



Heightened Scrutiny Virtual Assessment Handbook

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Why Was My Site Designated for Heightened Scrutiny?

Heightened Scrutiny designations are made based on a Desk Review of how you answered the self-assessment questions and/or through the evidence submitted. If the evidence submitted with your self-assessment for Category 1 and Category 2 was not accepted and the setting was placed into Heightened Scrutiny, there is an opportunity to resubmit evidence prior to scheduling an assessment with the Heightened Scrutiny Team. Please review the instructions on page 3 of this handbook by clicking on the title link here [If You Believe A Setting Is Not Heightened Scrutiny](#).

There are three (3) categories of Heightened Scrutiny:

Category 1 (a site is presumed to be isolating because it is inside of or directly connected to a public or private institution);

Category 2 (a site is presumed to be isolating because it is adjacent to or on the grounds of a public or private institution) and;

Category 3 (a site is presumed to be isolating because of other physical characteristics or policies in place that appear to isolate individuals from the broader community and require further assessment).

Getting Notified of Heightened Scrutiny Status

Once the Provider self-assessment Desk Review has been completed, it will be entered into the Community Connections database. After being entered into the Community Connections database, the contact person listed on the site-specific assessment will receive an email. These emails will be notification that the setting has been placed into at least one or more of the following three (3) categories;

- “Remediation Required”
- “Heightened Scrutiny Designation” or
- “Compliant”

There will be a corresponding email for each category the setting falls into. If you receive a “Remediation Required” email and/or a “Heightened Scrutiny Designation” email, changes to the setting are required to meet Final Rule compliance. It is possible (and common) for a setting to be placed into “Remediation” and “Heightened Scrutiny” simultaneously.

If You Believe A Setting Is Not Heightened Scrutiny

If you have a setting that has been designated as Heightened Scrutiny Category 1 or Category 2 and believe it is due to providing an inaccurate answer on the self-

assessment or by the submission of insufficient evidence, there is an opportunity to submit new and/or additional evidence to remove the designation.

When you receive notification of the setting's status, navigate to the Community Connection's website to access the setting on the "Remediation" tab. Here, you should be able to access the original PDF file of the self-assessment and determine which questions are in need of Remediation and the Desk Review Team's responses. If this step has been completed and it is believed the Heightened Scrutiny designation is inaccurate based on evidence not being accepted, you can select a remediation strategy and timeline for the question. After this step, the Heightened Scrutiny team will open a two-way communication feature on the "Heightened Scrutiny" tab to work with you to remove the Heightened Scrutiny flag.

After you submit evidence for additional consideration regarding a Category 1 or Category 2 Heightened Scrutiny designation, the Heightened Scrutiny team will utilize the two-way communication portal to provide feedback on the new evidence.

All evidence resubmission for Categories 1 and 2 should clearly verify that the setting is not attached to, on the grounds of, or adjacent to an institution that provides public or private inpatient treatment. Please click the following link to review the [Heightened Scrutiny C1 and C2 Photo Guidance](#) document for guidance on submitting evidence.

[Difference Between Heightened Scrutiny and Remediation](#)

Heightened Scrutiny is an additional assessment of a setting based on physical location characteristics or a presumption that the setting might isolate people from the community. Settings that complete a Heightened Scrutiny Assessment might need to go through Remediation to address issues of noncompliance that were found during the Provider Self-Assessment and Heightened Scrutiny Assessment.

The Remediation process will be handled online through the Community Connections website. The important thing to remember is that both Heightened Scrutiny and Remediation will require separate processes to address the unique compliance needs for each designation. For more specific information regarding Remediation, please click the following link to review the [Remediation Handbook](#).

[Gaining Access to the Heightened Scrutiny Tab](#)

The process for every Heightened Scrutiny setting will start on the "Remediation" tab. Once you have been notified that a setting you own or operate has triggered Heightened Scrutiny, log-in to the Community Connections dashboard and locate the setting on the "Remediation" tab. Heightened Scrutiny questions are identified on the Remediation table by a specific color as seen in the picture below.

| Color | Explanation |
|-----------------|---|
| Red | Onsite Heightened Scrutiny which should be remediated first |
| Orange | Heightened Scrutiny remediate online |
| Black | Remediation has not begun |
| Green | Strategy Chosen or Other Strategy Approved: Upload Evidence |
| Gray Background | Other Strategy or Evidence Uploaded Awaiting Approval |
| Purple | Other Strategy Rejected or Evidence Rejected |
| Black Bold | Question Marked Compliant |
| Dark Red | Question Rejected |

Questions in **Red** are Heightened Scrutiny Category 1 or Category 2, and questions in **Orange** are Category 3.

Scheduling A Heightened Scrutiny Assessment Date and Time

Due to restrictions presented by the 2020 COVID 19 pandemic, the Heightened Scrutiny Team will utilize a virtual platform to conduct Heightened Scrutiny assessments whenever possible to uphold the safety of staff and persons-served/guardians.

