



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

Summary Sheet

Provider Name	Region 8 – 401 West Sunset Drive
Setting Name	Cross Creek Apartments
Setting Address	
	Brandon, Mississippi, 39042
Original Site Assessment Date	October 17, 2018
Validation Date	June 26, 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 home is located in a private residential area and is in an area of twelve apartment homes operated by Region 8. There are apartments across the street from the home. All entrances to the home are accessible, per site assess or observation; there are no barriers that inhibit entry to or exit from the home. All doors lock from the inside, and residents have keys to all doors.

Summary of Initial Assessment Findings - 10/17/2018

- 1E/F)** Provider operates multiple homes in the same complex.
- 1I)** People cannot run errands independent of others in the home due to limited staffing.
- 1J)** People go on limited outings.
- 1K)** Activities only planned by staff.
- 1L)** Staff indicate that individuals have limited input into activities. While individuals provide some input, staff indicate activities are “frequently denied by the director”.
- 2C)** Staff unsure if people are provided with options when choosing setting.
- 2G)** People do not have choice of housemates.
- 3E/F)** Staff said medications are distributed in a group setting.
- 3J)** Setting does not ensure that a person’s behaviors do not impede on the rights of others.
- 3L)** People are not informed of their rights upon admission and annually thereafter.
- 3M)** People are not informed of the process for filing grievances or making complaints.
- 4H)** Staff does not support a person’s right to vote.
- 4I/J)** People cannot remain at home when not attending place of employment/day program.
- 5B)** People do not tour the home before moving in.
- 5D)** Staff unclear about what person-centered policies are.
- 11C/12D)** Person “sometimes” has to run errands when they do not want to go.
- 11D)** Person unsure if they chose this home.
- 11I)** Person does not have number to call if there is a problem.
- 11S/T/U/V)** Person unsure if they attend planning meeting.
- 11W)** Person unsure if service plan represents their needs.
- 11X)** Person unsure who to speak with if she wanted to change her services.

Compliance Validation Narrative with Provider Input

6/26/2020

- 1E/F)** Region 8 said they operate 12 supervised living homes on this property. They stated that each home is separate, and people are able to receive services of their choice as desired. Each site operates independent of the other.
- 1I/J/11C/12D)** Provider stated that in addition to direct care staff members, the site also utilizes 3 staff members who are specifically utilized for transportation purposes, adding that these employees are responsible for taking individuals to run errands, go to work, visit local friends and family, and attend doctor’s visits. They noted that PRN staff is also available to assist individuals in the community should they require additional support. They noted that these staff members are also utilized when individuals wish to stay at home rather than attend group or individual activities in the community. Provider noted that individual activities and errands off site are based off individuals’ preferences as define in their person-centered plan. Individuals are supported to run errands and participate in activities with the people of their choosing.
- 1K/L)** Provider said all decisions regarding activities and events in the community are planned based off group discussions with individuals onsite and information found in individuals’ files. They said staff members are trained monthly on a variety of topics and noted that one major area of focus revolves around individual’s personal rights.
- 2C)** Provider said they have adjusted their policies and procedures to ensure that when individuals are reviewing their options for settings that they also are provided with non-disability specific options. They said support staff frequently support individuals in becoming more autonomous and self-sufficient. They said staff members have been trained to ensure all options are discussed.
- 2G)** Provider displayed training information for individuals that focuses on their ability to make their own choices and foster their independence. They said they have assisted a number of individuals in moving within the Region 8 community and have also assisted individuals with other housing options in the area. They said all individuals are supported to tour the site and meet other individuals in the setting before deciding to move into the setting. They said people who are already living on site also provide input upon meeting their prospective housemates and are able to provide feedback and concerns if they are not sure if the person will be a good “fit” for the site.

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3E/F) Provider noted that changes had been made to their documentation and storage policy, adding that the site had developed binders for each person that are individualized. They stated that any file or binder containing the personal information of individuals onsite is stored in a locked cabinet where it can be kept secure and confidential. Provider noted that they had increased their efforts to training individuals on such topics as person-centered thinking and HIPAA.

3J) The provider said staff members are trained in de-escalation techniques, adding that all staff members are required to become certified in this area. They noted that when an individual becomes agitated or has begun to interrupt the other people in the setting that this individual is removed from the scene of their troubling stimulus and spoken to in a calm manner until a solution can be reached by direct care support or a supervisor.

3L/M/11I) Provider said individuals review their rights and the grievance procedure upon admission and at least once a year during the planning process. They said staff members are trained to keep individuals informed of their personal rights. They said the setting ensures that all individuals in the setting have access to their rights and stated that employees frequently engage individuals in conversation to remind them of their rights and personal needs. Additionally, individuals are provided with numbers to call if they have a question or concern. This information is reviewed during the planning process, which each person attends annually. Individuals are supported to make changes to their services annually during the planning process or as needed.

4H) Provider stated that individuals are supported to engage in the activities of their choice by making their own decisions, moving about the community, associating with others, practicing their religion, accessing their month, and voting in local, state, and federal elections. They said activities and participation in events are based off each individual's personal preferences and information found in their individualized support plans.

4I/J) Provider stated that individuals always have the option to remain at home during the day rather than be required to participate in day programs, their places of employment, or group activities outside of the home. They said staff members are trained to support individuals in participating in the events and activities of their choosing. They noted that accommodating staff levels have increased individuals' desires to venture out in the community and explore more options independently.

5B/11D) Provider displayed training information for individuals that focuses on their ability to make their own choices and foster their independence. They said they have assisted a number of individuals in moving within the Region 8 community and have also assisted individuals with other housing options in the area. They said all individuals are supported to tour the site and meet other individuals in the setting before deciding to move into the setting. They said people who are already living on site also provide input upon meeting their prospective housemates and are able to provide feedback and concerns if they are not sure if the person will be a good "fit" for the site.

