

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-14-26  
Baltimore, Maryland 21244-1850



**Disabled & Elderly Health Programs Group**

---

December 22, 2022

Kelly Cunningham  
Administrator, Division of Medical Programs  
Illinois Department of Human Services  
201 South Grand Avenue East  
Springfield, IL 62763

Dear Administrator Cunningham:

This letter and attached report are in reference to a site visit conducted by the Centers for Medicare & Medicaid Services (CMS) from October 17-20, 2022. CMS visited several settings in Illinois that were identified by the state and/or stakeholders as having the qualities of an institution as outlined at 42 CFR § 441.301(c)(5) and required a CMS-conducted heightened scrutiny review to determine if they comply with the home and community-based services (HCBS) settings criteria at 42 CFR § 441.301(c)(4).

CMS appreciates the efforts of the state to prepare for our visit to Illinois. We are asking the state to apply remediation strategies addressing the feedback contained in our report to the specific setting(s) as identified. We note that the HCBS settings criteria identified in the report that are followed by an asterisk require the state to go beyond ensuring that the individual setting has completed the necessary actions identified; specifically, complying with person-centered planning requirements requires further direction to and collaboration with the entities responsible for developing and monitoring the person-centered plans and with the HCBS provider community that is responsible for implementing services and achieving the objectives outlined in the plan. In addition, CMS notes that the state's remediation strategies must be applied to all remaining similarly situated settings you have identified as being presumptively institutional that were not included in CMS' site visit to ensure compliance with the settings criteria at 42 CFR § 441.301(c)(4) by March 17, 2023. Finally, the state should ensure issues identified in this report are addressed in the state's overall assessment process of all providers of HCBS in Illinois, to ensure that all providers are being assessed appropriately against the regulatory settings criteria and will implement the necessary remediation to achieve timely compliance.

As described more fully in the attached report, CMS notes below several areas where issues were found to exist across several locations, which raise systemic concerns that must be addressed by the state. Specifically, the following regulatory criteria located at 42 CFR 441.301(c)(4) were not found to be in practice:

- 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.
- 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.\*
- The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.\*
- 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.
- The setting facilitates individual choice regarding services and supports, and who provides them.
- 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 a 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 in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.
- Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.
- Individuals sharing units have a choice of roommates in that setting.
- Individuals have the freedom to control their own schedules and activities, and have access to food at any time.
- Individuals are able to have visitors of their choosing at any time.
- Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan.\*
- Description of how staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning, consistent with state standards as described in the waiver or in community training policies and procedures established by the state.

Illinois' Statewide Transition Plan (STP) must describe strategies to ensure that all providers of Medicaid HCBS have been assessed to meet the regulatory criteria and any needed remediation has been identified. The state's practice for addressing the observations described in the attached report must align with the processes described in the STP.

CMS suggests that the state of Illinois seek technical assistance available through the National Center on Advancing Person-Centered Practices and Systems (NCAPPS) to ensure the integrity of the person-centered planning process for individuals receiving Medicaid HCBS in Illinois.

CMS requests that the state provide a written response providing updated information describing how the state will remediate both the process for developing and implementing the person-centered service plan and the individual settings to ensure compliance with all of the settings criteria. CMS also requests a written response on how the state will apply this feedback to the ongoing monitoring of person-centered planning functions and settings in the HCBS delivery system as noted above. CMS requests this information be submitted no later than January 25, 2023.

Upon review of this feedback, please contact Michele MacKenzie at (410) 786-5929 or [Michele.Mackenzie@cms.hhs.gov](mailto:Michele.Mackenzie@cms.hhs.gov) if you would like to schedule a follow-up conference call with the CMS team to discuss next steps or request technical assistance.

Thank you for your continued commitment to the state of Illinois' successful delivery of Medicaid-funded HCBS.

Sincerely,

Melissa L. Harris, Deputy Director  
Disabled & Elderly Health Programs Group

Enclosure

**Heightened Scrutiny Site Visit - Illinois**  
**Summary Review by Setting**  
**Visit Date: October 17-20, 2022**

**Illinois Site Visit Team:**

CMS Representative: Michele MacKenzie, Ondrea Richardson (virtual), and Amanda Hill (virtual)

New Editions: Devon Mayer and Amy Coey

ACL: Jill Jacobs

Illinois: Pam Winsel, Jayma Bernhard-Page, Meg Cooch

**Introduction:**

The Site Visit Team visited five settings in Illinois. Two settings were residential group homes, The Hope Institute and Caring Hands of Illinois, Inc., three settings were located on campuses, Misericordia, Lamb’s Farm, and Cherished Place Adult Day Club. It should be noted that only one setting on the Misericordia Campus was visited, the adult day and vocational setting. Additionally, Cherished Place Adult Day Club, situated on a campus that also has a nursing facility, assisted living, and independent living settings, was the only setting on that campus identified by the state as presumptively institutional. There was a sixth setting that was scheduled to be visited, Hawthorne Inn of Clinton. However, due to a COVID outbreak, the team was not able to visit the setting.

