



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

Summary Sheet

Provider Name	Boswell Regional Center
Setting Name	Rials Creek IV
Setting Address	
	Mendenhall, MS 39114
Original Site Assessment Date	11/14/2018
Validation Date	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

Setting Description
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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Summary of Assessment Findings	11-14-2018
<p>1E & 1F) There are many other group homes on this street that are operated by this provider and another provider.</p> <p>1G) Registered nurses provide wellness checks and medication management onsite.</p> <p>1P, 4C) The site assessor observed cartoons on the TV that were not age appropriate, but it seemed the individuals preferred and chose to watch these shows.</p> <p>3E, 3F) Medications are distributed at mealtimes and not in private.</p> <p>3O) The site was not free from postings of employee information.</p> <p>5A) This was noted as compliant because of choice of staff member. However, staff stated they rotate between the other houses on the block.</p> <p>7A) Staff said people do not have keys to their rooms.</p> <p>7B) Staff said people do not have keys to the home.</p> <p>8C, 11P) People cannot eat wherever they want.</p> <p>11T) Person said they were not sure if they could choose who comes to their planning meeting.</p> <p>11Y, 11Z) Person said they do not have a key to the home, and they would like to have one.</p> <p>12B) Person does not have a key to his bedroom.</p>	

Heightened Scrutiny Compliance Narrative with Provider Input	06-30-2020
<p>1E & 1F) 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.</p> <p>1G, 3E, & 3F) The provider stated staff has been trained to ensure all confidential information is kept private. He said this training included ensuring that any material that may be posted at a community site does not have identifying information, and that staff should need to write down an appointment on a desk calendar, be sure to use first initial of first name and spell out last name. The provider also stated individuals' binders are kept in locked file cabinets when not in use. The provider stated they reviewed HIPAA compliance requirements including private health information and all medical treatments are completed in a private area. The provider stated policies have been updated to provide medication to individuals in private areas.</p> <p>1P, 4C) The provider stated individuals in the setting are free to pick and choose which activities they participate in including watching television. The provider said individuals often choose and seem to enjoy watching cartoons when they are watching television. The provider stated individuals' wants, needs, preferences, abilities and goals are documented in the PSS. The provider said he works with the individuals and their support teams to include activities and outings which are not only enjoyable but also age appropriate.</p> <p>3O) The provider stated employee signage and informational postings have been removed.</p> <p>5A) The provider stated individuals are encouraged to work with staff members with who they prefer. He said they have a rotating schedule, so staff are available at various times of the day and days of the week.</p> <p>7A, 7B, 11Y, 11Z, & 12B) 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 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.</p> <p>8C, 11P) The provider stated staff have been 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 will be repeated annually.</p> <p>11T) The provider stated individuals have an annual meeting to review their person-centered plan. He stated individuals' plans will focus on their wants/needs/goals/and abilities. He said individuals are</p>	

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notified of the date, time, and place of the PSS meeting and are encouraged to include anyone in their support system (friends, family, etc.) of their choosing. The provider stated individuals are encouraged to be active participants in their planning process. The provider said ongoing training on person-centered thinking and planning is conducted with individuals and staff.

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

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. 42 C.F.R. § 441.304(c)(4)(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.</i> § 441.301(c)(4)(ii).</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.</i> § 441.301(c)(4)(iii).</p>	<p>Individuals are given a copy of their rights upon admission and information is available 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 and are trained.</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. Each person has a financial agreement that is signed upon admission, annually and if anything changes.
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 will be trained upon hire, and these practices will 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.