



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

*Nonresidential Setting Summary Sheet*

<b>Heightened Scrutiny Identification Number</b>	HS-029
<b>Provider Name</b>	Grand Junction Regional Center
<b>Setting Name</b>	
<b>Setting Address</b>	572 West Crete Circle, Grand Junction, CO 81505
<b>Compliant as of Date</b>	Expected to submit remaining evidence of compliance this summer, to be verified by December 31, 2021
<b>Date of This Evaluation</b>	May 11, 2021 <i>for public comment; updated July 21, 2021 for CMS. Updates are in italicized green font.</i>

**Setting Type**

- Adult Day Services (Not IDD Specific) Basic
- Adult Day Services (Not IDD Specific) Brain Injury Waiver
- Adult Day Services (Not IDD Specific) Specialized
- Day Habilitation for Individuals with IDD Prevocational Services
- Day Habilitation for Individuals with IDD Specialized Habilitation
- Day Habilitation for Individuals with IDD Supported Community Connections (SCC)
- Day Treatment under Brain Injury Waiver

- Supported Employment Group Supported Employment

**Waivers Served**

- Children's Extensive Support (CES)
- Community Mental Health Supports (CMHS) for Persons with Major Mental Illness
- Elderly, Blind, and Disabled (EBD)
- Persons with Brain Injury (BI)
- Persons with Spinal Cord Injury (SCI)
- Persons with Developmental Disabilities (DD)
- Supported Living Services (SLS)

**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>
Over 50 individuals with an intellectual or developmental disability receive day habilitation services at this setting. State staff visited this site in October 2017. They flagged it for heightened scrutiny on the basis that it does not yet provide individuals the opportunity to interact in the community with people who do not have a disability and are not staff, creating the potential for isolating individuals from the broader community. The provider has made significant progress with updates and revisions to its policies and procedures to ensure that services are person-centered, including recognizing the individual's preferences, input, and decisions regarding their services. All staff have been trained in person-centered principles, and the provider's overall leadership embraces the values of the HCBS Settings Final Rule. Final verification of compliance for these services, including ensuring that all individuals have the opportunity to be active in the community, will be obtained via a state staff visit.



**Compliance Summary**

Compliant?	Federal Requirement	Summary of Evidence of Compliance
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input checked="" 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>Currently, this provider has not demonstrated community integration. An August 2020 activity calendar offered only site-based services, with individuals divided into designated rooms. As a result, even site-based services do not yet offer choice of activities, as they are regimented based on what the provider sets up for each group. During a site visit in October 2017, state staff observed this practice. The observed sample of a community activity was collecting rocks to bring back to the facility to paint. A plan for ensuring community integration for all individuals at this setting after pandemic-related restrictions are eased will need to be submitted. State staff will then return for a site visit, once the plan is implemented, to verify that all individuals have the opportunity to be active in the community with persons who are not disabled and not staff.</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.</i> § 441.301(c)(4)(ii).</p>	<p>In Colorado, case management agencies are responsible for</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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</li> <li>• supplying the person-centered support plan to provider agencies for implementation.</li> </ul> <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 must receive services there, even if they would prefer something else.</p>



