



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

Adult Residential Setting Summary Sheet

Heightened Scrutiny Identification Number	HS-010
Provider Name	Chateau Des Mons Care and Assisted Living
Setting Name	Marion Health
Setting Address	3426 S Marion St., Englewood, CO 80113
Compliant as of Date	June 4, 2020
Date of This Evaluation	April 28, 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

Setting Description
The setting is an Alternative Care Facility. It is on the same grounds as a skilled nursing facility. The setting supports 48 individuals. All policies, procedures, activities, and staff are separate from the nursing facility. The setting will continue to operate separate services from the SNF next door.



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.</p> <p><i>Id. 42 C.F.R. § 441.304(c)(4)(i).</i></p>	<p>During the site visit state staff observed that all individuals have the opportunity to choose events that are then placed on the activity calendar. Individuals are able to choose which events they would like to participate in. Some examples of activities that the individuals have chosen and participated in are museum visits, dining in restaurants in the community, trips to the Englewood library, daily walks about their community, picnics in the local parks, and serving meals to the homeless. The setting does not have any policies or procedures that prevent people from interacting with or receiving services in the community.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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>In Colorado, case management agencies are responsible for</p> <ul style="list-style-type: none"> • working with the individual to ensure that the setting is selected by the individual from among setting options including non-disability-specific settings and, where residential supports will be provided, an option for a private unit in a residential setting; • ensuring that setting options are identified and documented in the person-centered support plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board; and • supplying the person-centered support plan to provider agencies for implementation. <p>Provider agencies are responsible for implementing the person-centered support plan. They are also responsible for referring individuals to their case management agency if they want to request a different provider or setting.</p> <p>As part of the site-specific verification process, the state verified that providers complied with their responsibilities relating to informed choice. This process included verifying that settings did not have compliance issues such as telling individuals that they</p>



		<p>must receive services there, even if they would prefer something else.</p> <p>The provider has modified their existing policies and procedures to align with federal and state requirements. The provider ensures that the individual's choice of the setting is documented in each person-centered service plan. The provider has also developed a policy to allow individuals their choice of roommates.</p>
<input checked="" type="checkbox"/> Yes <input 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 provider has modified the Resident Admission Agreement to clarify that staff may only enter an individual's apartment for a scheduled inspection, maintenance and for emergencies. Individuals have a key to their apartment. The provider has also ensured that if any individual is unable to safely use a lock and key, the facility staff will follow the rights modification of an assessment, document the reason, get informed consent, keep data and review at least annually.</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>Id.</i> § 441.301(c)(4)(iv)</p>	<p>The provider has modified the "House Rules" to include that all individuals have the right to have and/or consume alcohol. If there is any reason someone is not safe when consuming alcohol or any other reason, it will be documented in their care plan. This process includes following the rights modification process, including an assessment, data tracking, annual review, and consent. The individuals have access to their own money, can self-administer medications, participate in any activity they choose, and fully access the setting.</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>Id.</i> § 441.301(c)(4)(v)</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</p>	<p>The provider has modified the existing residential agreement to ensure that it is a legally enforceable agreement and provides protection from eviction and appeals.</p>



	<p>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>Id. § 441.301(c)(4)(vi)(A)</i></p>	
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No</p>	<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>Id. § 441.301(c)(4)(vi)(B)</i></p>	<p>Each person has a key to their own apartment. The provider has also ensured that if any individual is unable to safely use a lock and key, the facility staff will follow the rights modification process, document the reason, get informed consent, keep data and review at least annually. Individuals have the choice of roommates. Each apartment is decorated and furnished as the people living in it desires.</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. <i>Id. § 441.301(c)(4)(vi)(C)</i></p>	<p>The setting provides activities both inside and outside of the individuals' home. People have the freedom within the home with no areas off limits. Access to food is 24/7. All individuals have the opportunity to choose events that are then placed on the activity calendar. Then, they are able to choose which events they themselves would like to participate in.</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. <i>Id. § 441.301(c)(4)(vi)(D)</i></p>	<p>The provider has updated the House Rules policy. Individuals can have visitors at any time, including overnight.</p>



<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>The setting is physically accessible to the individual. <i>Id. § 441.301(c)(4)(vi)(E)</i></p>	<p>During the site visit state staff observed that the setting is physically accessible. No areas are off limits.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<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"> (1) A specific and individualized assessed need. (2) The positive interventions and supports used prior to any rights modifications. (3) The less intrusive methods of meeting the need that were tried but did not work. (4) A clear description of the rights modification that is directly proportionate to the specific assessed need. (5) A plan for the regular collection and review of data to measure the ongoing effectiveness of the modification. (6) Established time limits for periodic reviews to determine whether the modification is still necessary or can be terminated. (7) The informed consent of the individual. (8) An assurance that interventions and supports will cause no harm to the individual. <i>Id. § 441.301(c)(4)(vi)(F)</i> 	<p>Any rights modifications are supported by a specific assessed need and justified in the person-centered service plan. Facility staff will follow the rights modification process of an assessment, document the reason, get informed consent, keep data and review at least annually. The provider has uploaded an informed consent template to be used when an individual's right is to be modified. The provider has updated all documentation to be in plain language so that all individuals understand. The provider has ensured that all staff have been trained in person-centered care and records of that training were noted to be uploaded in the document section of the PTP.</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, and 2020 the provider submitted updates to its Provider Transition Plan (PTP) including revised documents and additional evidence (e.g., photographs). Through an iterative process, the state worked with the provider to ensure that the PTP accurately identified all compliance issues and heightened scrutiny triggers and reflected 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
- Choice in Roommates document
- Informed Consent template
- Pictures of installed bathroom locks
- Proof of training for Person-Centered Principles

If the provider updated any of these materials, the findings in this evaluation reflect the most recent version of each item.

A site visit was conducted on 10/24/2016. 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.

At the time of the visit, a number of compliance issues were identified and a remediation plan discussed. The provider has since provided evidence of compliance, for all of the setting specific compliance issues. The provider has ensured that all individuals have independent access to the setting, have lockable bathroom doors, and a keyed bedroom lock. The provider modified house rules to allow for visitors at any time. The provider modified the money management policy to ensure individuals have access to their funds at any time. The provider trained all staff in Person-Centered Thinking principles. The setting is in full compliance with the HCBS Settings Final Rule.

Summary of individual interviews: Interviews were conducted on 10/24/2016. All three individuals reported feeling respected by staff. Interviews also reflected that individuals had full access to all common areas, being able to leave the facility when they want, support to participate in community integrated activities, as well as being able to have visitors at any time. Interviews did not result in concerns about individual rights.

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



Additional Comments

No public comments were received regarding this setting.