



**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>	Magnolia Apartments
<b>Setting Address</b>	
	Magee, MS 39111
<b>Original Site Assessment Date</b>	11/17/2018
<b>Validation Date</b>	7/19/2020

**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 setting is located in a rural community with other homes nearby. These are two bedroom homes or apartments located next door to each other with six people living on site sharing support staff. Each person has a private bedroom.

**Summary of Initial Assessment Findings - 11/17/2018**

- 1A)** Isolating setting.
- 1E)** Additional sites are operated by the provider in the immediate area.
- 1F)** The home is not the only one in the area where people with disabilities live together.
- 1I)** People cannot run errands independent of others, limited staffing.
- 2C)** Staff unsure if people are provided non-disability specific options when choosing setting.
- 3B)** Damage observed in home; repairs needed.
- 3K/11L)** No secure location for belongings.
- 4I)** People are forced to attend day program/work; cannot remain home.
- 7A/12B)** People do not have keys to their bedrooms.
- 11D)** People did not choose the home.
- 11T)** People do not decide who is invited to the planning meeting.
- 11Y)** People indicated that they do not have keys.
- 12A)** People cannot close and lock bedroom door.
- 12E)** People indicate they do not help decide what activities they get to do or which restaurants they go to.

**Compliance Validation Narrative with Provider Input**

**07/19/2020**

- 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 apartment-mates and also individually. They socialize with persons from other apartments at the site and also people from other community settings, and the broader community including individuals not receiving services.
- 1E/F)** 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.
- 1I)** Provider stated that additional staff members are available to remain with individuals in the home or take them out into the community independently if they wish to run errands without their housemates.
- 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)** 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.
- 3K/11L)** Each person in the setting has a key to their bedroom where they are able to lock away their personal items as desired. Additional locking devices can be requested or purchased by individuals if they would like more options. Rooms were observed to have locks and keys.
- 4I)** Additional staff members are available to remain with individuals in the home or take them out into the community independently if they wish to run errands without their housemates.
- 7A/11Y/12A/B)** 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 offered 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 person 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.
- 11D)** Provider stated that each person in the setting has a person-centered plan that is developed, reviewed, and revised while individuals are living on site. Planning meetings occur annually or as

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needed to discuss and review information in these plans, including their preferences residential preferences.

**11T)** Provider stated that each person in the setting has a person-centered plan that is developed, reviewed, and revised while individuals are living on site. Planning meetings occur annually or as needed to discuss and review information in these plans. Individuals are supported to invite the people of their choice to these planning meetings.

**12E)** Provider stated that each person in the setting has a person-centered plan that is developed, reviewed, and revised while individuals are living on site. Each individual's needs and preferences are documented in these plans and staff members are able to refer to them when developing activities and learning more about individuals in the home. Additionally, individuals are supported to provide input and feedback on preferred activities during regular discussions.

**Evidence Submitted to DMH for Review:**

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.

**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>These are three two-bedroom homes or apartments located next door to each other with six people living on site sharing support staff. Each person has a private bedroom. 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 apartment-mates and individually. They socialize with persons from other apartments at the site and people from other community settings, and the broader community including individuals not receiving services. Involvement and activity types are centered around individual choice and needs based on their respective person-centered plan.</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 have choices and opportunities to tour a wide variety of settings before selecting this home. The setting completed a remediation plan to ensure options were documented as part of the PSS process.</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 ensures all individual information is secured, and only discussed with the person or those authorized. The setting completed a remediation work plan to address additional areas of staff training regarding individual rights. Additionally, the setting completed a remediation work plan to ensure all bedroom doors lock with a key, and individuals are able to maintain those keys unless there is a documented restriction in their person-centered plan.</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. The setting completed a remediation work plan which included staff training to ensure individual choices in participating in activities outside of the home such as church services and voting are honored.</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 receive extensive training on each individual's support plan</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>
<p>42 CFR § 441.301(c)(4)(vi)(B)</p> <p><input checked="" type="checkbox"/> Yes</p>	<p>Each individual has privacy in their sleeping or living unit: (1) Units have entrance doors lockable by the individual, with only</p>	<p>At the time of the original onsite assessment, the bedroom doors only locked from the inside and individuals did not have keys to their bedrooms. Individuals have the option of requesting a key to their bedroom and or their home. The provider completed a</p>

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<input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	<p>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>remediation plan and Boswell is working with all current landlords to provide "keyed" doorknobs to all bedrooms. "Keyed" doorknobs will be offered. Future admissions will be offered 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.</p>
<p>42 CFR § 441.301(c)(4)(vi)(C)</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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. The setting removed the requirement for visitors to sign in and out and removing curfews.</p>
<p>42 CFR § 441.301(c)(4)(vi)(E)</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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>