As noted in the table below, systemic issues were identified during the CMS site visits regarding several regulatory criteria.

Regulation Citation	Regulation Language	Setting Name
441.301(c)(4)(i)	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.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb’s Farm
441.301(c)(4)(ii)	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.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb’s Farm

<b>Regulation Citation</b>	<b>Regulation Language</b>	<b>Setting Name</b>
441.301(c)(4)(iii)	The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm
441.301(c)(4)(iv)	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.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm
441.301(c)(4)(v)	The setting facilitates individual choice regarding services and supports, and who provides them.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm
441.301(c)(4)(vi)(A)	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 a 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 in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	The Hope Institute, Caring Hands of Illinois, Inc.
441.301(c)(4)(vi)(B)(1)	Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.	The Hope Institute, Caring Hands of Illinois, Inc.
441.301(c)(4)(vi)(B)(2)	Individuals sharing units have a choice of roommates in that setting.	The Hope Institute, Caring Hands of Illinois, Inc.
42 CFR 441.301(c)(4)(vi)(C)	Individuals have the freedom to control their own schedules and activities, and have access to food at any time.	The Hope Institute, Lamb's Farm
441.301(c)(4)(vi)(D)	Individuals are able to have visitors of their choosing at any time.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm
441.301(c)(4)(vi)(A) through (D)	Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan.*	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm,
<b>Additional Provision</b>	<b>Language</b>	<b>Setting Name</b>

Regulation Citation	Regulation Language	Setting Name
State Medicaid Director Letter #19-001 <sup>1</sup>	Description of how staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning, consistent with state standards as described in the waiver or in community training policies and procedures established by the state.	The Hope Institute, Caring Hands of Illinois, Inc., Lamb's Farm

**Promising Practices:**

It was noted during the visit to Misericordia that the setting has a clear focus on assuring participants have opportunities to seek employment and work in a competitive, integrated setting. The administration and staff, as well as participants, described a process where employment is frequently discussed and assistance is provided to participants who want the opportunity to work outside of campus. Staff work with participants on employment goals, provide assistance to get and maintain jobs, provide transportation to/from work for participants, and provide training for participants to learn to use public transportation to get to and from work independently. Administration noted they focus on community involvement, including employment, and during the time of the site visit had supported seventy-seven individuals in finding/obtaining full time competitive employment since the pandemic. The provider's goal is to support three-hundred individuals in finding/obtaining employment by March 2023.

**Hope Institute  
Facility Description:**

The setting is a six-bed group home located in a residential area of Springfield, Illinois. There are five male residents between the ages of fourteen and twenty, living in the home, and as noted by administrative staff, there is a vacancy to add a sixth male resident. The home is a one level ranch style house with four bedrooms, a living room, dining room, kitchen, a small activity room adjacent to the kitchen that has a television, fire place, games, table, and electronic devices (iPads). The furniture was placed against the walls around the room. A washer and dryer area is located off the kitchen near a door that exits to the backyard. There are two bathrooms in the home: a full bath in one of the bedrooms, and a half bath located in the same hallway as the bedrooms. There are sliding glass doors in the dining room which lead to a deck and fenced backyard. There is a playground style swing set in the backyard which staff noted is sturdy enough to handle the size of the males who live in the house and use it, and it's cemented in the ground so that it will not flip over. There are cameras on the front stoop/porch area, as well as in all shared living spaces of the home. The administrative staff noted the cameras are motion activated and record, but there is no one actively monitoring what the cameras record. It was also noted the recordings are used in the event that an incident occurs and recordings are deleted after thirty days. A facility van was parked in the driveway. Administrative staff indicated the van is used only by individuals in the home for transportation to/from any community activity, including medical appointments; no one at the home accesses public transportation.

---

<sup>1</sup> [Heightened Scrutiny SMD-SMDL Final \(medicaid.gov\); see question 10](#)

### Site Visit Review Description:

The site visit team arrived at the setting and were met by four Hope Institute administrative staff. None of the residents were home; all were still at school and expected to arrive within fifteen to thirty minutes of the start of the visit. Administrative staff gave the site visit team a tour of the setting and provided the person-centered service plans for review. The team reviewed the plans as they waited for the residents to arrive home. The site visit team noted the children who resided there were not expecting strangers to be in their home when they arrived from school, and had not been made aware that visitors would be present. Some individuals displayed anxious or self-injurious behaviors. The team was never introduced to the individuals and no direct support staff or administrative staff were seen trying to explain why there were strangers in the house, or why administrative staff were also present. On the outside of the home there were signs that said no trespassing and the blinds were pulled. Administrative staff noted the sign was intended to keep people away from the home because the doorbell is disruptive to the individuals who live there. The team was not able to speak with the residents. There was no evidence to support compliance with any criteria of the settings rule other than when residents returned home from school and had access to apples on the counter for a snack.

