



**Colorado Home and Community-Based Services  
 Heightened Scrutiny Evaluation**

*Adult Residential Setting Summary Sheet*

<b>Heightened Scrutiny Identification Number</b>	HS-006
<b>Provider Name</b>	Medallion Retirement Community
<b>Setting Name</b>	
<b>Setting Address</b>	17199 E. Bijou Street, Colorado Springs, CO 80909
<b>Compliant as of Date</b>	Expected to submit remaining evidence of compliance this summer, to be verified by 12/31/21.
<b>Date of This Evaluation</b>	Updated 5/19/2021 <i>for public comment; updated July 28, 2021 for CMS. Updates are in italicized green font.</i>

**Setting Type**

- Alternative care facility (ACF)
- Group Residential Services and Supports (GRSS) group home
- Individual Residential Services and Supports (IRSS) host home
- Individual Residential Services and Supports (IRSS) other
- Supported Living Program (SLP) facility under BI waiver
- Transitional Living Program (TLP) facility under BI waiver

**Waivers Served**

- Community Mental Health Services (CMHS) for Persons with Major Mental Illnesses
- Elderly, Blind and Disabled (EBD)
- Persons with Brain Injury (BI)
- Persons with Developmental Disabilities (DD)

**Reason(s) for Heightened Scrutiny**

- 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 an alternative care facility that it co-located with a skilled nursing facility. The ACF has separated its operations and staffing from the Skilled Nursing Facility that is physically attached to the building. The provider must revise the Mistreatment policy to remove references to “Nursing Administration” to ensure that all submitted policies and procedures are reflective of the setting’s procedures. The commercial kitchen that serves both sites sits between the two facilities and that is the only point of contact. Individuals in the ACF have access to their community regularly. Several of the individuals continue to drive themselves around while others use public transit as needed. And finally,



the setting supports individuals with community integration by offering planned community activities that individuals are able to sign up for based on their preferences and interests.



**Compliance Summary**

Compliant?	Federal Requirement	Summary of Evidence of Compliance
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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>During the site visit state staff observed that the setting is fully 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. The setting does not utilize egress alert devices. Individuals have the option to use their own personal vehicles or sign up for transportation into the community. Individuals are free to engage in religious activities, work if desired, and control their personal resources.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>The settings 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 provider completed a remediation plan to ensure that each individual's choice of setting is documented and available for review within the setting.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No	<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 does not employ chemical, mechanical, or physical restraints. Cameras are not used at the setting and there are no alert devices that chime or signal when a person stands near or passes through a doorway or window. The provider is working on a remediation plan to remove name placards displaying individuals' first and last name and to update its existing policies like the Incident Reporting and Notice of Privacy policy to ensure information about an individual is only routed to persons with the legal authority to receive such information.</p> <p><i>Update: the provider has removed the name placards and updated its Incident Reporting policy, as noted below</i></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.  <i>42 CFR § 441.301(c)(4)(iv)</i></p>	<p>During the site visit state staff observed, that the individuals determine their daily activities and set their own schedule. The setting offers individualized supports that enable people to choose activities of their own interests both individually and in groups. There are no specific times or scheduled times as to when people can leave the setting. Individuals are free to practice the religion of their choosing.</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.  <i>42 CFR § 441.301(c)(4)(v)</i></p>	<p>The setting supports each individual in choosing the services they desire and who provides them.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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.  <i>42 CFR § 441.301(c)(4)(vi)(A)</i></p>	<p>The provider completed a remediation plan that modified the existing residential agreement, to ensure that it is a legally enforceable agreement and provides protection from eviction and appeals.</p>



<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>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 or living units within the lease or other agreement.  <i>42 CFR § 441.301(c)(4)(vi)(B)</i></p>	<p>Each individual has a keyed lock to their bedroom door and access to bathrooms that lock. Individuals have choice of roommates. Individuals have the freedom to furnish and decorate their sleeping or living units.</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.  <i>42 CFR § 441.301(c)(4)(vi)(C)</i></p>	<p>During the site visit state staff observed that all individuals have access to the typical facilities of a home including the kitchen, dining area, laundry, and common areas. They can self-administer medications, manage their own money, practice their preferred religion, and access food whenever they choose. Individuals have the opportunity to participate in activities, both on and offsite within the broader community. Individuals have the option to use their own personal vehicles or sign up for transportation into the community.</p> <p><i>During the public comment period, a resident raised concerns about access to the kitchen and snacks at any time. The state will follow up as described at the end of this summary sheet.</i></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.  <i>42 CFR § 441.301(c)(4)(vi)(D)</i></p>	<p>Individuals can have visitors at any time and socialize with whomever they please, including romantic relationships if they desire.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>The setting is physically accessible to the individual.  <i>42 CFR § 441.301(c)(4)(vi)(E)</i></p>	<p>The setting is physically accessible with no common areas off limits to individuals.</p>



