



**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>	Pine Grove II
<b>Setting Address</b>	
	Magee, MS 39111
<b>Original Site Assessment Date</b>	November 14, 2018
<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

<b>Setting Description</b>	
<p>The setting is located on a large parcel of land in a remote area. There are a total of 4 homes on the land and all are owned and operated by Boswell. The homes are grouped into pairs with adjoining sidewalks. The setting is a 4-bedroom, 2 bathroom residential home. There are no other residential homes or businesses within the area.</p>	
<b>Summary of the Assessment Findings -</b>	<b>11/14/2018</b>

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- 1A)** The home is isolating; located in rural area.
- 1E/1F)** Home is one of four identical homes that are owned and operated by Boswell.
- 1H)** Group and individual outings are determined by the availability of staff.
- 2C)** Staff did not know if people were offered non-disability specific settings.
- 3B)** The home needs repairs to light fixtures and towel bars.
- 3C/F)** confidential information is not kept in a private, secure space.
- 3H/9C)** Visits must take place in common areas.
- 3O)** Employee postings observed in common areas.
- 4H)** All people go to the main campus for church.
- 4I)** All people are required to go to a day program, they cannot remain home.
- 4J)** Individual outings are based on staff availability, or people must go to one of the other homes on the land.
- 4K)** Menus are obtained from the Boswell organization but staff say they are not followed, so people can eat what they like.
- 6A)** Staff did not know if people had leases.
- 8A)** Limited flexibility in mealtimes.
- 8C)** Only snacks can be eaten in rooms other than the kitchen or dining rooms.
- 11K)** Individual receives mail from the main office and not directly to the home.

**Compliance Validation Narrative with Provider Input**

**06/30/2020**

- 1A)** Persons are involved in community functions of their choosing on a regular basis. Activities are focused on the needs and wishes of the persons residing at the site. Individuals take part in activities with their housemates and also individually. They socialize with persons from other homes at the site and also people from other community settings, and the broader community including individuals not receiving services.
- 1E/1F)** There are other homes in the area and a day program operated by Boswell. The Program Manager stated that while they may be under the same operating policies and procedures that is the only area where they are similar. The Site Manager stated that the site has dedicated staff and operates independently in every other way from any other Boswell site. This includes the activities both in and out of the site and menus.
- 1H)** They said individual's choices and interests are documented in their support plans and in weekly note binders. Individuals are supported to attend the activities and events of their choice. Likewise, they are able to remain in the setting with an additional staff member if they do not want to participate in activities in the community.
- 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.
- 3B)** Provider stated that repairs to the wall and new furniture had been applied to the setting. Some individuals cause damage when irritated or agitated; repairs are frequently underway to keep the home in proper shape for the individuals who live on site.
- 3C/F)** Provider explained the new process for providing medication assistance and discussing personal health information with individuals onsite. They said staff members assist one individual at a time in a private closed room. They said staff members were trained on the importance of privacy and confidentiality, stating that HIPAA is reviewed upon hire of new employees and annually thereafter. All documentation is stored in individual binders, which are maintained in a locked cabinet on site.
- 3H/9C)** Provider stated that people are able to meet with visitors, check their mail, phone, and email in the private space of their choosing within the setting. People are able to step into their bedrooms, outdoors, or another private area to take care of personal business. Provider met with each staff member to ensure staff provide individuals with privacy when taking care of personal matters over the phone or email. Staff was also trained on privacy. Staff members are available to assist individuals as needed upon request.

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**3O)** Provider said and displayed that all employee postings were removed from the common areas of the home and are no longer in view of individuals in the setting.

**4H)** Staff and individuals 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. All subject areas will be discussed in detail (home settings, decision making, associating with friends, religion, finances, and voting). Additionally, individuals can attend the church services of their choice or choose to not attend at all.

**4I/J)** Staff were trained that persons served have the choice to remain home during the day rather than being required to attend day programs and/or employment. Additional staff have been hired and trained as floaters to facilitate this. The staff training included all persons having the right to choose of service, privacy, individual rights/autonomy and independence.

**4K)** Staff were trained that persons served are assessed to determine if they are able to participate in cooking activities. Each person in the home provides feedback and input on menu planning and food stocking. The staff training included all persons having the right to choose of service, privacy, individual rights/autonomy and independence. Individuals are encouraged to be a part of the menu planning and cooking activities if specified in their person-centered plan.

**6A)** Boswell does has a financial agreement with the individuals addressing rent payment as well as other utilities and expenses. They are also covered by landlord/tenant laws. If by chance a landlord requests they move Boswell would ensure the individual is provided a place to live of their choosing. All individuals sign an agreement with Boswell upon admission, annually and if anything changes. Each person served is educated on the lease/financial agreement at the time of signing and if they have legal representation, the agreement is sent to them for their review and signature.

**7A/B/11Y/12B)** Boswell is working with all current landlords to provide "keyed" doorknobs to all bedrooms. In the future "keyed" doorknobs will be required 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. They can ask for a key at any time and it will be provided. The Program Manager stated that a training program has been developed for individuals to learn how to use their keys.

**8A/C)** Provider said individuals are free to eat wherever, whenever, and whatever they prefer, as long as they are not restricted by their physician. They said people are able to choose when they would like to have their meals and if they are dissatisfied with whatever is on the menu, then they have the option of choosing something else from their personalized alternative meals list. They explained that site previously had set mealtimes but have changed this policy so that people are free to eat whenever they please.

**11K)** Provider stated that people are able to meet with visitors, check their mail, phone, and email in the private space of their choosing within the setting. People are able to step into their bedrooms, outdoors, or another private area to take care of personal business. Provider met with each staff member to ensure staff provide individuals with privacy when taking care of personal matters over the phone or email. Staff members are available to assist individuals as needed upon request.

**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 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.</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, individuals are provided with multiple settings to choose from before deciding to live on site. Choices are determined by Service Coordinator and individual and include non-disability specific options.</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>Staff were trained on the importance of confidentiality in regard to any procedure that may involve PHI or PII (as defined by HIPAA) and individual privacy. All identifying information is maintained in a binder that is not visible to others in the home. The setting completed a remediation plan and training on this subject was completed on October 21, 2019. The agency compliance will be monitored during rounds and all infractions will be addressed immediately with the staff person.</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 eviction processes and appeals comparable to those provided under the jurisdiction's landlord-tenant law.</p>	<p>Each person holds their own lease to live in the home. These leases include protections addressing eviction processes and appeals.</p>

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<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:  (1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.  (2) Individuals sharing units have a choice of roommates in that setting.  (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. A person can request a key at any time, and it will be provided.</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>The setting completed a remediation plan to train staff on individual rights regarding visitors. Staff said individuals are supported to meet with their visitors in the location of their choosing. They said people are able to meet with their guests in a private area of the home. Visitors are not required to sign in and out when meeting with individuals in the home.</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>