



## HCBS Residential Provider Setting Evidence Tool

<b>Date of Review:</b> April 19, 2024	<b>Provider Name:</b> Opportunities and Resources, Inc. (Developmental Disabilities Domiciliary Homes) <b>Address:</b> 64-1488 Kamehameha Highway, Wahiawa, HI 96786	<b>Provider ID:</b> 432	<b># Medicaid Individuals:</b> 16
<p><b>Reason(s) for Presumed Non-Compliance:</b></p> <p><b>Prong 2:</b> The setting is located in a building on the grounds of, or immediately adjacent to, a public institution.</p> <p><b>Prong 3:</b> The setting has effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.</p> <p><b>Setting Description:</b></p> <p>Opportunities and Resources, Inc. (ORI) is located in Wahiawa, Oahu. ORI offers multiple services such as Adult Day Health, Residential Developmental Disabilities Domiciliary Homes, and Intermediate Care Facilities for Intellectual and Developmental Disabilities. The Adult Day Health is certified by the Department of Health, Developmental Disabilities Division. The Adult Day Health is located on the grounds of or immediately adjacent to a Long-Term Care facility. ORI has a total of 9 licensed homes and 3 recreational rooms.</p> <p><b>Program Description:</b></p> <p><b>Developmental Disabilities Domiciliary (DD Dom)</b> - ORI's 4 residential care homes are licensed by the State of Hawaii and offers a warm and nurturing environment for people with special needs in a scenic setting. Each home is non-coed and staffed by a live-in caregiver. Residents develop personal skills for daily living, social interaction skills, self-esteem, and companionship and establish life-long friendships. Every step of the way, there are chances to explore what each person wants for his or her own life experience. Trained caregivers provide support, assistance, supervision, and companionship. The special needs of residents are monitored by a case management team of social service and health care professionals.</p> <p><b>History:</b></p> <p>ORI was founded by Susanna F. Cheung who dreamt of a world where individuals with special needs could learn and grow, prepare for the future, seek out new opportunities and be nurtured.</p> <p>ORI is located on a 10-acre property. ORI received the assistance from the U.S. Army 65th Engineers Battalion at Schofield Barracks, Hawaii, who volunteered to clear the land for ORI training facility and homes.</p> <p>In 1984, ORI was previously named Helemano Plantation Inc. which included a public restaurant, retail shops and farm. ORI provided training and employment opportunities for individuals with intellectual or developmental disabilities and the community.</p>			



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HCBS Requirements		Meets	Summary of Findings from Site Visit(s) and Desk Review
1	<p>42 CFR 441.301 (c)(4)(i)</p> <p>The setting is integrated in and supports full access of members 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 members not receiving Medicaid HCBS.</p>	<p><input type="checkbox"/> YES</p> <p><input checked="" type="checkbox"/> NO</p>	<p><b>Findings:</b></p> <p>Initial staff and participant training on HCBS Setting Final Rule was completed in March and April 2024, with plans for future and on-going trainings. Resident caregivers that were interviewed stated they recently participated in the final rule training and found it to be useful. They explained that the rule is focused on options and choices, and their role is to support participants in exercising their rights and choices.</p> <p>Community integration is impacted by staff shortage and hiring challenges, however, staff continues to be flexible and available on weekdays and weekends. Per staff, 4 vans were recently purchased to support community integration and increase opportunities for participant discovery and exploration. The Handi-van and The Bus are also options for transportation. There is no set schedule for community outings.</p> <p>Participants integrate in the community based on their choices and interests. Participants will split off into smaller groups based on preferences and interests. One member who expressed interest in driving was given opportunity to experience driving in a simulated driving game at an arcade. Another member who was interested in woodwork explored the hardware store. Other places that were explored based on participants' choices/interests were pet store/sanctuary, bowling, beach, and shopping malls. One participant shared that she uses the Handi-van on Sundays to attend church. Another participant stated she uses the Handi-van to visit her family at Waianae on Sundays.</p> <p>Of the 16 residents, 1 resident has transitioned his finances to his family. ORI remains as rep payee for 8 residents currently. There are ongoing discussions between participants, guardians/family, and ORI regarding finances, bank accounts, and ABLE accounts. However, the remaining 8 residents are still choosing to have ORI remain as their rep payee.</p> <p>Per staff, participants are supported to cash their paychecks at the bank. Participants were recently provided a secured code box in their room to keep their money. Participants were also given the option to open bank</p>