### Findings of Site Visit:

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
441.301(c)(4)(i)	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.	<p>Three of the individuals attend school at the Hope Learning Academy and ride the Hope Learning Academy bus. Hope Learning Academy staff ride the bus and attend school with the individuals. One of the residents attends a public school. One individual who is at an age where he can transition from school to work has in his PCSP an interest in, and skills at, landscaping. However, none of these skills have been implemented into his life or his goals. His family, specifically his father, identified that his son loves landscaping and being outdoors. Nothing is included in his daily activities for him to participate or build upon this interest and skill set.</p> <p>The Administrator of Hope Institute indicated that the individuals who live there are incapable of work, and always will be. There are multiple signs on the windows and doors that say "No Trespassing." Administrative staff noted the signs are to keep solicitors away as it upsets the residents when people come to the door. Staff stated that residents do not interact with neighbors, or participate in neighborhood barbecues or trick-or-treating. There are few outings; these are limited to group outings and dependent upon behavior. Most community outings are conducted by and associated with the Hope Learning Academy School. The provider is the representative payee for all residents. The administrator indicated that none of the residents would</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>be capable of managing, or even understanding, money. There are no goals around learning this skill.</p> <p>The Hope Institute must ensure their model of service delivery aligns with the regulatory criteria to support participants' full access to the greater community. Establishing partnerships with community resources and leveraging existing community transportation options should be explored. Additionally, the setting should ensure that individuals are informed of their choices for competitive, integrated employment, and the ability to control their finances and choose a community financial institution. Technical assistance is suggested.</p>
441.301(c)(4)(ii)	<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.</p>	<p>Choice of setting selection was not evidenced in the PCSP review or during interviews. Administrative staff indicated that parents typically select the provider they want, but they don't choose the actual home. This particular provider has 14 houses in Springfield, noting there are nine or ten providers statewide that serve approximately 200 program participants. This provider currently serves 51 participants.</p> <p>The state Medicaid Agency and the entity that is responsible for ensuring the development of the person-centered service plan must ensure that individuals receiving Medicaid-funded HCBS are afforded a choice of setting, in compliance with regulatory requirements, including a choice of non-disability specific settings.</p>
441.301(c)(4)(iii)	<p>The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint</p>	<p>There were cameras outside the home and throughout the inside of the home with the exception of bedrooms and bathrooms. The administrator reported that the cameras are not actively monitored, nor is the footage regularly reviewed; recordings are accessed in response to an incident. They record to a secure cloud and erase after 30 days.</p> <p>There are no locks on any internal doors; no locks on bedroom doors, no locks on bathroom doors. Residents range in age from 14 to 20, staff all refer to them as children, little kids, or kiddos, and indicated this is the reason why there are no locks on bedroom or bathroom doors. Staff also shared that the state regulations require line of sight and 15-minute visual checks on all residents.</p>



Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>One room is a single room, and the other rooms have two residents each. The double rooms have no privacy curtain or anything that allows the residents to have personal space or privacy separate from their roommate. There are no private or quiet spaces in the house.</p> <p>Through conversation with the Administrator, there appeared to be a perception that residents are incapable, and are referred to as “low IQ.”</p> <p>The Hope Institute must ensure that individuals are afforded privacy and amend practices to ensure individuals’ rights to dignity and respect and freedom from coercion are recognized. This includes installing locks on bedroom and bathroom doors for privacy (with appropriate staff having keys) and enhancing privacy in shared bedrooms. Remote monitoring, when allowed by a state in the delivery of HCBS, should only be used when necessary and ensure the privacy of all residents. In addition, Hope Institute should refrain from referring to residents’ IQ levels and assuming that individuals are incapable of additional autonomy and integration, in order to make this setting a more dignified atmosphere.</p>
441.301(c)(4)(iv)	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.	<p>Administrative staff reported that all residents, with the exception of one, attend the same school and participate in the same activities as the other residents of the home. Activities are based on staff availability rather than desire/interest of individual participants, with the majority of activities occurring while the residents are at school.</p> <p>The Hope Institute must amend practices to ensure that schedules are not regimented and that individuals have the opportunity to set their own schedules and participate in activities of their choosing. Establishing partnerships with community resources and leveraging existing community transportation options should be explored.</p>
441.301(c)(4)(v)	The setting facilitates individual choice regarding services and supports, and who provides them.	Administrative staff noted that the residential placement for the residents was based on availability. Once the resident ages out of the children’s home, they will be placed, based on availability, in an adult

