

Employment Skills Development Settings

(Enter Provider Name Here)

You have informed the Office of Long-Term Living (OLTL) that your agency wishes to go through the Heightened Scrutiny Review Process. This means that OLTL has identified areas in which you do not comply with the Federal Home and Community-Based Services (HCBS) Final Rule that defines settings in which Medicaid waiver funds cannot be used. The Heightened Scrutiny Review Process offers you the opportunity to provide OLTL with your policies and other documents that show you are currently following the spirit of the Rule, and/or that you can and will make appropriate changes prior to _____ (date) in order to come into compliance with the rule.

Please indicate which category your setting falls into

_____ Setting(s) is located in a building that is also a publicly or privately-operated facility that provides inpatient institutional treatment.

_____ Setting(s) is in a building located on the grounds of, or immediately adjacent to, a public institution.

_____ Setting(s) has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.

Policies/Documents required by ALL providers

Below are required documents (policies, procedures, handbooks, etc.) that should have already been provided to OLTL. If you have not provided them, you may be asked to do so by OLTL during their onsite review. OLTL will also be reviewing person-centered service plans (PCSP) and interviewing participants and members of your staff as part of the on-site review.

- ___ HIPAA privacy policy - **42 CFR 441.301(c)(4)(iii)**
- ___ Complaint policy to include anonymous complaints - **42 CFR 441.301(c)(4)(iii)**
- ___ Prohibition of coercion/restraint document - **42 CFR 441.301(c)(4)(iii)**
- ___ Visitation document - **42 CFR 441.301(c)(4)(vi)(D)**
- ___ Staff to address participants appropriately document - **42 CFR 441.301(c)(4)(iii)**

Employment Skills Development Providers

Providers may also be asked to produce policies, communications or documentation that the following practices are in place:

1. There are opportunities for waiver participants to pursue competitive employment [42 CFR 441.301(c)(2)(i)].
2. Waiver participants are given a say in determining their work schedule, break/lunch times and leave/medical benefits [42 CFR 441.301(c)(4)(vi)(C)].
3. If placed in employment, the participant is paid minimum wage or higher.

(For OLTL use only)

Onsite Reviews

Prior to the visit, review the documents provided by the agency. During the visit, cross check what is in the policies and what you are actually seeing. Make notations of any discrepancies where policies do not reflect what is actually in place.

OLTL Onsite Interviews of Participants and Staff at Employment Skills Development Providers

Questions for Participants (or guardians if participant is unable to participate in the interview).

Participants are to be interviewed outside the presence of staff and informed that what they say will not be shared with staff or other participants (review PCSPs prior to interviews):

1. Did you choose to use this agency for your services – were you given the names of other agencies to choose from?
 - a. Ask, but also check PCSP – does it indicate the participant had choice of Employment Skills Development providers?
2. (If participant is receiving the service in a facility) Were you given a choice of where you would receive Employment Skills Development services – either in the community or in the facility?
 - a. Ask, but also check PCSP – does it indicate the participant had choice of setting in which to receive this service?
3. Review PCSP – If there are any participant preferences listed that would apply in the employment environment, such as areas of interest, preference for type of work, preference for volunteer work or paid work, etc., ask if those preferences are being honored.
4. Do you know how to file a complaint if you are unhappy with your services here?
5. Have you ever been restrained or forced to do something you didn't want to do?
6. How do you like to be addressed (first name, Mr./Mrs./Mx.)? Do staff here use that name?
7. (Check PCSP – If employment goals are listed) Do you feel like you are moving towards those goals?

Questions for Staff

Staff are to be informed that what they say will not be shared with management, other staff or participants –

1. Do you address all participants the same way, or do you address them differently based on what they prefer?
2. Have you ever seen a participant/client restrained or forced to do something they didn't want to do?