



## HCBS Non-Residential Provider Setting Evidence

<b>Date of Review:</b> April 19, 2024	<b>Provider Name:</b> Opportunities and Resources, Inc. (Adult Day Health) <b>Address:</b> 64-1488 Kamehameha Highway, Wahiawa, HI 96786	<b>Provider ID:</b> 24	<b># Medicaid Individuals:</b> 32
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**Reason(s) for Presumed Non-Compliance:**  
**Prong 2:** The setting is located in a building on the grounds of, or immediately adjacent to, a public institution.  
**Prong 3:** The setting has effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.

**Setting Description:**  
 Opportunities and Resources, Inc. (ORI) is located in the city of Wahiawa on 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.

**Program Description:**  
**Adult Day Health (ADH):** ORI's adult day program enhances the quality of life of its participants through opportunities for social integration and training in self-sufficiency. These programs cultivate everyone's ability to see the possibilities and to strive for personal fulfillment. Persons with special needs determine their own future by having the opportunity to learn new skills. ORI's programs offer age-appropriate education, daily living skills training, job skills and pre-employment training, counseling and support, self-enrichment classes, computer classes and activities that promote community integration and self-sufficiency. With support and encouragement, participants learn meaningful and productive activity, gain self-confidence and self-respect, develop a sense of responsibility and learn to make sound choices for themselves.

**History:**  
 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.

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.

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.



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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.</p> <p>There are no restrictions or restraints used at the program. Participants have the freedom and autonomy to go in and out of facility at any time. They control their own daily schedules and activities. They engage in individual and/or group activities of their choice and they were observed engaging in various activities such as eating, walking, playing flute, talking stories, resting, table-top activities, and watching television. All participants who were interviewed carry their own personal belongings and have access to their money.</p> <p>Two participants shared that they work and attend ADH program. Both participants stated they like where they work and have no desire to seek other employment opportunities at this time. They are employed under an AbilityOne contract managed by ORI.</p> <p>One participant expressed he has no restrictions at program and that he controls what he does daily. He stated he used to work before but is no longer seeking employment. He is happy at ORI and does not want to explore program elsewhere. He shared that he used to attend a different ADH program before.</p> <p>Community integration has been 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. Public transportation, such as 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 same</p>



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			<p>choice of activity/interest. One member who was interested in driving was given opportunity to experience driving through 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 expressed he gets to go out in the community a lot and enjoys it.</p>
2	<p>42 CFR 441.301 (c)(4)(ii)          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>	<p><input checked="" type="checkbox"/> YES  <input type="checkbox"/> NO</p>	<p><b>Findings:</b>          Participants who were interviewed expressed they like attending ADH program and want to continue attending at ORI. They are aware that they have options but prefer to remain.</p> <p>Participants interviewed stated they participate in their annual ISP meetings. Per staff, participants are involved in the discussion and planning of their services based on their needs and preferences. One participant voiced that if he wanted to change services or program, he would let his case manager, support staff, and caregiver know.</p>
3	<p>42 CFR 441.301 (c)(4)(iii)          The setting ensures member's right of privacy, dignity, and respect and freedom from coercion and restraint.</p>	<p><input type="checkbox"/> YES  <input checked="" type="checkbox"/> NO</p>	<p><b>Findings:</b>          Posters in the main conference room/surroundings have been mostly cleared of text/messages that can be perceived as coercive.</p> <p>Restraints are not used in this facility. Support staff were observed interacting and communicating with participants respectfully. Participants are comfortable around support staff. Participants shared that they have choices and freedom at program. They have privacy when using phone.</p> <p>One staff interviewed stated she knows that participants have rights but is unsure if participants are aware of their rights and are given copies of their rights. Per service supervisor, participants' rights are discussed during Individualized Service Plan (ISP) meeting. Participants and staff are educated and reminded of participants' rights of privacy, dignity, respect, and freedom from coercion and restraint. These are addressed in ORI's HCBS Setting Final Rule Policies &amp; Procedures.</p>



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			<p>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.</p> <p>Observed participants' activity charts placed in an open bookshelf (no cover or lock). Charts are visible and accessible to anyone.</p>
<p><b>4</b></p>	<p>42 CFR 441.301 (c)(4)(iv)          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  <input type="checkbox"/> NO</p>	<p><b>Findings:</b>          There is no visible posted schedule of activities. Staff stated that they support participants' life choices and rights and promote participants' initiatives and autonomy. Participants have the autonomy to come and go in the facility at will and to interact with whom they choose to.</p> <p>Participants have individualized and variable schedules that are consistent with their preferences and needs. Participants observed were engaged in various activities such as eating snacks, walking, playing flute, resting, watching television, and doing table-top activities.</p>
<p><b>5</b></p>	<p>42 CFR 441.301 (c)(4)(v)          The setting facilitates member choice regarding services, supports, and who provides them.</p>	<p><input checked="" type="checkbox"/> YES  <input type="checkbox"/> NO</p>	<p><b>Findings:</b>          Per staff, participants are supported and given options to attend ADH program from other providers. 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>