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>home likely owned/operated by The Hope Institute. All services are provided by The Hope Institute.</p> <p>The Hope Institute must revise their model of service delivery to ensure that individuals have access to services and supports that the individual has been assessed to need, and that the individuals have the ability to choose from whom they receive those services and supports.</p>
441.301(c)(4)(vi)(A)	<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 a 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 in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.</p>	<p>Administrative staff noted that The Hope Institute uses a service and support agreement as opposed to a lease (as per state rules on children's programs). The Administrator agreed to e-mail a blank version of this agreement to the state; however, this has not been received for review.</p> <p>The Hope Institute must ensure that a lease, residency or other written agreement is in place for each individual and that the agreement provides protections from evictions and appeals processes that are comparable to those in the jurisdiction's landlord tenant laws.</p>
441.301(c)(4)(vi)(B)(1)	<p>Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p>	<p>As indicated above, there are no locks on doors. One individual's plan identified that he has sexual behaviors and others should be kept safe from potential sexual aggression when in his presence. Yet, the other residents do not have locks on their bedroom doors and there are no locks on bathroom doors.</p> <p>The Hope Institute must ensure that units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
441.301(c)(4)(vi)(B)(2)	Individuals sharing units have a choice of roommates in that setting.	<p>Staff indicated residents are assigned roommates based on availability.</p> <p>The Hope Institute must revise its model of service delivery to ensure that individuals sharing units have a choice of roommates.</p>
441.301(c)(4)(vi)(B)(3)	Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	<p>The bedrooms were very sparsely decorated. There are no rugs, lamps, or curtains. Each bedroom had one self-adhesive poster of the same generic type. There are no personal items in the rooms or around the house. The furnishings did not reflect the interests of the residents.</p> <p>The Hope Institute must ensure that individuals have the freedom to furnish and decorate their sleeping or living units.</p>
42 CFR 441.301(c)(4)(vi)(C)	Individuals have the freedom to control their own schedules and activities, and have access to food at any time.	<p>The site visit team noted a schedule on the refrigerator for each day; regimenting each half hour increment of the day. Meals were scheduled and pre-planned, as were after school snacks.</p> <p>Staff choose/plan meals and do the grocery shopping without input from the residents. Beyond apples on the counter, it was not clear that individuals had access to food, or choices between food, in between mealtimes.</p> <p>The Hope Institute must revise its model of service delivery to ensure individuals have access to food at any time, unless there is a documented reason, described in the person-centered service plan, for any restrictions. In addition, The Hope Institute must revise its model of service delivery to ensure that individuals have the freedom to control their own schedules and activities.</p>
441.301(c)(4)(vi)(D)	Individuals are able to have visitors of their choosing at any time	<p>The Hope Institute requires 24-hour notice for anyone to visit or for residents to leave the house to visit with others.</p> <p>The Hope Institute should revise its current practice to permit individuals to have visitors at any time and provide training to staff and residents to understand the policy around individuals' ability to have visitors at any time.</p>

<b>Regulation Citation</b>	<b>Regulation Language</b>	<b>Violation Finding Based on Site Visit</b>
441.301(c)(4)(vi)(A) through (D)	Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan.*	<p>There were no modifications to the additional conditions noted in the PCSPs although there were restrictions, such as visitors and locks, noted through conversations with administrative staff.</p> <p>The state Medicaid Agency, and the entity that ensures the development of the person-centered service plan should ensure that person-centered service plans that comply with all regulatory requirements are in place for each individual receiving Medicaid-funded HCBS. The entity responsible for the person-centered service plan should ensure that all modifications for a specific individual are incorporated into the plan and The Hope Institute must adhere to the plan.</p>
<b>Additional Provision</b>	<b>Language</b>	<b>Violation Finding Based on Site Visit</b>
State Medicaid Director Letter #19-001 <sup>2</sup>	Description of how staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning, consistent with state standards as described in the waiver or in community training policies and procedures established by the state.	<p>Administrative staff noted the final implementation date for the settings rule and noted they would not be making changes until then.</p> <p>The Hope Institute should ensure all employees have consistent and reinforced training on the HCBS settings criteria.</p>

### **Caring Hands of Illinois, Inc.**

#### **Facility Description:**

The setting is a group home in a residential neighborhood that serves both male and female residents. The house is a split-level design with an entrance on the ground level that opens immediately to stairs to upper and lower levels. The upper level has a kitchen, living room, bathroom and bedrooms. The lower level has bedrooms and a bathroom. At the entrance, visitors are required to sign in.

#### **Site Visit Review Description:**

Upon arrival, the site visit team was met by state staff who noted the staff and residents just left for the afternoon. The state staff contacted the provider staff who said they would return to the setting. Staff arrived prior to the residents and the site visit team entered the home, signing in on the guest registration. The residents returned to their home shortly after the site visit team's arrival. The site visit team reviewed person-centered

<sup>2</sup> [Heightened Scrutiny SMD-SMDL Final \(medicaid.gov\); see question 10](#)

service plans at the kitchen table, and interviewed direct support staff during the visit. Site visit team members also interviewed residents of the setting.