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			<p>accounts. Two participants reported that they keep their money in a secured code box in their room and have access to it whenever they want.</p> <p>Participants who were interviewed are employed under an AbilityOne contract managed by ORI. When asked if they would like to explore other work opportunities elsewhere, they shared they like what they do now and want to continue working there. Per staff, option to explore other types of work and opportunities at other places were explained and offered to participants. Staff stated that participants who express interest in working will be supported, and case managers will be contacted to help pursue employment.</p>
2	<p>42 CFR 441.301 (c)(4)(ii)</p> <p>The setting is selected by the member from among setting options, including non-disability specific settings. The settings options are identified and documented in the person-centered plan and are based on the member's needs and preferences.</p>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b></p> <p>New lease agreements have been signed by all (16) participants/residents. Lease agreements were available for verification. Per staff, residence options beyond ORI were discussed before and now with all participants. Participants all chose to remain at ORI. They shared they like staying at ORI and want to continue living here.</p> <p>One participant voiced she wanted to have her own private room. She was given the option to move to another home or to wait until a room becomes available. Participant decided that she does not want to move and will wait instead. According to the service supervisor, a private room will be offered to her as soon as one becomes available.</p> <p>Individualized Service Plan meetings are held annually. Participants interviewed stated they are active and participate in their ISP meetings. Services and supports are determined by the participant's choices, needs, and preferences.</p>
3	<p>42 CFR 441.301 (c)(4)(iii)</p> <p>The setting ensures member's right of privacy, dignity, and respect and freedom from coercion and restraint.</p>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<p><b>Findings:</b></p> <p>Posters in the main conference room/surroundings have been mostly cleared of text/messages that can be perceived as coercive.</p> <p>All bedrooms in the DD Domiciliary homes have lockable doors. Per staff, all residents have keys to the house and their rooms. Participants shared</p>



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			<p>that they have keys to the house and their rooms. They were observed carrying their keys. One participant stated he locks his room for privacy and no one bothers him.</p> <p>When asked if residents are allowed to have visitors, even visitors of the opposite sex in the room with the door closed, or overnight visitors, staff stated yes as long as there is no risk. Participants are allowed to use the landline phone to call or receive calls privately. Some participants have their own personal cell/smart phones.</p> <p>Observed resident caregivers interacting and communicating with participants respectfully. Participants are comfortable around support staff. One participant, however, shared that he was recently called “dumb” by an ICF caregiver reliever as he was walking by. Participant does not recall the circumstances leading to this event.</p> <p>Per staff, there are no participants who have restrictions for health or safety reasons that require modification at this time. If restriction is needed as a last resort, then modification will be explored with the participant and the circle of support. Modification with participant’s and/or guardian’s consent will be documented in the ISP. Restraints are not used in this facility.</p>
4	<p>42 CFR 441.301 (c)(4)(iv)</p> <p>The setting optimizes, but does not regiment, member initiative, autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact.</p>	<p><input checked="" type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>	<p><b>Findings:</b></p> <p>There are no posted “house schedules” or “house rules”. Participants have choices and autonomy on campus. They are able to come and go at will. Participants have individualized and variable schedules that are consistent with their preferences and needs. Resident caregivers support participants’ life choices and rights.</p> <p>One participant stated she attends church on Sundays and is able to socialize with her church friends and members. She shared that her church friends and pastor came to surprise her on her birthday. Another participant interviewed stated he used to ride The Bus to attend church in town. He plans to start attending Nuuanu Baptist Church again via the Handi-van and to reconnect with his pastor and church friends, Tim and John. Another participant shared that she visits her family in Waianae on</p>



