



**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>	Rials Creek II
<b>Setting Address</b>	
	Mendenhall, MS 39114
<b>Original Site Assessment Date</b>	11/14/2018
<b>Validation Date</b>	06/30/2020

**Setting Type**

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

**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

<b>Setting Description</b>
The setting is located in a residential neighborhood and is surrounded by residential homes. The first four settings on the block are owned and operated by the provider. There are no gates or fences that surround the property.

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<b>Summary of Assessment Findings</b>	<b>11-14-2018</b>
<p><b>1A)</b> Isolating setting. <b>1E, 1F)</b> Provider operates multiple sites in the immediate area. <b>1I)</b> People cannot run errands independent of others due to limited staffing. <b>1N)</b> People unable to move freely about the setting. <b>1Q, 4H)</b> People have limited access to their money. <b>2C)</b> Staff unsure if people are given options when choosing the setting, including non-disability specific choices. <b>3C, 3D, 3E, &amp; 3F)</b> Personal health information not secure. Medications provided in group setting. <b>3H, 9C)</b> People are not provided privacy when making calls, reading mail, or visiting with others. <b>3K, 11L)</b> No secure location for belongings. <b>3O)</b> Employee postings in common areas of home. <b>4E)</b> Neither alternative meals nor private dining provided. <b>4F, 8A)</b> People have restricted access to food; encouraged to eat at specific times. <b>4I)</b> People must attend day program/work; cannot remain home. <b>4J)</b> People cannot remain home when others go out due to insufficient staffing. <b>4K)</b> People are not given choices to help with cooking activities and provide little input on menu planning. <b>4L)</b> People are not given choice to participate in cleaning activities. <b>7A)</b> People do not have keys to their rooms. <b>7B)</b> People do not have keys to their home. <b>8C)</b> People are required to eat at the dining room table. <b>8D)</b> People can only eat with staff permission. <b>10A)</b> Top loading washing machine problematic for person in wheelchair.</p>	

<b>Heightened Scrutiny Compliance Narrative with Provider Input</b>	<b>06-30-2020</b>
<p><b>1A, 1E, &amp; 1F)</b> The provider stated the setting is in the country. He stated the homes in the immediate area are not supported by Boswell Regional Center. The provider stated most of the neighbors are individuals who do have developmental disabilities. The provider stated individuals in the setting go to church, go shopping, banking, and eating in the broader community. The provider stated each of their settings operate independently and have both staff and transportation exclusive to the setting. <b>1I, 4I, &amp; 4J)</b> The provider stated individuals are never required to participate in any activity or outing including day service or prevocational programs. He said individuals may choose each day if they would like to participate or opt to stay home. The provider stated policy changes have been updated to assure individuals are able to run errands separate of the group. He said staffing models have been revised to accommodate individual's rights and wants to go into the community separate from the group. He said individuals are also informed they can leave the program early or go late if they choose. The provider stated they provide transportation to accommodate the individuals' preferences. <b>1N)</b> The provider stated they no longer apply blanket rules when providing supervision. The provider said a team consisting of the Supervised Living Director, Program Manager and the Nurse Director mt with each person in the home to evaluate the wants, needs, abilities, and goals of the individuals. This information is documented in their PSS. The provider stated staff training was provided on an ongoing basis. <b>1Q, 4H)</b> The providers stated individuals are offered learning opportunities on topics including budgeting and money management. The provider said staff has been trained to make sure individuals have access to their money upon request. <b>2C)</b> The provider stated individuals are supported to select a setting that best fits their wants and needs. He said they provide information on options and availability at their settings as well as other settings in the community. The provider stated individuals are made aware of their right to select a non-disability specific setting. The provider said they work with individuals to tour and select another setting if that is what the individual desires.</p>	

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**3C, 3D, 3E, & 3F)** The provider staff was trained on how, when, and where personal care services including medication management is provided. The provider stated individuals in the setting have private rooms where many personal care services are provided. The provider stated policies on individuals' rights to privacy have been updated and staff and individuals were trained on these policies.

**3H, 9C)** The provider stated individuals were informed of their rights to have private phone calls, open their own and read mail privately, and see visitors in private. He said these privacy rights were discussed with staff during the weekly meetings and training on privacy will be conducted annually. The provider said staff trained people to use the telephone, so they are able to make and take calls privately.

