



**COLORADO**

Department of Health Care  
Policy & Financing

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

*Nonresidential Setting Summary Sheet*

<b>Heightened Scrutiny Identification Number</b>	HS-058
<b>Provider Name</b>	Strive
<b>Setting Name</b>	Project 970 (Day Habilitation)
<b>Setting Address</b>	Street address withheld, Grand Junction, CO 81501
<b>Compliant as of Date</b>	February 22, 2023
<b>Date of This Evaluation</b>	March 10, 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

**Setting Description**

This is a day program for nearly 60 adults with intellectual or developmental disabilities. Individuals attend this base site facility Monday through Friday. The initial state staff site visit on October 1, 2019, when the center was operated as a Group Supported Employment program, demonstrated that individuals did not leave the setting and worked on arts and crafts. Because of its potential to isolate participants, this setting was flagged for heightened scrutiny. Review of the July 2022 calendar continued to reflect that arts and crafts at the facility, along with occasional outings that did not entail meaningful engagement with others, were the only activities available. With the setting's conversion from group employment to a Specialized Habilitation and Supported Community Connections day program, the setting expanded its support for community integration, and this progress was verified and the site confirmed as compliant during a state staff site visit on February 14, 2023.



**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>In 2019, the provider was told the setting required modifications in order to become compliant. At that time, and until later in 2022, the provider only offered base-site activities to make craft projects, along with occasional outings that were not structured to provide meaningful, regular interaction with other members of the community (e.g., visiting the provider-owned store where crafts were sold; observing workers at WalMart). A verification site visit was completed by state staff on February 14, 2023. The evidence submitted and observations made demonstrated the provider is offering additional community integrated activities to individuals at this setting, such as various community volunteer opportunities, visits to museums, bowling, and time at the Mesa national monument.</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>The setting is compliant with this requirement.</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</p>



Compliant?	Federal Requirement	Summary of Evidence of Compliance
		<p>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>Id.</i> § 441.301(c)(4)(iii).</p>	<p>The provider has revised and submitted a rights policy that supports an individual's rights to privacy, dignity, and respect, free from coercion and restraint. The rights handout is written in plain language.</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>Documentation through 2022 did not support the choice of meaningful, age-appropriate activities at the setting or community activities. A verification visit by state staff was completed on February 14, 2023. Observations revealed that the setting offered age-appropriate site-based activities, including a morning meeting, cookie decorating, karaoke, library use at the facility, and bingo. Individuals were informed they could stay at the setting or go out into the community.</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>Individuals can exercise personal choice regarding services and supports, and who provides them.</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 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>	<p>The setting is nonresidential, and therefore this requirement is not applicable.</p>



Compliant?	Federal Requirement	Summary of Evidence of Compliance
<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:</p> <p>(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p>(2) Individuals sharing units have a choice of roommates in that setting.</p> <p>(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><i>Id.</i> § 441.301(c)(4)(vi)(B).</p>	<p>The setting is nonresidential, and therefore this requirement is not applicable.</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.</p> <p><i>Id.</i> § 441.301(c)(4)(vi)(C).</p>	<p>In the supporting documentation, individuals have the freedom to control their schedule and activities, and they have access to food as they want.</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.</p> <p><i>Id.</i> § 441.301(c)(4)(vi)(D).</p>	<p>The provider reviewed and modified its staff training to allow participants in the program to socialize with whomever they choose.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No	<p>The setting is physically accessible to the individual.</p> <p><i>Id.</i> § 441.301(c)(4)(vi)(E).</p>	<p>The setting is physically accessible to all individuals.</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> <p>(1) A specific and individualized assessed need.</p> <p>(2) The positive interventions and supports used prior to any rights modifications.</p> <p>(3) The less intrusive methods of meeting the need that were tried but did not work.</p> <p>(4) A clear description of the rights modification that is directly proportionate to the specific assessed need.</p> <p>(5) A plan for the regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>(6) Established time limits for periodic reviews to determine whether the modification is still necessary or can be terminated.</p> <p>(7) The informed consent of the individual.</p> <p>(8) An assurance that interventions and supports will cause no harm to the individual.</p> <p><i>Id.</i> § 441.301(c)(4)(vi)(F).</p>	<p>Rights modifications are supported by specific assessed needs and other required criteria, and they are documented in the person-centered service plan.</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
- Grievance/Complaint Policy
- Medication Policy
- Mistreatment Policy
- Physical Intervention Policy
- Incident Reporting Policy
- Dispute Resolution Policy
- Recent Month Calendar of Community Activities
- Person-Centered Training
- Photos demonstrating locks and lockers

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

**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.

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

State staff have verified that the provider has completed remediation for this setting.

**Additional Comments**

Although there were no responses to the Individual/Family/Advocate (IFA) Survey that were specific to this location, there were responses relating to other nonresidential settings operated by Strive in Grand Junction. These included:

- "I have pulled my [relative] out of most of the day programs as Strive doesn't offer the stability of consistent staff and activities that [my relative] requires to be successful in." (2017)
- "I feel like the STRIVE day program is like glorified babysitting. They very rarely do activities that are on their schedule. . . . According to my [relative] they don't do much of anything. . . . I feel like the day program is just a place for my [relative] to go and hang out with friends. There's no real viable or structured activities life skills activities. STRIVE has a schedule in place (on paper) but it seems that it is very rarely followed." (2019)

These comments confirmed the need for this provider to address the compliance issues described above.

A verification visit was completed on February 14, 2023. All compliance issues previously identified have been resolved, including the addition of a secure location to keep personal belongings and a new lock for the restroom to ensure privacy.

**Additional Comments**

*No public comments were received regarding this setting.*