



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

Nonresidential Setting Summary Sheet

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| Heightened Scrutiny Identification Number | HS-033 |
| Provider Name | Inspiration Field |
| Setting Name | Cleaning Crew |
| Setting Address | WITHHELD |
| Compliant as of Date | Expected to submit remaining evidence of compliance this summer, to be verified by December 31, 2021 |
| Date of This Evaluation | updated 5/26/21 <i>for public comment; updated July 28, 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 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



Setting Description

The cleaning crew provides janitorial cleaning services to the public through a competitive bid process competing against local companies. The provider has several contracts providing services throughout the community. Three of the employees working in this group are individuals receiving services. They are supported by one job coach, who also serves as the crew supervisor. They work Monday through Wednesday from 9:00 a.m. - 3:00 p.m. and Thursday from 9:00 a.m. - 1:30 p.m. They have minimal interactions with customers and business patrons, deeming them heightened scrutiny for isolating. A remedial plan has been submitted, and will be implemented when COVID-19 community restrictions are lifted and the job crew is operational. The provider plans to hire a community member in a non-support role to work alongside the individuals in this crew once this crew is operational again.



Compliance Summary

| Compliant? | Federal Requirement | Summary of Evidence of Compliance |
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| <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. <i>42 CFR 441.304(c)(4)(i)</i></p> | <p>The setting is not yet integrated in and does not yet support individuals receiving Medicaid HCBS to the greater community. The cleaning crew has one staff working a support role with three individuals receiving services. The cleaning service has contracts with businesses in the community to provide cleaning services. However, the individuals receiving services have minimal contact with customers and community members while performing job duties. Any contact with community members is incidental. The provider has established a remediation plan to ensure compliance with the Settings Final Rule. The provider will hire a staff member that is not in a support role, to work alongside to complete the same job duties. Due to the current conditions of the pandemic, this supported employment crew is currently not operating. Once community restrictions are lifted, the provider is prepared to demonstrate compliance with evidence of a community member hired and working alongside the individuals in a non-supportive role.</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>42 CFR § 441.301(c)(4)(ii)</i></p> | <p>It was determined that individuals are able to select the setting from among various options, including non-disability-specific settings; that these options are documented in their person-centered services plans; and that they are based on their needs and preferences. 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. |



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| | | <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> |
| <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>42 CFR § 441.301(c)(4)(iii)</i></p> | <p>A remedial action plan was completed by the provider to ensure all policies and procedures align with state and federal requirements regarding individuals' rights of privacy, dignity, respect, and freedom from coercion and restraint. The provider developed plain-language policies and included language regarding the rights modification process, including the need for informed consent. Additionally, revisions were made to the rights, grievance, dispute, physical intervention and mistreatment policy until compliance was finally determined.</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>No remedial action plan was required for the setting under this section. Individuals are supported to choose the setting they work in and are supported in making informed decisions.</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>Individuals are informed of and given the choice among setting options, including non-disability specific employment options. The setting options are identified and documented in the person-centered service plan. These options are based on the individual's needs, preferences and resources.</p> |
| <input 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</p> | <p>As a non-residential setting, this section does not apply.</p> |



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| <input checked="" type="checkbox"/> Not Applicable | 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> | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | 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> | Since this is a nonresidential site is for supported employment services, they do not have living units. However, individuals can store their belongings in a secure space that they can access independently. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | 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> | Individuals work typical day hours, as determined by the needs of the cleaning contracts. Individuals are held to the same standards as all employees, as found in the employee handbook. |
| <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable | Individuals are able to have visitors of their choosing at any time. <i>42 CFR § 441.301(c)(4)(vi)(D)</i> | There are no broadly restricted rights and/or rules that apply to the individuals in services only. Individuals are held to the same standards as others at the work sites. |



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| <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 assessment determined that the setting is physically accessible to individuals working there.</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. <p><i>42 CFR § 441.301(c)(4)(vi)(F)</i></p> | <p>A remedial action plan was completed by the provider to revise the rights and physical intervention policy to reflect the federal requirements of the Settings Final Rule for any modifications to individual rights. The provider will ensure that any proposed rights modifications are supported by a specific assessed need and individual informed consent will be obtained. There are no broadly restricted rights within the provider policies and procedures. The provider has ensured that all staff have been trained in person-centered thinking training.</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. 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
- Recent Month Calendar of Community Activities
- Dispute Resolution Policy
- Cleaning crew schedule

The policies and procedures that required revision have been revised and meet the requirements of the Settings Final Rule. A remediation plan has been developed for the isolating effects of the setting and will be implemented when possible. As described above, the provider will hire a community member to work alongside this cleaning crew, in a non-supportive role.

Summary of individual interviews:

No individual interviews were completed for this setting.

Summary of Stakeholder and Public Input; Department Responses

The Individuals, Families and Advocates (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 provider has established a remediation plan to overcome the presumption of the heightened scrutiny designation because of isolation. The provider will hire a non-disabled staff member that is not in a support role, to work alongside and responsible to complete the same job duties. Once community restrictions are lifted, the provider is prepared to demonstrate compliance with evidence of a community member hired and working alongside the individuals in a non-supportive role. The evidence will be submitted to the state and verified for compliance.

Additional Comments

No public comments were received regarding this setting.