**Findings of Site Visit:**

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
441.301(c)(4)(i)	<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.</p>	<p>PCSPs clearly indicated that residents wanted a job, and reflected employment goals. However, none of the program participants have jobs; and none of the plans indicate any effort has been made to achieve the employment goal. During a resident interview, the individual indicated he wants a job badly. He reiterated this several times, stating that he has a girlfriend, and he wants to make enough money to live together with her. He enjoys cooking and gaming and would like to have a job where he can cook or a job where he can work at a game store. He stated that although he talks almost daily about wanting a job, he cannot get one. Nobody has explored possible jobs with him. He noted that, “The office says if I get a job, (my Direct Support worker) won’t get paid. She needs money, so I should not try to work. The office says it’s not fair for (her).”</p> <p>During interviews with direct support staff, and discussing the possibility of jobs, the DSP noted she would take house members to apply for jobs if needed. The DSP supervisor indicated the DSP answered the questions wrong. She described a process involving a vocational rehab referral and placement. She noted if each resident had a job, DSPs would need to drive them back/forth to work as transportation is not readily available, and that would impact the DSP’s ability to complete work in the group home, such as cooking meals. DSP stated they take residents on outings in personal vehicles as the group home has no vehicle. Outings include grocery and personal care/grooming item shopping. Staff noted nobody is allowed to stay home.</p> <p>Individuals receive \$60 monthly. Staff noted it is their job to make sure the money is spent on things the person needs (shampoo, deodorant, personal care items, etc.) rather than things the individual may want.</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>Caring Hands of Illinois, Inc. should ensure their model of service delivery aligns with the regulatory criteria to facilitate community integration. Establishing partnerships with community resources and leveraging existing community transportation options, should be explored. Additionally, the setting should ensure that individuals are informed of their choices for competitive, integrated employment.</p>
441.301(c)(4)(ii)	<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.</p>	<p>PCSPs did not reflect how the setting was selected, or if there was a non-disability specific setting provided as an option.</p> <p>The state Medicaid Agency and the entity that is responsible for ensuring the development of the person-centered service plan must ensure that individuals receiving Medicaid-funded HCBS are afforded a choice of setting, in compliance with regulatory requirements, including a choice of non-disability specific settings.</p>
441.301(c)(4)(iii)	<p>The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint</p>	<p>Staff noted since individuals are not permitted to stay home alone, and everyone has to go when there's an outing; individuals are convinced to attend so the outing is not canceled. During a resident interview, the individual noted they (the residents) were taken to the office prior to the site visit team arriving because "the office needed to tell everyone what to say for the visitors." Another resident stated that "the office" told him if he got a job, "the DSP would not get paid." He said his staff needs the money, so he shouldn't work because if would not be fair to staff.</p> <p>Two males sleep in the same room. They did not choose their roommate/s. There is no barrier or curtain for privacy.</p> <p>Medications were distributed in the living room. Each person gave their name and the DSP said their medication name aloud, and all household members were present to hear the information.</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		Caring Hands of Illinois must ensure that individuals are afforded privacy and amend practices to ensure individuals' rights to dignity and respect and freedom from coercion are recognized.
441.301(c)(4)(iv)	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.	<p>Staff noted everyone goes out as a group, and individuals agreed. If a resident wants to stay home, they are not permitted to do so. Staff noted they convince residents to go on the outing as nobody is allowed to stay home. Assessments indicated several of the program participants are capable of staying home alone for short periods of time (a few hours).</p> <p>Caring Hands of Illinois, Inc. must amend practices to ensure that schedules are not regimented and that individuals have the opportunity to set their own schedules and participate in activities of their choosing. Establishing partnerships with community resources and leveraging existing community transportation options should be explored.</p>
441.301(c)(4)(v)	The setting facilitates individual choice regarding services and supports, and who provides them.	<p>Each resident has a behavior plan. Each plan noted the individual never had a behavior plan prior to living at Caring Hands. All behavior plans, assessments, and narratives were the same for each resident. Behavior plans were unsigned by program participants, and documents showed that – with the exception of one program participant - behavior plan conversations took place, and decisions were made in meetings that the program participants did not attend. Every resident had the same behavior therapist; an independent contractor for Caring Hands. There were no provider choice documents on file.</p> <p>Caring Hands of Illinois, Inc. must revise their model of service delivery to ensure that individuals have access to services and supports that the individual has been assessed to need, and that the individuals have the ability to choose from whom they receive those services and supports.</p>
441.301(c)(4)(vi)(A)	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>The lease agreements were not signed by participants and they did not include eviction protections.</p> <p>Caring Hands of Illinois, Inc. must ensure that a lease, residency or other written agreement is in place for each individual and that the</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
	<p>individual has, at a 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 in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.</p>	<p>agreement provides protections from evictions and appeals processes that are comparable to those in the jurisdiction's landlord tenant laws.</p>
441.301(c)(4)(vi)(B)(1)	<p>Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p>	<p>The bedroom doors lock, but only from the inside. They cannot be locked when a resident leaves the room. At least one resident stated that he does not have house keys and never has. When he went outside to smoke, the door locked behind him, and he knocked to enter. One resident shared that when she leaves for overnight visits, she cannot lock her bedroom door and there have been times that her things are missing when she returns home.</p> <p>Caring Hands of Illinois, Inc. must ensure that units have entrance doors lockable by the individual, with only appropriate staff having keys to doors. Doors should be lockable from the outside by the individual. One resident had a lock on her bedroom door; however, it could not be locked from the outside when she is away from her room.</p>
441.301(c)(4)(vi)(B)(2)	<p>Individuals sharing units have a choice of roommates in that setting.</p>	<p>Two males sleep in the same room. They did not choose their roommate/s. There is no barrier or curtain for privacy.</p> <p>Caring Hands of Illinois, Inc. must revise its model of service delivery to ensure that individuals sharing units have a choice of roommates.</p>
441.301(c)(4)(vi)(D)	<p>Individuals are able to have visitors of their choosing at any time</p>	<p>Staff stated that visitors are not allowed at night, and barely anybody visits. Staff noted they host birthday parties for each resident and</p>



Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>family can visit any time. A resident stated that he has not seen his girlfriend in many years despite her living nearby, and that he has asked many times for her to visit.</p> <p>Caring Hands of Illinois, Inc. should revise their current practice to permit individuals to have visitors at any time.</p>
441.301(c)(4)(vi)(A) through (D)	Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan.*	<p>There were no modifications to the additional conditions noted in the PCSPs although there were restrictions, such as inability for residents to have visitors and unit doors without locks, noted through conversations with staff and residents.</p> <p>The state Medicaid Agency, and the entity that ensures the development of the person-centered service plan should ensure that person-centered service plans that comply with all regulatory requirements are in place for each individual receiving Medicaid-funded HCBS. The entity responsible for the person-centered service plan should ensure that all modifications for a specific individual are incorporated into the plan and Caring Hands of Illinois, Inc. must adhere to the plan.</p>
Additional Provision	Language	Violation Finding Based on Site Visit
State Medicaid Director Letter #19-001 <sup>3</sup>	Description of how staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning, consistent with state standards as described in the waiver or in community training policies and procedures established by the state.	<p>There was no indication that staff were aware the setting had to demonstrate the qualities of an HCBS setting or that the setting was being operated with fidelity to the rule.</p> <p>Caring Hands of Illinois, Inc. should ensure all employees have consistent and reinforced training on the HCBS settings criteria.</p>

## Lambs Farm

### Facility Description:

The setting is a campus located off the interstate on the northern suburbs of Chicago. The campus provides residential and non-residential services. There are seven large houses that can support fifteen residents and staff. The campus also has a farm animal petting zoo, with a gift

<sup>3</sup> [Heightened Scrutiny SMD-SMDL Final \(medicaid.gov\); see question 10](#)

shop/store that sells seasonal items such as pumpkins, and a pet store, bakery, and restaurant that are open to the public. There is also a large building that has an auditorium and gym that are used for recreational purposes. The areas of the setting are connected by roads and sidewalks.

**Site Visit Review Description:**

The site visit team was provided a walking tour of the setting that included conversations with administrative staff as well as participants who received services. PCSPs were reviewed at the homes. Each home has a case manager assigned that has an administrative office within each home. Rooms had personalized decorations and individuals had keys to their bedroom doors.

