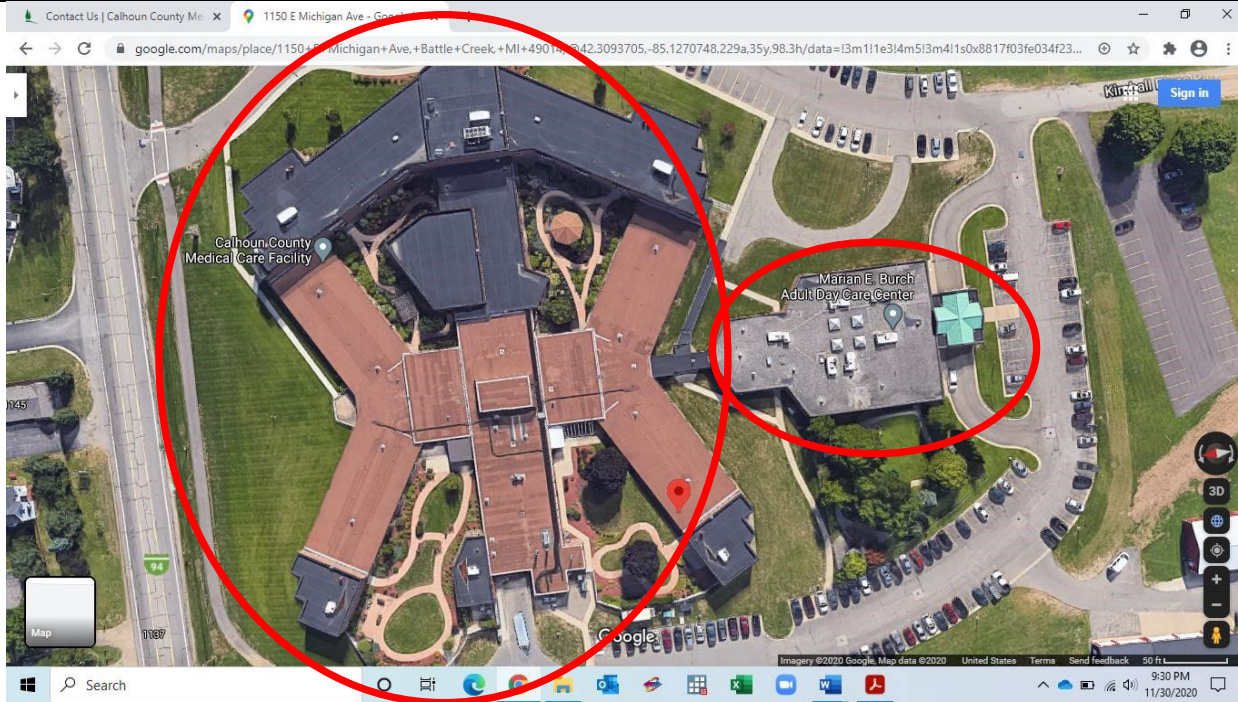


Overhead google view shot:

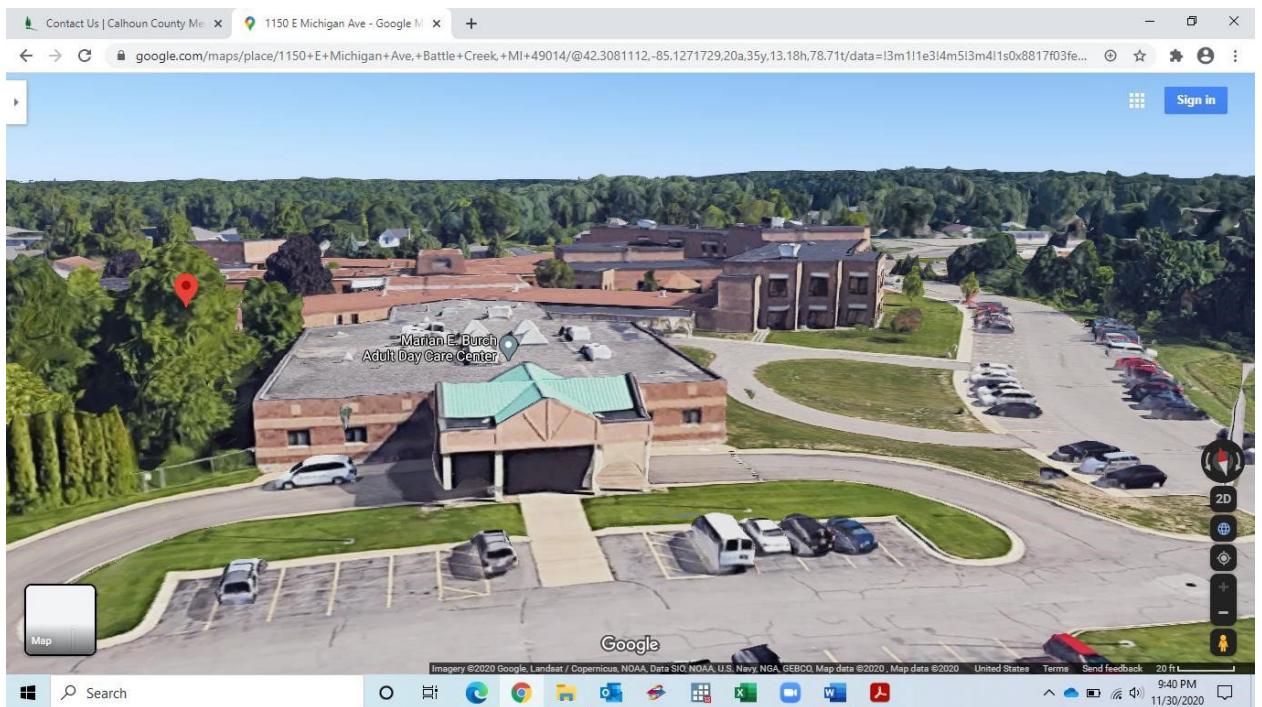


Adult Day Care connected to County Facility by walkway:





But has its own exterior entrance:



**Section 4: Public Comment**