		<p>This provider's admission policy initially did not recognize individuals' right to accept or decline services. The provider updated the policy to be person-centered and to recognize the right to choose or decline services, including the option to work with one's case manager to move to another setting without waiting for this provider to complete an assessment and decide whether and when an individual may consider a change in their provider and services.</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 provider revised the grievance policy and dispute policy to ensure that individuals understand the two unique processes and how to follow them if needed. For the grievance/complaint procedure, individuals and others are now able to submit a complaint at any time, rather than within only fourteen days of their concern. External contacts have been added to each procedure, making sure individuals can request assistance when desired. Policies and procedures also reflect that restraints will not be used unless all required processes are followed, including obtaining informed consent for individuals who are anticipated to sometimes need physical holds. The provider will submit a sample informed consent form, related to the potential use of a restraint, to ensure the process outlined in the policy is followed. At the time of the site visit, individuals did not have a secure place to store personal belongings. The provider will submit a picture of whatever is installed for individuals to use to secure their belongings.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input checked="" 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>During the site visit, individuals were interviewed away from the staff. Individuals reported that they did not have the ability to go outside when they wanted and had to first get staff permission. State staff observed that individuals were assigned to a group and room, with little input for planned activities at the site, and rarely activities in the community. The provider will submit a plan to reflect the opportunity for choice of activities, primarily in the community, and for the base-site, a similar plan to ensure choice of activities each day. Groups will be based on individuals' interests rather than being pre-assigned.</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>Yes, the provider ensures individuals choose who provides their services and supports.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	<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>This is a nonresidential setting, so this requirement does not apply.</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.</i> § 441.301(c)(4)(vi)(A).</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	<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.</i> § 441.301(c)(4)(vi)(B).</p>	<p>This a nonresidential setting, so this requirement does not apply.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input checked="" type="checkbox"/> No	<p>Individuals have the freedom and support to control their schedules and activities and have access to food any time. <i>Id.</i> § 441.301(c)(4)(vi)(C).</p>	<p>State staff noted that while rights were not restricted on a broad basis, some practices will need to be updated to illustrate that individuals are able to choose their activities, to eat when they wish, and to have control over their schedules. When state staff return to verify overall compliance, these matters will be a part of what is reviewed.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> Partial <input checked="" type="checkbox"/> No	<p>Individuals are able to have visitors of their choosing at any time. <i>Id.</i> § 441.301(c)(4)(vi)(D).</p>	<p>At the time of the site visit, it was reported by the provider that individuals could not have visitors at the setting, including family members and people from the greater community. Upon further discussion, the provider was agreeable to allowing visitors. When state staff return to verify overall compliance, this will be a part of what is reviewed.</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.</i> § 441.301(c)(4)(vi)(E).</p>	<p>Yes, the site is fully accessible to all individuals.</p>
<input type="checkbox"/> Yes <input checked="" 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:          (1) A specific and individualized assessed need.          (2) The positive interventions and supports used prior to any rights modifications.</p>	<p>State staff requested that updates be made to the provider's policies for rights modifications. The provider submitted revised documentation as requested. The provider will submit at least two sample informed consent forms specific to individuals receiving day habilitation services at this setting. The provider will use the state-approved template and follow the corresponding guidance to ensure the updated policies are fully implemented with respect to rights modifications. PHI will be removed prior to the forms' being submitted for review.</p>



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|  | <ul style="list-style-type: none"><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></ul> <p><i>Id.</i> § 441.301(c)(4)(vi)(F).</p> |  |
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### **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. 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 (or a plan to timely finish doing so).

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
- Dispute Resolution Policy
- Recent Month Calendar of Community Activities
- Admissions Policy
- Materials Relating to Staff Training on Person-Centered Thinking
- Pictorial Rights of Persons Receiving Services

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

Summary of individual interviews: Individuals were interviewed away from staff during the state site visit in October 2017. Individuals were generally positive about their services, including their staff. One individual explained that he could not use the outdoor spaces next to the building without staff permission. On the other hand, he was pleased that staff let him get coffee in the staff break area. Individuals shared that they only interacted with staff and other individuals receiving services. State staff expect to speak privately with individuals during the follow-up site visit.

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

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

The site needs to make these specific changes:

- Submit a plan, specific to this setting, to ensure that all individuals have the opportunity to interact with non-disabled, non-staff persons while engaged in community activities.
- Increase support for individuals to leave the setting and engage with non-disabled, non-staff persons in the community.
- Train managers and staff regarding the shift from services being primarily site-based to community-integrated.
- Have provider/staff participation in community integration education and outreach.
- Develop programs for increasing opportunities for community integration.
- Work with individuals to find out their potential interests, then explore opportunities that may be new for them, in the greater community.
- Develop tools/messaging materials to educate individuals and families on community integration, including employment options.
- Eliminate the use of name tags by staff when in the community, as these separate individuals from the general public and result in community members' identifying individuals as disabled and in need of staff.
- Share how family and the general public will be welcomed once COVID-19 restriction have lifted.
- Upload evidence that individuals are free to go outside when they wish, without permission.
- Submit completed informed consent forms as evidence that the provider's practices align with federal and state requirements on rights and autonomy.
- Install lockers or other way for individuals to have a secure place to store their belongings, including ensuring that they have access to their belongings, including their food, at any time (document with photos).



State staff will visit the setting to verify implementation of these final changes, including community integration, once the provider is able to implement the plan, after pandemic restrictions have been lifted.

**Additional Comments**

*No public comments were received regarding this setting.*