5D) Provider stated that Region 8 trains all their new hires on person-centered practices and has re-trained all direct staff who were hired prior to changes occurring. They said these topics will be reviewed at least annually but noted that ongoing training regarding person-centered thinking will remain ongoing until direct support staff members have developed a keen understanding of these practices and individuals have grown more comfortable with focusing on their needs, strengths, and preferences.

11S/T/U/V/W/X) Provider said individuals review their rights and the grievance procedure upon admission and at least once a year during the planning process. They said staff members are trained to keep individuals informed of their personal rights. They said the setting ensures that all individuals in the setting have access to their rights and stated that employees frequently engage individuals in conversation to remind them of their rights and personal needs. Additionally, individuals are provided with numbers to call if they have a question or concern. This information is reviewed during the planning process, which each person attends annually. Individuals are supported to make changes to their services annually during the planning process or as needed.

Evidence Submitted to DMH for Review: change of living situation and person-centered planning policies and procedures, training PowerPoints, training records, copy of lease, apartment floor plan, community living floor plan, key choice form, signature of consent form, HIPPA form, rights form and grievance form.

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 completed a remediation plan and increased their staffing levels to provide more support for individuals on site and out in the community. They stated that in addition to direct care staff members, they also hired 3 staff members who are specifically available for transportation purposes, adding that PRN staff is also available to assist individuals in the community should they require additional support. Provider noted that individual activities and errands off site are based off individuals' preferences as defined in their person-centered plan. The setting also put documentation standards in place to ensure staff training, which includes HPPA, person-centered thinking, the Final Rule, and personal rights. They noted that this training is required of all employees upon hire and annually thereafter. Provider further stated that staff members are responsible for familiarizing themselves with individuals to ensure they can support their wants, needs, and goals. They said in addition to formal and informal conversations, that employees are given pre and post-tests to check their knowledge of reviewed subjects. Provider stated that individuals are supported to engage in the activities of their choice out in the community.</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>During the original assessment, staff were unclear if individuals had choices in non-disability options when choosing this setting. Provider said individuals were previously placed with this setting with little to no input about where they were living. The setting completed a remediation plan to educate individuals, family members, and conservators on the rights of individuals to choose their home, roommates, and housemates at the time of admission and before new people move into the home. Documentation on these choices will also be included in the individual's plan. Additionally, provider stated that all individuals will be trained on their ability to make choices and fostering independence to make those choices.</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>At the time of the original assessment, individuals were not informed of their individual rights or the grievance procedure upon admission and annually thereafter. Additionally, personal care services and schedules were not kept private, and activities such as personal hygiene and medication management were dealt with in a</p>

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<input type="checkbox"/> No		<p>group setting. The setting has since completed a remediation plan to train all staff members to keep individual schedules and other personal information/activities secure and private. Additionally, staff were trained on the importance of reviewing individuals' rights and the grievance procedure upon admission and annually thereafter with people on site. They said these training topics are covered upon hire and annually thereafter, noting that staff also discuss these issues during regular staff meetings.</p>
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<p>42 CFR § 441.301(c)(4)(iv)</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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>Provider stated that individuals are supported to engage in the activities of their choice by making their own decisions, moving about the community, associating with others, practicing their religion, accessing their month, and voting in local, state, and federal elections.</p> <p>Activities and participation in events are based off each individual's personal preferences and information found in their individualized support plans. They said staff members are trained to familiarize themselves with each individual's person-centered plan and utilize this information to support individual's choices in the community. They said that increased staffing levels have provided individuals with more opportunities to do individual and group activities in the community.</p> <p>Provider stated that people are supported to remain at home if desired. They said staff members are trained to support individuals in participating in the events and activities of their choosing. They noted that accommodating staff levels have increased individuals' desires to venture out in the community and explore more options independently. They said staff members training with regards to personal rights has helped to empower individuals to become more autonomous by reminding and supporting individuals to make their own choices and explore the world around them.</p>
<p>42 CFR § 441.301(c)(4)(v)</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>The setting facilitates individual choice regarding services and supports, and who provides them.</p>	<p>People are supported in choosing who provides their personal care and other services. Additionally, people are able to regularly update their activities and daily schedules.</p>

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		<p>Provider said they have instituted mandatory person-centered training for all staff members to ensure staff develop a keen understanding of these practices and so people can feel comfortable focusing on their needs, strengths, and preferences.</p> <p>Provider stated that individuals regularly attend their planning meetings to discuss their activities, schedules, and things that are important to and for them.</p>
<p style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(A)</i></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>Provider said each person in the setting has a rental agreement that is signed by the individual.</p>
<p style="text-align: center;"><i>42 CFR § 441.301(c)(4)(vi)(B)</i></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>Provider said each person has a key to their personal bedroom and to the home. They said people are supported to close and lock their doors as desired.</p>

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<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>Provider said people have flexibility in when and where they eat. They said people are supported in choosing specific restaurants in the community when they want to go out to eat in town. They said people always have access to food in the home and do not need assistance if they wish to retrieve something from the refrigerator or pantry.</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>Provider said visitors and guests are not required to sign in or out when visiting the setting. They said people are supported to meet with their guests and loved ones as often as desired. There are no specific visiting hours for the setting and people are supported to open the door for their guests.</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>Setting is physically accessible for individuals living within the home. People are supported to access all parts of their home. Staff said no one in the home requires use of sight/hearing impairment devices but stated that these supports could be made available if needed.</p>