



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

*Summary Sheet*

<b>Provider Name</b>	Millcreek
<b>Setting Name</b>	The Pines 2
<b>Setting Address</b>	
	Ellsville, MS, 39437
<b>Original Site Assessment Date</b>	December 10, 2018
<b>Validation Date</b>	June 29, 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**

The setting is located in a rural area near a few other residential homes. The site shares a driveway with a setting that is also owned and operated by the same provider and serves individuals with IDD.

<b>Summary of the Assessment Findings</b>	<b>12/10/2018</b>
<p><b>1E/F)</b> There is another site next door where people with disabilities live together.  <b>1Q/4H/12I)</b> People do not have open access to money.  <b>2C)</b> Non-disability settings are unavailable.  <b>6A)</b> Staff unsure if individuals have leases.  <b>7A/12A)</b> Bedroom doors do not have key entry.  <b>7B/11Y/12B)</b> Individuals do not have keys to the home.  <b>9A)</b> Visitors are required to sign in.  <b>11I)</b> Individual does not have phone numbers in case there is a problem.  <b>11O)</b> Individual indicated he can have food anytime but has to ask for it.</p>	
<b>Compliance Validation Narrative with Provider Input</b>	<b>6/29/2020</b>
<p><b>1E/F)</b> Provider stated that they operate another setting next door; however, they stated that all settings operate independently of one another.  <b>1Q/4H/12I)</b> Provider stated that people are individually assessed to determine who requires assistance and support to access their money. This information is documented in each individual's IPP. They said those who require assistance receive their funds weekly or as needed, noting that this information is documented in a ledger book that remains in a secure location on site.  <b>2C)</b> Provider stated that people are able to learn more about the setting and tour the site before deciding to move into the home. They stated that non-disability specific options are reviewed prior to this process.  <b>6A)</b> The lease agreement has been revised to ensure proper compliance with the Final Rule. All people living in Millcreek homes have legally enforceable leases/agreements. Provider displayed new policy during virtual visit and reviewed the new protections for individuals in the setting.  <b>7A/B/11Y/12A/B)</b> Provider stated that each person was individually approached and assessed to determine if they would prefer to have a key to the home and to their bedrooms. Each individual decided they would like a key to the home and bedroom. Individual files were updated to include this information. Provider displayed new keyed locks for each bedroom. All people living in the home have been given keys to both the home and their individual rooms. Staff will prompt people to help remember their keys when leaving the home. Staff shared that this process has been working well and that people appreciate having the keys.  <b>9A)</b> Provider stated that they no longer have a visitor's log for the setting, adding that people are able to come and go as they please.  <b>11I)</b> Local and state emergency numbers are posted in an inconspicuous but accessible location in the home. Numbers include the following: local police; fire department; health department; ambulance service; poison control; DMH Hotline; Regional Center Support Coordination; and Disability Rights.  <b>11O)</b> Individuals are able to access food as desired unless otherwise noted by a physician in an individual's plan.</p> <p><b>Evidence Submitted to DMH for Review:</b>  <b>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.</b>  <b>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, and all other rights as addressed by the</b></p>	

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**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>42 CFR 441.304(c)(4)(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>The setting is located in a rural area near other residential homes. The site shares a driveway with another site that is owned and operated by the provider; however, all operations, including activities and schedules, are separate from the other home.</p> <p>Each person in the setting is able to access the community as desired at the time of their choosing. Activities and tasks are comparable to those of similar ages and schedules are determined based off of feedback by individuals.</p> <p>The setting completed a remediation plan. Provider stated that people are individually assessed to determine who requires assistance and support to access their money. This information is documented in each individual's IPP. They said those who require assistance receive their funds weekly or as needed, noting that this information is documented in a ledger book that remains in a secure location on site.</p>
<p>42 CFR § 441.301(c)(4)(ii)</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>The setting completed a remediation plan. Provider stated that people are informed of their options before deciding to move onsite. They stated that people are able to tour various sites and are supported to choose non-disability specific options, noting that these options are available for those who do not require consistent assistance or monitoring in their day-to-day lives.</p> <p>People are able to meet with potential housemates and roommates before deciding where they wish to live.</p> <p>Additionally, people are supported and encouraged to decorate their rooms and homes in the way of their choosing. People are supported to provide feedback and input on the decorations and furnishings in the shared part of the home.</p>
<p>42 CFR § 441.301(c)(4)(iii)</p> <p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial</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>The setting ensures the personal information is kept private and secure in the setting. Individuals are informed of their individuals rights and the grievance procedure upon admission and at least annually thereafter.</p>

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<input type="checkbox"/> No		
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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 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>The setting completed a remediation plan. Provider stated that people are individually assessed to determine who requires assistance and support to access their money. This information is documented in each individual's IPP. They said those who require assistance receive their funds weekly or as needed, noting that this information is documented in a ledger book that remains in a secure location on site.</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>Each person has choice and input on which staff member provides their services.</p> <p>The setting has person-centered policies and people are supported in developing plans that support their needs and preferences.</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,</p>	<p>The setting completed a remediation plan. 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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	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>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:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p>The setting completed a remediation plan. Provider stated that each person was individually approached and assessed to determine if they would prefer to have a key to the home and to their bedrooms. Each individual decided they would like a key to the home and bedroom. Individual files were updated to include this information. Provider displayed new keyed locks for each bedroom. All people living in the home have been given keys to both the home and their individual rooms. Staff will prompt people to help remember their keys when leaving the home. Staff shared that this process has been working well and that people appreciate having the keys.</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>The setting completed a remediation plan. Provider stated that people were previously encouraged to eat in the dining room but stated that they have met with staff and individuals to let people know they are supported to eat anywhere in the home. Staff have confirmed that people can eat wherever they choose in the home and at the locations of their choosing if resources allow.</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</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. Provider stated that individuals are supported to see their visitors at the time of their choosing and visitors are not required to sign in and out. They stated that the setting does not have set visiting hours. Provider said employees are trained on this policy during orientation and annually thereafter.</p>

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<input type="checkbox"/> No		
<p style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(E)</i></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 setting is accessible to all those living in the home. Individuals have the option of accessing assistive devices as needed or preferred.