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			<p>Sundays. She stated that most of her friends from high school have moved to the mainland but will attempt to reconnect with them via Facebook. Staff will assist participant to set up Facebook messenger.</p> <p>ORI has yearly sponsored trips to explore, discover, and experience new things. Participants can choose to go on the trips or not. There are no requirements to attend this trip. Participants who choose to participate will be responsible to pay for their share. Per staff, travel itinerary and costs are explained to participants prior to travel.</p>
5	<p>42 CFR 441.301 (c)(4)(v)</p> <p>The setting facilitates member choice regarding services, supports, and who provides them.</p>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b></p> <p>Per staff, participants are supported and given options to attend ADH program outside of campus. Staff also stated that if a participant wishes to participate in Community Learning Service-Individual (CLS-I) service, then case manager will be contacted so that service can be provided by another agency (ORI does not provide this type of service).</p> <p>Participant interviewed stated he will inform staff member and his case manager if he had issues or needed to change program or services.</p>
6	<p>Members have</p> <ul style="list-style-type: none"> <li>a lease or other legally enforceable agreement providing the same responsibilities and protections from eviction that tenants have under state or local landlord/tenant laws [42 CFR 441.301 (c)(4)(vi)(A)]</li> <li>privacy in their unit including lockable doors, choice of roommates, and have the freedom to furnish or decorate unit. [42 CFR 441.301 (c)(4)(vi)(B)]</li> <li>the freedom and support to control their schedules and activities [42 CFR 441.301 (c)(4)(vi)(C)]</li> <li>the freedom and support to have access to food anytime [42 CFR 441.301 (c)(4)(vi)(C)]</li> </ul>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<p><b>Findings:</b></p> <p>New lease agreements have been signed by all (16) participants/residents. Residence options beyond ORI were discussed with all participants. Lease agreements were available for verification.</p> <p>All bedrooms in the DD Domiciliary homes have lockable doors. Per staff, all residents have keys to the house and their room. Noted that some of the bedroom doors were locked since residents were not home. One participant was observed utilizing her keys to the unit. She confirmed having both keys and stated she loves it. Another participant showed his house and room keys. He shared that he locks his room for privacy and no one bothers him.</p> <p>According to staff, residents have the freedom to furnish and decorate their rooms. Bedrooms observed varied in decorations and were decorated by the residents. One participant shared that he took the pictures down from the walls in his room because he was told to, but the service</p>



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			<p>supervisor reminded him that he has the right to decorate and furnish his room however he chooses to. Participant acknowledged that he does have that right. Per caregiver interview, certain residents had to pay for their own furniture but unsure if those residents were involved in selecting the furniture that their paid for.</p> <p>One participant voiced that she did not want a roommate and wanted a room to herself. Participant was given the choice to move to another home or to wait until a private room becomes available. Participant decided that she does not want to move and will wait instead. According to the service supervisor, a private room will be offered to her as soon as one becomes available.</p> <p>There are no posted schedules or activities in the DD Domiciliary homes. Participants are able to control their own daily schedules and activities. One participant shared that he wakes up at any time and if he doesn't want to go to work, then he skips work. Participants interviewed all had different daily schedules and activities regarding work, attending ADH program, family time away from ORI, church, outings, etc. Residents can access the kitchen for food at any time or use the microwave to heat food. Staff interviewed stated that participants may cook and use the stove if they choose to. Staff will support participants to use stove safely. Participants may also access food at the lunch buffet or purchase food at the gift shop if they choose to.</p>
7	<p>42 CFR 441.301 (c)(4)(vi)(D)</p> <p>Members have the right to visitors and access to family and friends.</p>	<p><input type="checkbox"/> YES</p> <p><input checked="" type="checkbox"/> NO</p>	<p><b>Findings:</b></p> <p>There are no posted visitation hours. Participants are allowed to have visitors at any time without restrictions. Staff stated visitors are allowed at any time and participant can meet with their visitors privately, if they choose to.</p> <p>When asked if residents are allowed to have visitors, even visitors of the opposite sex in the room with the door closed, or overnight visitors, staff stated yes as long as there is no risk. One participant interviewed stated her family does not come to visit her since her mother is at a care home. She stated that she visits her aunt in Waianae on Sundays via Handi-van.</p>