<p> <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> Partial  <input type="checkbox"/> No         </p>	<p>Any rights modifications are supported by a specific assessed need and justified in the person-centered service plan. The following criteria are documented in the person-centered service plan:</p> <ol style="list-style-type: none"> <li>(1) A specific and individualized assessed need.</li> <li>(2) The positive interventions and supports used prior to any rights modifications.</li> <li>(3) The less intrusive methods of meeting the need that were tried but did not work.</li> <li>(4) A clear description of the rights modification that is directly proportionate to the specific assessed need.</li> <li>(5) A plan for the regular collection and review of data to measure the ongoing effectiveness of the modification.</li> <li>(6) Established time limits for periodic reviews to determine whether the modification is still necessary or can be terminated.</li> <li>(7) The informed consent of the individual.</li> <li>(8) An assurance that interventions and supports will cause no harm to the individual.</li> </ol> <p><i>42 CFR § 441.301(c)(4)(vi)(F)</i></p>	<p>The provider is working on a remediation plan to modify their House Rules to align with federal and state requirements on rights and autonomy. The provider is working on identifying a safe designated smoking area within the setting's grounds, and to allow individuals to use alcohol. The provider must ensure any proposed rights modifications are supported by a specific assessed need and justified in the person-centered service plan, including the need for informed consent from the individual. The provider will use the state-approved informed consent template in the event a rights modification is being proposed. The provider is working to provide staff training on person-centered principles.</p> <p><i>Update: the provider has identified a smoking area, as noted below.</i></p>



**Summary of Findings From Desk Review and/or Site Visit(s)**

The state reviewed the Provider Transition Plan (PTP) and supporting materials submitted by the provider for this setting. In 2018, 2019, 2020, and 2021 the provider submitted updates to its Provider Transition Plan (PTP) including revised documents. The update process has been an iterative process. The State will continue to work with the provider to ensure that the PTP accurately identifies remaining compliance issues and heightened scrutiny triggers and the provider's resolution of all such issues.

The state reviewed the following materials submitted by the provider:

- Rights of Persons Handout
- Grievance/Complaint Policy
- Medication Policy
- Mistreatment Policy
- Physical Intervention Policy
- Incident Reporting Policy
- Money Management Policy
- Lease/Residency Agreement
- Admission/Discharge Policies
- House Rules
- Recent Month Calendar of Community Activities

A site visit was conducted on 10/22/2018. During the site visit state staff observed the setting, spoke with the provider staff, and spoke with individuals outside the presence of provider staff to learn about their lived experience at the setting. State staff reviewed the setting's policies and procedures and other documents.

A number of compliance issues were identified and a remediation plan was discussed during the site visit. The setting has updated its existing Grievance policy and procedure to be fully compliant with the HCBS Settings Final Rule. The provider ensures individuals have the opportunity to engage in community integrated activities within the broader community. The setting is physically accessible with no common areas off limits to individuals. While changes have been made to the Incident Reporting policy, and to the House Rules, both will need to have final revisions made, to be compliant with the HCBS Settings Final Rule. In addition, the provider still needs to submit evidence that the setting has a designated, accessible smoking area on the grounds of the facility. The provider still needs to submit evidence that individuals are allowed to consume alcohol. The provider still then also needs to revise the Smoking and Notice of Privacy policies to ensure that all submitted policies and procedures are reflective of the setting's procedures. Final verification of setting's compliance with the HCBS Settings Final Rule will be determined during a future site visit.

Summary of individual interviews:

Two individuals were interviewed. Both individuals indicated that a family member helped them to find/learn of Medallion. The individuals reported having a key to their bedroom, reported having a key to the facility, and reported having a lockable bathroom door. Individuals reported that they can speak with any staff about any grievance that may arise. Staff knock before entering bedrooms and bathrooms. Individuals can sign up for activities as well as for transportation, when needed. Community activities include shopping, lunches out, going gambling, and going to the zoo.



**Remediation Plan (If Not Already Implemented) & State Oversight to Verify Implementation**

As described above, state staff have verified via desk review the implementation of a number of required changes to policies and procedures and other provider documents. State staff will visit this setting upon the provider's confirmation that it has finished implementing the remaining changes, in order to confirm that this is the case.

**Additional Comments**

The Individual/Family/Advocate (IFA) Survey results were reviewed, and no comments were submitted for this setting.

*After the original summary sheet was prepared for public comment, the provider submitted evidence of a designated outside smoking area, removal of full names from name placards outside of bedroom doors, and updates to its Incident Reporting policy. These updates resolved certain compliance issues noted above.*

*During the public comment period, the Department received one email from an individual that lives at this setting expressing criticism of the setting. The individual stated that the provider did not allow access to the kitchen and snacks at all times. Survey staff with the Colorado Department of Public Health & Environment (CDPHE) will check on this issue during their final site visit at this setting and will ensure that the provider is complying with requirements for access to food.*