**3K, 7A, 7B, & 11L)** The provider stated individuals are informed of their right to have a key to the setting as well as a key to their bedroom upon admission and annually thereafter. He said he explained individuals are informed they have a right to request a key at any point even if the right was waived at admission. The provider said this conversation and choice is documented in the individual's person-centered plan. The provider stated having a key locked bedroom provides individuals a secure place to store their belongings.

**3O)** The provider stated employee signage and informational postings have been removed.

**4E, 4F, & 8A)** The provider stated individuals are able to eat at any time and in any place they choose. The provider stated individuals have the right to eat the foods/meals of their choice. He said alternative menus are available. The provider stated staff has been trained on individuals' right to choose what and where they eat. He said they like to promote a "family" environment but will never require an individual to eat with the group. The provider said individuals are encouraged to participate not only in the planning of menus but the preparation of meals.

**4K, 4L)** The provider stated individuals are encouraged to participate in the household chores such as laundry, cleaning, and maintain the yard. The provider stated they discuss this with individuals during their PSS meeting and it is explained that keep the home clean and safe is part of living in the community.

**8C, 8D)** The provider stated staff were trained that individuals must always have access to food and should be involved in menu planning. The provider stated individuals have been informed of this right as well as the right to have their meals in a private area of their choosing including their bedroom. The provider stated staff training is annually.

**10A)** The provider stated the top loading washing machine was replaced so all individuals in the setting who would like to participate in household activities including laundry will be able to do so.

**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.

**Compliance Summary**

<b>Compliant?</b>	<b>Federal Requirement</b>	<b>Summary of Evidence of Compliance</b>
<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>Individuals are supported to participate in opportunities and activities, including employment, in the community. Individuals are supported to manage their personal resources. Individuals are offered learning opportunities on topics including budgeting and money management.</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 have opportunities to choose from non-disability specific settings. Documentation of these choices and the discussions are included in the individual's person-centered service plan.</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 given a copy of their rights upon admission and information is posted in the setting. Rights are reviewed with individuals on an annual basis. Staff are required to complete ongoing training on individuals' rights.</p>
<p><i>42 CFR § 441.301(c)(4)(iv)</i></p> <p><input checked="" type="checkbox"/> Yes</p>	<p>The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in</p>	<p>Individuals are supported to spend their time with whomever they choose and participating in whichever activities they enjoy. Staff have access to individuals' person-centered plans.</p>

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<input type="checkbox"/> Partial <input type="checkbox"/> No	making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.	
42 CFR § 441.301(c)(4)(v)  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	The setting facilitates individual choice regarding services and supports, and who provides them.	Individuals have the choice of staff who provide his/her services, supports, and personal care.  Individuals have the opportunity to adjust their work or daily activities. Staff support individuals to make a request for additional services or to make changes to their Activity Support plans.
42 CFR § 441.301(c)(4)(vi)(A)  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	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.	Each person in the setting has a rental agreement that is signed by the individual. Most rents are HUD or Section 8 subsidized. It is reviewed during admission, at least annually and if any changes occur.
42 CFR § 441.301(c)(4)(vi)(B)  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	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	Individuals in the setting have keys to their bedroom and the setting. Individuals are supported to decorate their bedroom as they choose and to their taste.

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	or living units within the lease or other agreement.	
<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>	Individuals have the freedom and support to control their schedules and activities and have access to food any time.	Individuals in the setting have access to food at all times. Individuals have full access to the kitchen including the stove/oven. Individuals also have the option to eat at restaurants within the community. Individuals are not required to eat at the dining room table. The setting removed any assumed policies prohibiting individuals from eating in their rooms or other areas of the home and completed staff training. Individuals were also educated on this change.
<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>	Individuals are able to have visitors of their choosing at any time.	Individuals can have visitors at the home any time of their choosing. The setting completed a remediation plan to update the individual rights policy to include dignity of risk and self-determination when it comes to making choices about their relationships with others. Individuals were educated and informed on their rights to meet with visitors privately as they choose. The setting also trained staff on these practices and removed other blanket restrictions such as no visitors of the opposite sex in the individual's room. Staff were educated on these procedures. All staff are trained upon hire, and these practices continue to be discussed at regular staff meetings throughout the year. Documentation of these trainings is included in staff education binders.
<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>	The setting is physically accessible to the individual.	The home was observed to be physically accessible to all individuals living in the home. The home included handheld showers and grab bars in the bathroom. Should an individual need any assistive devices, the setting would support the individual in providing what was needed.