



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

Summary Sheet

Provider Name	Boswell Regional Center
Setting Name	Pine Grove III
Setting Address	
	Magee, MS 39111
Original Site Assessment Date	November 14, 2018
Validation Date	June 30, 2020

Setting Type

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

Heightened Scrutiny Category

- 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	
<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>	
Summary of the Assessment Findings -	11/14/2018

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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/14J) Group and individual outings are determined by the availability of staff.
- 1N) People are not free to move around outside without staff supervision.
- 1P) Activities are limited by staff availability.
- 1Q) People have limited access to their own money.
- 2C) Staff did not know if people were offered non-disability specific settings.
- 3C/E/F) confidential information is not kept in a private, secure space.
- 3H/9C) Visits must take place in common areas.
- 3K/11L) No secure location for belongings.
- 3O) Employee postings observed in common areas.
- 4E/11P/Q) Alternative meals and private dining are unavailable.
- 4F/11O) Food is locked up in the house.
- 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.
- 4K) Menus are obtained from the Boswell organization but staff say they are not followed, so people can eat what they like.
- 4L) Staff unsure if people are able to participate in cleaning activities.
- 4M) Wake up times are dependent on activities.
- 5F) People have limited opportunities to change their daily activities as listed in their ASP.
- 6A) Staff did not know if people had leases.
- 7A/12A/B) 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/11N) People without dietary restrictions have limited access to food.
- 9C) Visits must take place in common areas.
- 11C) People said they must run errands with everyone.
- 11E) One person wishes to live elsewhere but cannot.
- 11I) People unsure of who to call in the event of an emergency/problem.
- 11J) People cannot make calls in private.
- 11K) Individual receives mail from the main office and not directly to the home.
- 12D) People cannot remain at home while others are out.

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/14J) 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.

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1P) The Program Manager shared that the individuals in the home have a wide variety of skills, interests and abilities. A recreational specialist comes to the home at least one time per month to meet individually with the people to help them decide what they like to do both at home and in the community. The Program Manager stated it is completely the individual's choice to participate in any activity regardless of their age or ability. The home also has a binder of information regarding activities to do to assist the staff in engaging with the individuals in an age-appropriate manner.

1Q) Staff stated that they will write a check every Friday so each person would 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. Individuals are supported to make purchases as desired. Assistance and supervision of individuals' money are documented in individuals' plans. People who authorize the provider to keep their money signed a form. If at anytime they want more money or would like to control their own funds, it will be provided and supported.

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.

3C/E/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/11L) 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/11P/Q) 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.

4F/11O) The program manager stated that while they encourage the individuals to eat together as a family it is not required. They may eat meals and snacks where they prefer. Alternatives are available at all times. Many of the individuals do their own grocery shopping and have their alternatives available after checking the house menu and seeing something they do not like. The Program Manager stated that there may be times when the individuals are all eating the same thing for a meal or they may all be eating something different for a meal.

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). Individuals choose where they attend services and can choose not to attend any services if desired.

4I/11C/12D) 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

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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.

4L) The Program Manager stated that individuals are given the choice to participate in cleaning and other chores around the home. Staff meet with individuals to determine what activities they like to assist with and ensure they have access to all the necessary supplies unless an individual has a specific restriction in their plan.

4M) 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.

5F) Each person is afforded the opportunity to make their own choices as to how they want to spend their day and what activities they chose to attend. The Program Manager explained that for each person in the home there is a brief summary of their PSS available. This is called a Support Summary. Person Centered training is provided to staff annually. Individuals are supported to make changes to their activities or ASP as desired.

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 and annually. 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/12A/B) Boswell is working with all current landlords to provide "keyed" doorknobs to all bedrooms. 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. At any time if a person wants a key, 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 which is documented in their PSS. 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 or anything of their choosing. They explained that site previously had set mealtimes but have changed this policy so that people are free to eat whenever they please.

8D/11N) Staff received training on October 21, 2019, on Self-Determination. Meal-time procedures were covered which included their options and choices. Staff and persons served were informed that they could make the choices of what they eat, where they eat and that they have access to food at all times.

9C/11J/K) 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.

11E) 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. Support Coordinators have monthly contact with people and can assist with finding new home if desired.

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.

Evidence Submitted to DMH for Review

Policy and Procedure, 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, signed funds form.

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. 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><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>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. Training on this subject was completed on October 21, 2019. 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 receive 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.</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>