



**Mississippi Department of Mental Health Home and Community-Based Services  
Heightened Scrutiny Evaluation**

*Summary Sheet*

<b>Provider Name</b>	Boswell Regional Center
<b>Setting Name</b>	Broadhead Apartments
<b>Setting Address</b>	
	Madison, MS 39110
<b>Original Site Assessment Date</b>	March 19, 2019
<b>Validation Date</b>	6/30/2020

**Setting Type**

- Supervised Living
- Shared Supported Living
- Supported Living
- Day Services – Adult / Day Habilitation
- Prevocational Services
- Community Respite

**Reason(s) for Heightened Scrutiny**

- Located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment (such as a hospital, nursing facility, ICF/IID, or IMD);
- Located in a building on the grounds of, or adjacent to, a public institution; or
- 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 site is located in a small rural town. The site is surrounded by both small, independent businesses and private residences. The site consists of a day program site with administrative offices, three residential homes (shared supported living) and a fourth home under construction that will be for supported living. There is a privacy fence surrounding and shared by the adjacent home, which is a mirror image of this home and supports female individuals. There is a sidewalk connecting the two homes. The fence is in the back and side yard areas but not the front.

<b>Summary of the Assessment Findings -</b>	<b>3/19/2020</b>
<p><b>1F)</b> The homes are in a neighborhood with about 8 buildings. There are other people without disabilities that live in the buildings. The homes are located around the corner from a church and other residential home. The homes consist of 2-bedroom homes that could be viewed as apartments. All of the homes are in walking distance from each other.</p> <p><b>1Q)</b> Staff stated that they will write a check every Friday so each person can take it to the bank and have spending money. Each person would sign the back of the check and cash it. Staff records this information in their logbook. It seems that the provider has control over all the checks. Staff said that a person can request the amount that they want if they have enough money available.</p> <p><b>2C)</b> Staff was unsure if a disability-specific setting was offered.</p> <p><b>2G)</b> Staff stated that a person would come and tour the apartment before deciding on living there. Staff stated that they do not have a choice of roommates because someone is always living there, and some has been living there for a while.</p> <p><b>3C)</b> Staff stated that all the confidential documents are kept in the staff apartment; however, documents such as daily and weekly service notes are kept in a cabinet that does not have a lock.</p> <p><b>3K)</b> Assessor observed all the doors in the apartment not having key entry lock on doors. There are two people living in each apartment and the bedrooms door does not lock.</p> <p><b>3L)</b> Staff stated that everyone knows their rights. There is not clear evidence that each person is informed of their rights upon admission and annually thereafter.</p> <p><b>3M)</b> There is no clear evidence that a process is in place for a person to file a grievance or complaints upon admission or annually thereafter.</p> <p><b>4H)</b> Staff stated that people make their own decisions and move about in the community. They also associate with others in the community. They are free to choose which church they want to attend or join. Staff stated that everyone is a registered voter. Staff stated that everyone votes at the Civic Center in Magee, MS. Assessor chose No because staff assists people with checks and write them for the people receiving services. Staff stated that the people receiving services will tell Crystal Jones (Program Administrator) if they need to file a grievance.</p> <p><b>4J)</b> Staff stated that if someone wants to stay home, they can when others want to go out. Staff stated that they usually have enough staff for some to stay back with other people. Assessor chose no because staff is usually available.</p> <p><b>5A)</b> Staff stated that people can choose any staff to provide services; however, there is no male staff at these homes and there are many male people receiving services.</p> <p><b>5D)</b> Staff was unsure if person centered policies and practices are in place.</p> <p><b>7A)</b> Staff stated that the doors to the bedrooms do not have a key entry therefore people do not have bedroom door keys.</p> <p><b>11H)</b> Assessor observed J.W. to be confused about this question. He just smiled and did not answer the question.</p> <p><b>11I)</b> Individual stated that no one gave him a number to call if he has a problem.</p> <p><b>11K)</b> Individual stated that no one gave him a number to call if he has a problem.</p> <p><b>11L)</b> Individual stated that he keeps his items in his room. Assessor marked No this question because the bedroom doors do not lock and J.W. does not have a lock box or another device to lock important things up.</p> <p><b>11X)</b> Individual stated that he does not know who to talk to if he wanted to change his services.</p> <p><b>12A)</b> Individual said he can close his door. He closed the door to show the assessor. The assessor observed his bedroom and there is not a key entry to allow him to lock is door and uses a key to come back inside.</p> <p><b>12B)</b> Individual stated No. The assessor observed his bedroom and there is not a key entry to allow him to lock is door.</p> <p><b>12I)</b> Individual stated that he has all his money with him. He stated that staff keeps his checkbook locked up until he needs it.</p>	
<b>Compliance Validation Narrative with Provider Input</b>	<b>06/30/2020</b>

