



**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 I
<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.
- 1N) Individuals must be within line of sight of staff when they go outside.
- 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.
- 3K) Individuals store items in their bedrooms, but doors only lock from the inside
- 3O) Employee postings observed in common areas.
- 4E) Alternative meals must be "within reason", individuals can only have snacks in their rooms.
- 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.
- 7A/12B) Individuals do not have keys to their bedrooms, only lock from the inside.
- 7B/11Y) Individuals do not have a key to the home or any other areas.
- 8A) Limited flexibility in mealtimes.
- 8C) Only snacks can be eaten in rooms other than the kitchen or dining rooms.
- 8D) Individuals must ask for staff permission to get snacks.
- 11D/E) The individuals did not choose this home and both report wanting to live somewhere else.
- 11I) Both individuals stated they did not have a number to call if there is an issue.
- 11P) Individuals cannot eat in their rooms.
- 11R) One individual reported having to go to bed/wake up at a certain time.
- 12I) Individual reports staff keeping their money.

**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 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 in town. 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.
- 1N) Provider said the Supervisor and staff support individuals to come and go as they choose, provided their support plan does not document any specific restrictions dictating otherwise. Provider explained that the need for supervision is always documented in a person's support 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.

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**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 members are available to assist individuals as needed upon request.

**3K)** Each person in the setting has a keyed lock for their bedroom. People are able to store their personal belongings in their locked bedroom or they can request or purchase their own personal locking device for their room to have additional storage.

**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.

**4E)** Provider stated that additional meal options and snacks are available for people on site if they do not want to eat what has been prepared for the rest of the individuals in the home. Individuals assist in menu planning and food stocking, noting that people are able to make requests and specify the foods/meals they would like to eat. Additionally, individuals choose where they wish to eat their snacks and meals, including bedrooms.

**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 are discussed in detail (home settings, decision making, associating with friends, religion, finances, and voting). Individuals choose the church they wish to attend and are not required to attend services.

**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 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.

**8A/C/D/11P)** 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.

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**11D/E)** 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, including their preferences residential preferences.

**11I)** 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.

**11R)** Individual Rights are reviewed during the admission period and annually thereafter during the PSS meeting. Staff members support individuals to wake up and go to bed as desired.

**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.

**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**

Compliant?	Federal Requirement	Summary of Evidence of Compliance
<p><i>42 CFR 441.304(c)(4)(i)</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. <i>42 C.F.R. § 441.304(c)(4)(i).</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><i>42 CFR § 441.301(c)(4)(ii)</i></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. § 441.301(c)(4)(ii).</i></p>	<p>Individuals work with their service coordinators and have the opportunity to tour the home prior to selecting the setting.</p>
<p><i>42 CFR § 441.301(c)(4)(iii)</i></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. § 441.301(c)(4)(iii).</i></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 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 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>Boswell completed a remediation plan, and each person is offered the choice to hold a key to their own bedroom and the home. These choices are documented in each person's plan. If a person chooses not to have a key at that time, he/she can ask for a key at anytime 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>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> <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>