



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

Summary Sheet

Provider Name	Millcreek
Setting Name	Hernando Supervised Living Home
Setting Address	
	Nesbit, MS 38651
Original Site Assessment Date	10/23/2018
Validation Date	06/29/2020

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
This setting is a single family home located in a small rural community surrounded by similar homes. The backyard is surrounded by a privacy fence with a gate which was not locked. The setting is located in the same neighborhood as four (4) other supported living homes owned and operated by the same provider.

Summary of Assessment Findings	10-23-2018
<p>1B) Backyard is surrounded by a privacy fence secured with a latch that would be difficult for someone in a wheelchair to operate.</p> <p>1E, 1F) This site is one of four homes for those with disabilities operated by Millcreek in the immediate area. Two of the homes are side by side.</p> <p>1N) People who want to go outside in front of the house must be supervised by staff.</p> <p>2C) Unclear if non-disability specific site was offered as option to people living in the home.</p> <p>4E, 8C) People are not allowed to eat in their rooms.</p> <p>4M) Unclear if, given the activities the individuals participate in, they are required to wake up at certain times during the week.</p> <p>9A) Visitors are required to sign in/out and no overnight guests allowed. Staff indicated very little flexibility in when visitors are permitted to come and go.</p> <p>10A, 10B) Upstairs staff office not accessible to person who uses a wheelchair. Second floor is "staff use only."</p> <p>11B, 11C) Both people have to run errands with group when they don't want to.</p> <p>11I) One person does not have phone number to call if there is a problem.</p> <p>11J) One person cannot use the phone in private.</p> <p>11K) Individuals do not retrieve their own mail. Mail is left on the table.</p> <p>11P) Both people are unable to eat in their rooms and drinks must have lids.</p> <p>11T, 11U, & 11V) One person indicated that no one else comes to planning meeting and they don't get to invite anyone (but didn't understand question very well).</p> <p>11Y, 11Z) One person does not have a key to the home but wants one.</p> <p>12B) No key to bedrooms, only lock from inside.</p> <p>12D) Both people must go on errands or do activity with the group when they don't want to.</p>	

Heightened Scrutiny Compliance Narrative with Provider Input	6/29/2020
<p>1B) The provider stated the latch on the backyard fence has been lowered to be accessible to individuals in the setting who are in a wheelchair. The provider stated the latch is easy to operate for individuals.</p> <p>1E, 1F) The provider stated homes are operated independently with +staff and transportation dedicated only to this setting. The provider said homes also have their own activity and outing calendars.</p> <p>1N) The provider stated individuals are free to move in and out of the setting without restriction. He stated any safety restriction is determined on a case-by-case basis based on the individual's abilities and will be noted in their person-centered plan.</p> <p>2C) The provider stated they include discussion on other options and resources, including non-disability specific, settings in the annual meeting. The provider said this conversation as well as the options reviewed will be documented in the individual's plan. The provider stated staff have been trained on this policy.</p> <p>4E, 8C, & 11P) The provider stated individuals are encouraged to plan their daily and weekly schedules. The provider explained individuals always have the option to opt out of an activity or outing and will not be required to get up or go to bed at a certain time. 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 repeated annually.</p> <p>4M, 11B, 11C, & 12D) The provider stated staff members meet monthly with management regarding the individuals they serve. The provider stated they now staff to accommodate an individual's request to remain home or opt out of an activity or errand in the community. The provider stated individuals are informed they are not required to participate in any activity or outing.</p> <p>9A) The provider stated individuals may have visitors any time they choose. He said visitors are not required to sign in/out. The provider stated staff and individuals were trained on changes to the visitor's policy. He stated individuals and staff will receive annual training on the visitor's policy which is documented in their PSS or employee file.</p>	

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10A, 10B) The provider stated the home is physically accessible to individuals living in the setting. The provider explained the second story of the setting is for staff use only. The provider stated individuals are free to utilize all areas of the setting and the yard

11I, 11J) The provider stated the individuals have been informed of their right to file a grievance and the process on how to file one. The provider stated staff have been trained to listen to individuals if they have any concerns or complaints and support their rights to file a formal complaint. The provider stated individuals are provided a phone number to call to file a grievance. The provider said individuals receive a copy of their grievance policy upon admission.

11K) The provider stated their policy on mail has been updated so individuals receive their mail on a daily basis. The provider explained individuals will be handed their mail if they are home or notified mail has been received and given the mail when they return home.

11T, 11U, & 11V) The provider stated individuals have been informed of their right to participate in their annual review meetings. The provider stated individuals are informed when the meeting is scheduled and given the opportunity to include anyone of their choice in their planning meetings. The provider said policies have been reviewed with staff and communicated with individuals.

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 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.

10A, 10B-per BIDD review, as long as people living in the home are able to speak with staff privately when needed, upstairs staff offices are acceptable.

BIDD staff received and reviewed documents signed by people living in the home that they had been informed of their rights in regards to voting, having keys to their room and home, having access to their money, and having a secure place to store their belongings.

BIDD staff received and reviewed documents signed by staff that they had been in-serviced on the rights of people living in the homes to have full access to the community, to have keys to their home and their room, to choose where and with whom they live, to have visitors as they pleased, to move about their home freely, to have their money on their person at all times, to make informed choices, to have a flexible schedule, to choose non-disability settings, to decorate their home as they desired, guarantee of privacy of information, security of belongings, to eat what/where/with whom they choose, the right to invite who they wanted to PSS meetings, right to receive mail, and all other rights as addressed by the final rule. Also reviewed were a copy of the Policies & Procedures (with revisions), and staff training checklists.

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>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.
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 style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(C)</i></p> <p style="text-align: center;"><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 style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(D)</i></p> <p style="text-align: center;"><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 right's 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 style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(E)</i></p> <p style="text-align: center;"><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.