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**1E/F)** 1E was not marked during the original assessment process but should have been cited during the report. The setting completed a remediation work plan to ensure the homes operate independently of one another and individuals have choices to remain at home independently or participate in activities in the community as they choose.

**1Q/12I)** The Program Manager said individuals are individually assessed to determine the amount of support or assistance they need when accessing their money. They said this information is documented in each individual's plan.

**2C)** Each person served participates in the PSS process on a yearly basis. This meeting is conducted by the Waiver Services - Support Coordinator. The person is the center of the meeting and is educated regarding this process. The entire meeting is documented in the PSS. At this time, non-disability specific options are reviewed with individuals to ensure their needs are being met and all options are being reviewed.

**2G)** All individuals interested in moving to a particular site, are toured and informed of all aspects of the site, including the current people living in a home. They are able to make an informed decision on if they would like to live there. The persons living in a home with housemates all agree to who they will live with. Documentation that this has been discussed with all individuals involved is maintained in their chart. The individuals know that they can speak with staff at the site or call their Support Coordinator any time the desire a change. Additionally, individuals are able to meet with one another before deciding to live on site.

**3C)** Staff were trained on the importance of confidentiality in regard to any procedure that may involve PHI or PII (as defined by HIPAA). Private activities are to be done in the privacy of either the persons bedroom or bathroom. All identifying information is maintained in a binder that is not visible to others in the home.

**3K)** In those cases where a residence may be shared, individuals are encouraged to have a lock box or locking footlocker for personal use, which can be requested. Individuals can also request that item be locked up in the Boswell offices.

**3L/M/11H//K/X)** Individual Rights are reviewed during the admission period and annually thereafter during the PSS meeting. The Program Manager stated that these rights are reviewed at the PSS meeting, annually and then again if issues occur. Other information, such as numbers and people that individuals can talk to if they have a problem or a question, will also be reviewed during this time. Individuals are also supported to make changes to their services and schedules during these meetings.

**4H)** Staff were trained that a person served is allowed to make their own decisions, associate with others of their choice, practice their own religion, access their money, and vote. Safeguards were discussed. The training included all persons having a right to choose of services, privacy, individual rights/autonomy, and independence.

**4J)** The Program Manager stated that individuals have the choice to do whatever they want during the day. Some choose to work, others choose to go to day programs, others choose to stay home. They are not required to participate in any day programs however they are encouraged to do so if they desire for socialization and increased community integration. Staff are available at all times to be in the home should an individual decide they do not want to go anywhere on any particular day.

**5A)** Staff will be trained that all persons served be given the opportunity to select who provides his/her personal care each day. Staff training includes all persons having a right to choose of services.

**5D)** Staff are trained annually and on an as needed basis on Person Centered Planning. Staff are trained to encourage and promote individual choice in all aspects of the lives of the individuals they serve.

**7A/11L/12A/12B/12I)** Boswell is working with all current landlords to provide "keyed" doorknobs to all bedrooms. In the future "keyed" doorknobs will be offered for all homes. Future admissions will be provided a key upon admission. If an individual does not want a key this choice will be noted and become part of the PSS as well. The Program Manager stated that a training program has been developed for individuals to learn how to use their keys.