A member of the Heightened Scrutiny Team will contact the person listed on the self-assessment to schedule an assessment. When scheduling an assessment, the Heightened Scrutiny Team Member will discuss what level of technology is needed and ask what options and resources are available to your agency. To ensure the most effective outcome of the virtual visit, you will need to have access to a camera, an internet connection, a way to transfer files, and a method for staff and the persons-served/guardians to communicate with the Heightened Scrutiny Team Member during interviews (examples; video, telephone, etc.).

The Heightened Scrutiny Assessment Process

Due to the location or business model of the setting, CMS requires an in-depth look at how it operates and the experiences of key stakeholders, such as persons-served and staff.

If the HCBS setting is located in an institution (Category 1) or on the grounds of/adjacent to an institution (Category 2), evidence must show that the HCBS setting operates separately from the institution and provides broader access of persons-served to the community.

During the Heightened Scrutiny Assessment, a Team Member will interview persons-served, staff and the executive director, observe physical characteristics of the setting, and review documentation.

The Heightened Scrutiny team will be utilizing Microsoft Teams for virtual meetings/interviews. If you do not have Microsoft Teams or organizational Office 365, you can still join a Teams meeting without an Office 365 account.

Interviews

- A Team Member will be asking persons-served, staff, and the executive director to participate in interviews. No one will be forced to participate in an interview. Each interview will take approximately one hour. The Team Member will ask questions and record answers on the assessment form. All interviewees will remain anonymous and only be identified publicly by their role and a number.

Observations

- The Team Member will be making observations of physical characteristics of the setting. A staff person with the agency will need to move through the agency with a device connected to the meeting and with a camera to help the Team Member make visual observations of the setting.

Documentation

- The Team Member will need to review documentation that demonstrates the setting is not institutional or isolating and is compliant with the HCBS Settings Final Rule. The documentation can include but is not limited to; policies, procedures, handbooks, training materials, lease agreements, etc.

After the Heightened Scrutiny Assessment

- The Provider will use the “Heightened Scrutiny” Tab to review results of the visit, work to address the results, and update the Remediation Plan. Providers should expect to receive results within 10 business days after the assessment.

[Using the Heightened Scrutiny Tab After The Assessment](#)

After the Heightened Scrutiny Assessment is completed, you will be notified of any areas that need to be remediated in order to demonstrate that the setting can overcome the Heightened Scrutiny Designation for HCBS Settings Final Rule compliance. If there is a need to remediate issues found during the Heightened Scrutiny Assessment, you will access the “Heightened Scrutiny” tab to use the two-way communication feature. This will start collaboration with the Heightened Scrutiny Team on a Remediation Plan. The two-way communication feature will allow you to upload evidence and discuss remediation strategies with the Heightened Scrutiny Team.

Public Comment

After your setting has completed a Heightened Scrutiny Assessment and you have a plan in place to address remediation concerns, The Heightened Scrutiny Director will compile all information into an evidence packet to publish for public comment. The evidence packet will contain interview responses, observations, documentation and the Remediation Plan. You will need to utilize the two-way communication to alert the Heightened Scrutiny Director when the Remediation Plan is ready for public comment.

Publishing the Evidence Packet

- KDADS will publish evidence packets online for a minimum of 30-days and notify stakeholders to submit public comments.

Notifying Persons-Served and Participating in Public Comment

- When an evidence packet has been published, you should notify persons-served/guardians, their families and other community stakeholders so that they have the opportunity to review information and share their feedback. Public comments will help the Heightened Scrutiny Team make an initial determination about whether the setting is able to overcome the Heightened Scrutiny Designation. CMS will make the final determination.

Determination

KDADS Determination

- KDADS will review and respond to input from the public comment period. KDADS will use the information from the Heightened Scrutiny Assessment findings and public comment to make an initial determination if the setting can overcome Heightened Scrutiny.
- Next, KDADS will send a list to CMS of all settings it has determined to overcome Heightened Scrutiny.

CMS Determination

CMS will request a sample of evidence packets from the list received from KDADS. Your setting might or might not be selected for review by CMS. If CMS chooses to review your setting's evidence packet, they might request additional information from KDADS. KDADS will work with you to provide additional information to CMS to show why KDADS believes the setting can comply with the HCBS Settings Final Rule. CMS will review additional information as necessary and make the final determination.

If CMS does not request your evidence packet from KDADS, this does not mean you cannot continue providing services. CMS is reviewing a sample of packets to ensure KDADS' Heightened Scrutiny process meets CMS' standards. If CMS reviews all of the

sample packets and agrees with KDADS' determinations, all settings on the approved list will be able to continue providing HCBS and will move into ongoing monitoring.

Ongoing Monitoring

Once the setting has implemented all remediation strategies for the Heightened Scrutiny designation and been deemed fully compliant, it will move into ongoing monitoring.

Ongoing monitoring is the process by which KDADS will continue to assure the setting remains in compliance with the HCBS Settings Final Rule.