



COLORADO

Department of Health Care
Policy & Financing

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

Nonresidential Setting Summary Sheet

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| Heightened Scrutiny Identification Number | HS-055 |
| Provider Name | Grand Junction Regional Center |
| Setting Name | |
| Setting Address | Street address withheld, Grand Junction, CO |
| Compliant as of Date | This setting was eligible for and requested an extension, which was approved. The setting is anticipated to be fully compliant by the end of <i>May June 2023</i> . |
| Date of This Evaluation | April 12, 2023 <i>for public comment; updated May 31, 2023 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

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| Setting Description |
| This setting provides day habilitation services in Grand Junction. Individuals receiving services at this setting also live in this group home, and most have ongoing health issues. Previously, the nonresidential services isolated participants from the greater community, with no outings or contact with others in the community who were not disabled and not staff. The provider completed updates and revisions to its policies and procedures to ensure that services are person-centered. All staff have been trained in person-centered principles, and during a site visit on March 14, 2023, staff were able to explain the importance of integrated services. Verification of integrated opportunities, based on individuals' interests, was made during the site visit. The facility needs to ensure that materials used at the facility are age appropriate and will need to provide notice to participants that their right to being able to freely come and go from the setting is impacted by one individual's rights modification. |



Compliance Summary

| Compliant? | Federal Requirement | Summary of Evidence of Compliance |
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| <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>Calendars submitted for 2020 and 2022 reflected that all activities were site-based services, including sensory activities, listening to music, and hand massages at the setting. There were no activities offered away from the facility, and therefore, there were no opportunities for individuals to engage with others in their community. In January 2023, the provider submitted evidence reflecting that individuals were supported to engage in community integrated activities, which included interaction with non-disabled, non-staff persons, such as going bowling, to a Science Center, the library, shopping, an alpaca farm, and an art center.</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"> • 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 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</p> |



| Compliant? | Federal Requirement | Summary of Evidence of Compliance |
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| | | an assessment and decide whether and when an individual may consider a change in their provider and services. The provider is working with case managers to offer individuals and guardians a choice of other day habilitation services in the area. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | 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). | Individuals' rights of privacy, dignity, respect, and freedom from coercion and restraint are protected. 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, ensuring that 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. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No | 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). | As noted above, individuals now have the opportunity to participate in community integrated activities and engage with the greater community. In addition, during a site visit on March 14, 2023, staff explained they offer activities, based on the interests of the individuals receiving services, as opposed to solely being staff driven. If an individual declines the community activity, staff are able to accommodate the individual's preference and offer engaging activities in the facility. At the setting, some of the materials for sensory activities were not age appropriate for adults, as staff offered toys intended for infants/toddlers. The setting needs to update materials to offer sensory activities and devices that are for adults, for day program services. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | The setting facilitates individual choice regarding services and supports, and who provides them. <i>Id.</i> § 441.301(c)(4)(v). | Individuals are able to choose who provides their services and supports. |
| <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable | 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 | This evaluation covers nonresidential services offered at the site, so this requirement does not apply. (A separate evaluation is being performed as to the residential services offered at the site.) |



| Compliant? | Federal Requirement | Summary of Evidence of Compliance |
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| | 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). | |
| <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable | 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). | This evaluation covers nonresidential services offered at the site, so this requirement does not apply. (A separate evaluation is being performed as to the residential services offered at the site.) |
| <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>Id.</i> § 441.301(c)(4)(vi)(C). | Individuals receiving nonresidential services in this setting are able to decide what activities they want to participate in and have access to food at any time. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | Individuals are able to have visitors of their choosing at any time. <i>Id.</i> § 441.301(c)(4)(vi)(D). | The provider attested that individuals are able to have visitors at any time. During the site visit on March 14, 2023, staff reiterated that visitors are allowed at any time. |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No | The setting is physically accessible to the individual. <i>Id.</i> § 441.301(c)(4)(vi)(E). | Yes, the site is fully accessible to all individuals. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No | 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. (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 | The provider appropriately updated its policy for rights modifications, as well as its handout for individuals and guardians regarding rights. Sample informed consent forms, completed pursuant to required steps and including plain language narrative, were submitted by the provider as a means to verify that the provider is following its updated policies. The setting will need to submit evidence that it has notified individuals that there is a chime on the doors pursuant to a rights modification for one individual, which impacts the ability of all individuals to freely come and go. |



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| | 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.</i> § 441.301(c)(4)(vi)(F). | |



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 Receiving Services Policy
- Grievance/Complaint Policy
- Medication Policy
- Mistreatment (MANE) 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: Two individuals were interviewed at this setting. The two were pleased with their services, in response to interview questions. Since they receive both residential and nonresidential services at this setting, they did not distinguish between the two. Overall, they were doing well and felt respected by staff.

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

The setting needs to make these specific changes:

- Submit evidence that individuals have been given notice that there are chimes on doors, used to alert staff pursuant to one individual's rights modification to freely come and go from the setting.
- Submit evidence that sensory activities/materials are aimed at adults.

State staff will review uploaded evidence, once it is available in the Provider Transition Plan (PTP).

Summary of Stakeholder and Public Input; Department Responses

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.