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			Another participant expressed he would like to have his female friend come visit him in his room, but does not want to get into trouble. The service supervisor reminded him that he has the right to visitors and access to family and friends at any time.
8	42 CFR 441.301 I(4)(vi)(E) Setting is physically accessible to the member.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b> Participants have physical access to areas around the setting. They are able to maneuver through the hallways, doorways, bathrooms, and common areas.</p> <p>Per staff, all residents have keys to the home and their rooms. They have the freedom to go in and out of the house/campus.</p>
9	42 CFR 441.301(c)(5)(v) <b>Prong 2:</b> The setting is located in a building on the grounds of, or immediately adjacent to, a public institution.  <b>Prong 3:</b> The setting has effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b> The DD Domiciliary homes are located at a setting that is a compound, including Intermediate Care Facility for Individual with Intellectual Disabilities (ICF/IID), Adult Day Health, staff housing, and for-profit businesses.</p>



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Provider Corrective Action Plan (including timelines, if not already implemented) & State Oversight to Verify Implementation:

HCBS Requirement	Action Required	Corrective Action Plan	Completion Date	State Oversight
42 CFR 441.301 (c)(4)(i)	Describe the detailed plans for on-going/future training and implementation of HCBS Setting Final Rule/My Choice My Way, including specific timelines.	<p>On-going training for all HCBS staff including participants will be done monthly and immediate training for the newly hired staff. Training tools to use for training are included in the ORI Staff Training in HCBS Settings Final Rule Plan.</p> <p>Future plans: ORI administrative will continue to offer monthly training to all staff working with HCBS participants. ORI service supervisor will keep a tracking log for this training to ensure that HCBS DSWS and caregivers knows the right of the participants then will do a quarterly training.</p>	Date completed: March 2024 and April 2024	<p>The State reviewed the ORI Staff Training in HCBS Settings Final Rule Plan and the list of current staff that completed training in March 2024.</p> <p>The State will continue to monitor implementation by reviewing training logs quarterly: June 2024, September 2024, December 2024, and March 2025</p>
	Describe your plans to transition the finances/control of resources to the participants and/or their legal guardians/authorized representatives.	<p>On-going communications with guardians and/or legal representatives regarding the financial status of their child/client. They were asked to transfer the rep. payee to them and open an account for their child/client. Out of the 16 Domiciliary Home participants, 8 of them are managed by their guardians/parents. We will continue to encourage the guardians/legal representatives and/or parents.</p> <p>Future plans: ORI staff will remind the</p>	Date completed: 04.12.2024	<p>The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have the right to control financial resources.</p> <p>The State will continue to monitor implementation by reviewing tracking logs quarterly: June 2024, September 2024,</p>





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		<p>parents/guardians and/or legal representative at least monthly and during annual ISP conferences. The service supervisor will keep a tracking record when he/she communicated with parents/guardians and/or legal representative.</p> <p>ORI staff will do a monthly audit until all 8 remaining participant's financial assets, and/or SSI/SSA benefits are transferred to their parents/guardians and/or legal representative. The staff who will communicate with them will keep track when he/she communicates with the parent/guardians and/or legal representative regarding this matter.</p>		December 2024, and March 2025
	Describe/demonstrate how participants will be supported to seek employment opportunities outside of ORI organization, including AbilityOne contract.	<p>ORI staff will continue to encourage all participants and explain to them that they have a choice to seek a job and be employed outside ORI. Staff will support any participants who show interest in being employed outside ORI.</p> <p>Future plans: ORI staff will continue to encourage HCBS participants to seek a job outside ORI. DSW will ask the participants at least once or twice a week and bring them to the place where the participants are interested in and assist them in applying for a job. DSW will keep a tracking log.</p>	Date completed: 03.01.2024	<p>The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have opportunities to seek employment and work in competitive integrated settings.</p> <p>The State will continue to monitor implementation by reviewing tracking logs quarterly: June 2024, September 2024, December 2024, and</p>