**Findings of Site Visit:**

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
441.301(c)(4)(i)	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.	<p>Staff indicated that community access is limited to group outings associated with the residence. One house manager noted there's no need to go out shopping as she can order what is needed online, citing she had recently purchased all the residents' Halloween costumes from Amazon.</p> <p>Residents of the setting also work on the same campus, either in the pet store, bakery/restaurant, or farm store. Administrative staff noted that if a job is needed, it would be developed on campus and noted, "there are plenty of tasks to be done at Lambs Farm. If something comes up that need doing, we get a disabled person to do it". The provider has a 14c certificate and noted it being a success when someone achieved enough productivity to reach minimum wage, which is the highest amount anyone is paid.</p> <p>Rainbow Run Transportation is utilized to make one trip on the weekends.</p> <p>No community activities were noted. The PCSPs reflected work (on campus) and church with family.</p> <p>Checkbooks and bank cards are taken from residents and they are allowed to access funds by writing a check once weekly and cash it at the bank only during the Rainbow Run. One individual shared that he has to request money and a staff member has him on a "strict budget".</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>Participants' SNAP cards are taken and kept by the case manager who noted the cards are used by the nutritionist who does all the food shopping and runs their cards for the property. When asked about participants keeping their own SNAP cards, she indicated that individuals don't need their SNAP cards.</p> <p>One of the PCSPs reviewed listed "work" as a community activity, but the individual's job was on the campus, not in the community.</p> <p>One individual reported that they have to go to work (on the campus), even if they want to stay home that day.</p> <p>Lambs Farm should ensure their model of service delivery aligns with the regulatory criteria to facilitate community integration. Establishing partnerships with community resources and leveraging existing community transportation options, should be explored. Additionally, the setting should ensure that individuals are informed of their choices for competitive, integrated employment and the ability to control their finances and choose a community financial institution.</p>
441.301(c)(4)(ii)	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.	<p>Through review of the person's plan or during conversations with participants, there was no evidence the setting was selected by the person with options for a non-disability specific setting.</p> <p>The state Medicaid Agency, and the entity that is responsible for ensuring the development of the person-centered service plan should ensure that individuals receiving Medicaid-funded HCBS are afforded a choice of setting, in compliance with regulatory requirements, and including a choice of non-disability-specific setting.</p>
441.301(c)(4)(iii)	The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint	<p>One individual shared that a staff member has told him that if he doesn't behave, he will have to go to a nursing facility.</p> <p>Meal schedules were posted on the dining room walls of each home, the meals were the same for every resident of every home, and information</p>

Regulation Citation	Regulation Language	Violation Finding Based on Site Visit
		<p>about medication and physical conditions to justify meals plans was identified beside the list. Each resident’s name was listed with things like “Needs fiber for constipation”.</p> <p>Lambs Farm must modify their model of service delivery to protect the privacy of residents’ health information, and to avoid threatening individuals with nursing home placement as a behavior modification tactic.</p>
441.301(c)(4)(iv)	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.	<p>There is a big walking track between the houses, the team asked about the track and the staff said you wouldn’t want to be out alone or after dark because it’s not safe. Staff would need to be with the individual.</p> <p>Individuals had assigned seats in the dining room and all three homes we visited were serving the same meal and had the same alternative meal option.</p> <p>Lambs Farm should ensure their model of service delivery aligns with the regulatory criteria to facilitate individuals making choices about daily activities and with whom to interact.</p>
441.301(c)(4)(v)	The setting facilitates individual choice regarding services and supports, and who provides them.	<p>There was no evidence through interview or review of PCSPs that individuals had selected the provider or services they receive; including residential and non-residential services.</p> <p>Lambs Farm must revise their model of service delivery to ensure that individuals have access to services and supports that they have been assessed to need, and that the individuals have the ability to choose from whom they receive those services and supports.</p>
42 CFR 441.301(c)(4)(vi)(C)	Individuals have the freedom to control their own schedules and activities, and have access to food at any time.	<p>Staff noted the menu and shopping is done by the nutritionist. Individuals are assigned a spot at the dining room table for meals.</p> <p>Food is locked up and food is only allowed at meal times and in the dining room.</p> <p>Lambs Farm must revise their current practice to permit individuals to have access to food at any time, and is encouraged to broaden the</p>

<b>Regulation Citation</b>	<b>Regulation Language</b>	<b>Violation Finding Based on Site Visit</b>
		variety of food available and the ability of residents to participate in meal planning.
441.301(c)(4)(vi)(D)	Individuals are able to have visitors of their choosing at any time	Visitors are restricted by the provider noting safety of the individual.  Lambs Farm should revise their current practice to permit individuals to have visitors at any time.
441.301(c)(4)(vi)(A) through (D)	Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan.*	There were no modifications to the additional conditions noted in the PCSPs although there were restrictions, such as visitors, noted through conversations with staff and residents.  The state Medicaid Agency, and the entity that ensures the development of the person-centered service plan should ensure that person-centered service plans that comply with all regulatory requirements are in place for each individual receiving Medicaid-funded HCBS. The entity responsible for the person-centered service plan should ensure that all modifications for a specific individual are incorporated into the plan and Lambs Farm must adhere to the plan.
<b>Additional Provision</b>	<b>Language</b>	<b>Violation Finding Based on Site Visit</b>
State Medicaid Director Letter #19-001 <sup>4</sup>	Description of how staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning, consistent with state standards as described in the waiver or in community training policies and procedures established by the state.	There was no indication that staff were aware the setting had to demonstrate the qualities of an HCBS setting or that the setting was being operated with fidelity to the rule.  Lambs Farm should ensure all employees have consistent and reinforced training on the HCBS settings criteria.

**Cherished Place Adult Day Club  
Facility Description:**

<sup>4</sup> [Heightened Scrutiny SMD-SMDL Final \(medicaid.gov\); see question 10](#)

The setting is situated on a large campus with assisted living, independent living, rehabilitation services and a nursing facility, as well as the adult day care setting the team visited. There are city streets that pass through the campus making it look like a neighborhood; it's not fenced off or separated from the broader community.