**Evidence Submitted to DMH for Review:**

Policy and Procedures, Person training on Final Rule, Staff training on Final Rule, Personal key form, Rights of Individual Receiving Services, Grievance Policy, individual Rights/Autonomy and

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Independence, Privacy, Choice of Services, Confidentiality, Choicer of Setting, Change of Setting, Keys to a person's Home/Bedroom, Menus, Housemate/freedom of choice financial agreement.

**Compliance Summary**

<b>Compliant?</b>	<b>Federal Requirement</b>	<b>Summary of Evidence of Compliance</b>
<p>42 CFR 441.304(c)(4)(i)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No</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 setting is located on a large parcel of land in a remote area. There is a total of 4 homes on the land and all are owned and operated by Boswell. The setting completed a remediation work plan to ensure the homes operate independently of one another and individuals have choices to remain at home independently or participate in activities in the community as they choose. The setting also completed a remediation plan to ensure staff are trained on person-centered planning at least annually and as needed. The setting has included discussion of individualized activities in the planning meetings and began documenting these decisions in the PSS. Additionally, individuals are individually assessed to determine if they need assistance or monitoring when it comes to their money and finances.</p>
<p>42 CFR § 441.301(c)(4)(ii)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No  <input type="checkbox"/> Not Applicable</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. <i>Id.</i> § 441.301(c)(4)(ii).</p>	<p>Individuals work with their service coordinators and have the opportunity to tour the home prior to selecting the setting. Additionally, people are able to choose from non-disability specific settings when meeting with their Service Coordinator.</p>
<p>42 CFR § 441.301(c)(4)(iii)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No</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>Individuals are free to decorate their home and living space as they choose. The setting completed a remediation plan to ensure binders with all individual health information is secured and store onsite, with only appropriate staff having access. The setting also completed a remediation work plan to address additional areas of staff training regarding privacy and individual rights. Additionally, the setting completed additional training on person-centeredness and Individual Rights and will conduct these trainings annually and as needed. The setting maintains staff training documentation to verify when trainings occurred and who attended.</p>

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<p>42 CFR § 441.301(c)(4)(iv)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</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 setting offers numerous spaces to meet individual environmental goals and needs, including large living space, common areas and outdoor space. All activities onsite and within the community are based on an individual's support plan, and activities were observed to be age appropriate. Individuals also have access to food at any time, choices in whom they choose to engage and spend time with both inside and outside the setting, and what activities they wish to participate in. Individuals reported attending church of their choice, voting, and also having the option to remain home if they did not want to participate in a day program or other community activities.</p>
<p>42 CFR § 441.301(c)(4)(v)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>The setting supports individuals to make requests to receive services from specific staff members and honor their choice. Individuals also have the option to tour the home before choosing to live there. Staff received extensive training on each individual's support plan, and individuals are educated and supported in making changes to their activity plans.</p>
<p>42 CFR § 441.301(c)(4)(vi)(A)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> 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</p>	<p>Each person holds their own lease to live in the home. These leases include protections addressing eviction processes and appeals. Each person holds their own lease to live in the home. These leases include protections addressing eviction processes and appeals. Each person has a financial agreement that is reviewed upon admission, annually or if something changed/occurred.</p>

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	eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.	
<p>42 CFR § 441.301(c)(4)(vi)(B)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No  <input type="checkbox"/> 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>Each person holds a key to their own bedroom, and the home. One person has chosen to have a key to the home while the others have chosen not to have a key. These choices are documented in each person's plan.</p>
<p>42 CFR § 441.301(c)(4)(vi)(C)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No</p>	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time.</p>	<p>Each person has flexibility in mealtimes and access to food at all times. Individuals can choose to eat in the dining room, kitchen table, or on the patio, and can access food independently of staff assistance.</p>
<p>42 CFR § 441.301(c)(4)(vi)(D)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No</p>	<p>Individuals are able to have visitors of their choosing at any time.</p>	<p>Individuals can choose to have visitors at any time. The setting completed a remediation plan to train staff on individual rights regarding visitors.</p>
<p>42 CFR § 441.301(c)(4)(vi)(E)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No</p>	<p>The setting is physically accessible to the individual.</p>	<p>The setting was observed to be physically accessible to all individuals living in the home.</p>