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				March 2025
	Demonstrate/describe your process of investigating complaints/issues reported by participants.	<p>Any reported complaints from participants will be investigated thoroughly. If a participant reported an abuse (verbal, physical, etc.). The ORI investigating committee would call the party involved, other staff will also be called if they witnessed any incident. If a staff member were found to be abusive to any participants, the committee will recommend discharging the staff involved in the abuse.</p> <p>Both parties involved were called in on 04.22.24. Participant does not remember what is the date of the incident and the staff involved denied ever saying the word (D) to the participant and there were no witnesses, therefore the committee decided not to pursue the investigation but advised the service supervisor to keep an eye and keep track of any report coming from any participants and report to the committee as soon as possible.</p>	Date completed: 04.22.2024	The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have the right to file for grievances and that the grievances shall be investigated.
	Describe the detailed plans to hire additional staff to facilitate utilizing the four additional vans, so that participants can be supported with full access to and	HR has been advertising online or in the newspaper to hire additional staff for HCBS ADH DSW, Residential caregiver and Service Supervisor. Some staff also advertise through online apps, FB, Instagram, etc. HR will continue to advertise.	Date completed: 04.19.24	<p>The State reviewed the list of current vacancies and plan to fill positions.</p> <p>The State will continue to verify employment efforts</p>



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	engagement in community life. Include the number of open and authorized positions by job type/responsibility, and a proposed hiring schedule. Describe in detail the different methods that will be used to recruit staff, including the modification of strategies and methods when initial efforts prove unsuccessful.	<p>Vacancies: Case Manager Caregiver/Reliever Administrative Janitorial DSW Teacher Assistant</p> <p>Posting on Hirenet.com 04.23.2024</p> <p>Posting on Star Advertiser: 04.24.24</p> <p>Future plans: HR will continue to advertise until all positions being advertised are filled. HR will keep a tracking record for these advertisements.</p>		quarterly: June 2024, September 2024, December 2024, and March 2025
[42 CFR 441.301 (c)(4)(iii)]	Demonstrate/describe how staff are trained on participant's rights, including dignity and respect.	<p>On-going training for all HCBS staff will be done monthly and immediate training for the newly hired staff. Training tools to use for training is included in the ORI Staff Training in HCBS Setting Final Rule Plan.</p> <p>Future plans: When offering a training, ORI administration will continue to offer a sign in for all the attendees as a tracking log that a training was done.</p>	Date completed: 03.13.2024	<p>The State reviewed the ORI Staff Training in HCBS Settings Final Rule Plan and the list of current staff that completed training in March 2024.</p> <p>The State will continue to monitor implementation by reviewing training logs quarterly: June 2024, September 2024, December 2024, and March 2025</p>



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	Ensure website and posters displayed are free of words/messages that are inappropriate and/or can be perceived or interpreted as being coercive.	<p>Staff will ensure that there are no posters displayed that have words or messages that can be perceived or coercive.</p> <p>Future plans: ORI service supervisor will check the classroom daily to ensure that there are no posters displayed that have the words or messages that can be perceived or coercive. The service supervisor will track his/her daily visit to the classroom.</p> <p>ORI website will be reconstructed by a contractor.</p>	<p>Date completed: 05.03.2024 for posters displayed.</p> <p>Website reconstruction Start Date: 5.14.24</p> <p>Anticipated Completion Date: 12.31.2024</p>	<p>The State verified that posters were removed from locations identified.</p> <p>The State will continue to monitor implementation of website reconstruction quarterly: June 2024, September 2024, and December 2024</p>
<p>42 CFR 441.301 (c)(4)(vi)(A)</p> <p>42 CFR 441.301 (c)(4)(vi)(B)</p> <p>42 CFR 441.301 (c)(4)(vi)(C)</p>	Demonstrate/describe how participants' rights to furnish or decorate their own unit is ensured and supported.	<p>Participants can decorate their own unit as desired by choosing decorations or furnishing their room/unit and have the right to control their own belongings and personal resources. Staff will continue to support the participants with this setting.</p> <p>Future plans: The service supervisor will check the houses at least once a month to ensure that participants have the right to openly decorate their own room and not be stopped by their caregiver or other staff. The service supervisor will keep a tracking record when he/she visits the homes.</p>	Date completed: 04.19.2024	<p>The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have the freedom to furnish or decorate their own unit.</p> <p>The State will continue to monitor implementation by reviewing tracking logs quarterly: June 2024, September 2024, December 2024, and March 2025</p>
	Demonstrate/describe	Participants have a lockable bedroom	Date completed:	The State verified that all