#### **Site Visit Review Description:**

The setting was well-staffed even though they have a low census currently due to the continuing PHE, with only one HCBS participant present during the team's site visit. There is a large cafeteria on the campus which provides meals for all the settings including Cherished Place Adult Day Club. Meal options and snacks are provided to the participants daily. Participants can also choose to bring their own food/snacks. There are activities during the day, and people can choose to participate or not. There are comfortable chairs to sit in with space for individuals to relax quietly without the larger group. The PCSPs were individualized and had been updated. Staff talked about an intergenerational program and a teen program in the summer. They had alternate religious activities and individualized activities. Staff and participants acknowledged that community activities have been limited due to the PHE, although the activities are beginning to increase with the comfortability of the participants. Staff noted they recently hired a bus driver so the group can continue with community outings. Most people live at home with their family. Sometimes families have difficulty bathing family members at home, so the setting provides a private shower area and staff for those who choose to use it at the day setting. No modifications of the regulatory conditions were noted in the PCSPs. The team interviewed one HCBS participant with the help of another participant who translated. She agreed that she enjoyed coming to the day setting; she feels comfortable and able to do what she wants during the day. Administrative staff, during the interview, noted they are aware of the settings rule. Overall, the site visit team found this non-residential setting to be compliant with the regulatory criteria.

#### **Misericordia**

##### **Facility Description:**

The day services setting is situated on a thirty-one acre campus in metropolitan Chicago and serves individuals with developmental and intellectual disabilities. Included on the campus are privately-funded residential settings, community integrated living arrangements (CILAs), group homes, apartments, and a nursing facility. The setting is in a building that was formerly used as an intermediate care facility for individuals with intellectual disabilities (IFC-IID). The setting offers an art and technology program that are both housed within the same building, as well as program rooms that are designed as a meeting place for participants prior to going out on community activities. The art studio is very large, open, and is well lit with windows that look out onto a garden and the campus. At one end of the studio, participants paint and use other various mediums to create artwork, while there is another part of the studio that is specifically designed for ceramics. The areas are joined by a hall and a large area where artwork is displayed. The technology program is in a different area of the building and offers participants an opportunity to learn how to use social media and web applications, create passwords/accounts for web-based applications/websites, as well as general use of a computer and programs on a computer. The setting also offers a community-based habilitation program where participants gather in the morning in specified areas to plan the day's activities.

### Site Visit Review Description:

The site visit team met with administrators upon arrival to the campus and were provided a driving tour of the campus. The team talked at length with administrators about the requirements of the settings rule and were provided PCSPs for review. The site visit team was provided a tour of the setting, including the art studio, technology program, and meeting rooms for the community-based day program. The team conducted interviews with staff and participants in addition to the administrative staff. Through the tour and interviews the team noted the setting's focus on community integration, including opportunities for employment in competitive integrated settings, control of personal resources, and receiving services in the community to the same degree as individuals who do not receive Medicaid HCBS. Misericordia staff have daily conversations, and work continually with participants to support them in gaining competitive community employment. Competitive community employment is a goal of the provider. At the time of the site visit, there were seventy-seven participants who had community employment. By March 2023, they intend to have three hundred participants competitively employed in the community. One individual noted he wanted a job at Jimmy John's in the greater Chicago area, but until he could find a Jimmy John's restaurant that would hire him, he was working at a different restaurant, also in competitive employment, building job skills. The day program is focused on individuals participating in activities they are interested in that will help them become part of the community. For example, there's a group that meets and goes out to explore art and museums. They develop their outings based on what the group's participants want to learn and participants are free to choose which groups they want to participate in. The administrators stated their program is designed to be inclusive and not create a financial burden for participants. Groups don't go out to eat or shop for the sake of getting out; those types of activities are individually based and done through their home. If individuals choose to stay home and not attend day services, the art studio, or technology program, they can do so. However, participants indicated they've designed their schedules, participated in the development of the group activities, and desire participation in the art program, so they don't typically choose to stay home. Staff noted that participants come and go from the program as they desire, taking breaks, eating, and controlling their schedule as desired. Participants were free to come and go from the setting and walk around the campus/setting talking with the site visit team as they chose, sharing information about the program without being stopped or interrupted by staff. Individuals had lockers to lock up their personal belongings. There was a lot of peer interaction and teaching. Both public transportation and provider transportation is available to participants. Staff noted that for work, most people rely on provider transportation, as public transportation can sometimes be unreliable and sometimes people work at night and feel more comfortable being picked up rather than using public transportation. Misericordia provides HCBS setting rule specific training to all of its employees. Overall, the site visit team found this non-residential setting to be compliant with the regulatory criteria.