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	<p>how participants' rights to privacy and choice of roommate is ensured and supported.</p>	<p>door or a lockable front door to their unit and participants have their own key for their own bedroom and main door. ORI have a process for participants to choose their own roommates, but if the available room is only the double room when they got admitted, they will have a choice if they are willing to have a roommate, both participants will need to agree, if not, they can be put in a waiting list until a single room is available. The DOH case manager will be informed.</p> <p>Future plans: The service supervisor will monitor and keep a tracking log to ensure that participants continuously use or have their own key with them and be able to use it at any time.</p> <p>Having documentation that the member wants a roommate/does not want a roommate and having a tracking log also for when a member requests any changes related to having/not having a roommate or new roommate. And auditing, reporting to monthly leadership meetings or QA meeting, if any.</p>	05.03.2024	<p>bedrooms have lockable doors.</p> <p>The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have the right to privacy and choice of roommate.</p> <p>The State will continue to monitor implementation by reviewing tracking logs quarterly: June 2024, September 2024, December 2024, and March 2025</p>
42 CFR 441.301 (c)(4)(vi)(D)	Demonstrate/describe how participants' right to visitors is ensured and supported.	<p>Participants can choose their visitors and have no restrictions on visit times, visitors can be allowed to stay overnight if they chose and as long as the participant agreed, visitors can have access to unrestricted areas and have the right to privacy during the visit. Visitors will have access to all</p>	Date completed: 05.03.2024	<p>The State reviewed the Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures that ensure participants have the right to visitors and access to family and</p>



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		<p>appropriate areas when visiting and should not be denied entry to common areas or the participant's room. In a shared living situation, the needs of other participants living in the home must be respected. Please refer to Policies &amp; Procedures for more information regarding visitors.</p> <p>ORI staff will:</p> <ul style="list-style-type: none"> <li>• Not determine who may or may not visit based on staff feelings about the visitor's character.</li> <li>• Not have scheduled visitation hours.</li> </ul> <p>Future plans: HCBS participants will be reminded continuously that they can have a visitor whenever they want and anytime they want. The service supervisor will monitor and keep track of this setting.</p>		friends. No further action is needed at this time.
42 CFR 441.301(c)(5)(v)	Heightened Scrutiny: Complete evidence packet and provide documents that the setting does <i>not</i> have the qualities of an institution and that the setting does have the qualities of home and community-based settings.	<p>Provided is the list of supporting documents:</p> <p>Organization Chart ORI Staff Training in HCBS Settings Final Rule Plan Handbook Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures Lease Agreement Form Responses to Residential Exploratory Questions</p>	<p>Start Date: 12.01.2023</p> <p>Anticipated Completion Date: 12.31.2024</p>	The State reviewed the evidence packet. The State commented on the evidence provided and recommended revisions be made. The State will need to review the revisions and approve the final handbook and policies to ensure full compliance with the final rule.



State of Hawai'i Department of Human Services  
Med-QUEST Division Health Care Services Branch  
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				The State will continue to monitor implementation of evidence packet quarterly: June 2024, September 2024, and December 2024
Summary of Public Comments & State Responses:				
Additional Comments:				