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6	<p>Members have the freedom and support</p> <ul style="list-style-type: none"> <li>to control their schedules and activities [42 CFR 441.301 (c)(4)(vi)(C)]</li> <li>to have access to food anytime [42 CFR 441.301 (c)(4)(vi)(C)]</li> </ul>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b>          Participants are able to control their own daily schedules and activities per staff and participant interviews.</p> <p>Participants have access to food of their choosing at any time, without restrictions. They were observed eating at various times during the visit. Participants have options to bring their own food, buy food for lunch at ORI, or buy food at the gift shop. Some participants also walk off campus with staff support to buy food at Dole Plantation. One participant shared that he brings home lunch most of the week and buys lunch on Fridays.</p> <p>Per staff, lunch buffet is available at the large dining hall from 10:30am to 1:30pm. HCBS participants are allowed to purchase food for lunch if desired. Observed only ICF participants eating lunch at the dining hall with ICF staff present for support and supervision. Observed HCBS participants consuming lunch in the activities/eating room with HCBS support staff present. HCBS participants also ate lunch in the ADH room.</p>
7	<p>Members have the right to visitors and access to family and friends. [42 CFR 441.301 (c)(4)(vi)(D)]</p>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b>          There are no posted visitation hours. Participants are allowed to have visitors at any time without restrictions. Participants are able to meet with their visitors privately, if they choose to.</p> <p>Two participants interviewed stated that no one comes to visit them at program. Another participant stated she travels with her family to Las Vegas. She also visits her aunt on island whenever she wants to.</p>
8	<p>Setting is physically accessible to the member. [42 CFR 441.301 (4)(vi)(E)]</p>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b>          Participants have physical access to areas around the setting. They can maneuver through the hallways, doorways, bathrooms, and common areas. They have the autonomy to come and go in the facility at will.</p>



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<b>9</b>	<p>42 CFR 441.301(c)(5)(v)</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>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<p><b>Findings:</b></p> <p>The Adult Day Health is located at a setting that is a compound, including Intermediate Care Facility for Individual with Intellectual Disabilities (ICF/IID), DD Domiciliary Homes, 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 trainings 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 the detailed plans to hire additional	HR has been advertising online or in the newspaper to hire additional staff for HCBS	Date completed: 04.19.24	The State reviewed the list of current vacancies and plan to



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	<p>staff to facilitate utilizing the four additional vans, so that participants can be supported with full access to and 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>	<p>ADH DSW, Residential caregiver and Service Supervisor. Some staff also advertise through online apps, FB, Instagram, etc. HR will continue to advertise.</p> <p>Vacancies:          Case Manager          Caregiver/Reliever          Administrative          Janitorial          DSW          Teacher Assistant</p> <p>Hirenet.com          04.23.2024</p> <p>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 this.</p>		<p>fill positions.</p> <p>The State will continue to monitor employment efforts quarterly: June 2024, September 2024, December 2024, and March 2025</p>
	<p>Describe/demonstrate how participants will be supported to seek employment opportunities outside of ORI organization, including AbilityOne contract.</p>	<p>ORI staff will continue to encourage all participants and explain to them that they have choice to seek a job and be employed outside of ORI. Staff will support any participants who shows interest in being employed outside ORI.</p> <p>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</p>	<p>Date completed:          03.01.2024</p>	<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</p>



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		and assist them in applying for a job. DSW will keep a tracking log.		reviewing tracking logs quarterly: June 2024, September 2024, December 2024, and March 2025
[42 CFR 441.301 (c)(4)(iii)]	Participants' activity charts must be kept in a secured and locked location to ensure privacy. Ensure that only authorized personnel have access to these charts.	Lockable cabinet for participants chart has been purchased. DSW will hold the key for the cabinet and ensure that no unauthorized personnel will have access to these charts.  ORI staff/DSW will continue to lock all participants binder in a lock cabinet for privacy, service supervisor will check the classroom daily to ensure that cabinet is always locked. The service supervisor will keep track on his/her daily visit at the classroom.	Date completed: 04.23.2024	The State verified that a lockable cabinet was purchased and used to ensure that all participant records are secured and locked. No further action is needed at this time.
	Ensure posters displayed are free of words/messages that can be perceived or interpreted as being coercive.	Staff will ensure that there are no posters displayed that have words or messages that can be perceived or coercive.  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.  ORI website will be reconstructed by a contractor.	Date completed: 05.03.2024 for posters displayed.  Website reconstruction Start Date: 5.14.2024  Anticipated Completion Date: 12.31.2024	The State verified that posters were removed from locations identified.  The State will continue to monitor implementation of website reconstruction quarterly: June 2024, September 2024, and December 2024
42 CFR 441.301(c)(5)(v)	Heightened Scrutiny: Complete evidence packet and provide	Provided is the list of supporting documents:	Start Date: 12.01.2023	The State reviewed the evidence packet. The State commented on the evidence





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	<p>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>	<p>Organization Chart          Staff Training in HCBS Settings Final Rule Handbook          Non-Residential Setting and Residential Setting HCBS Final Rule Policies and Procedures          Responses to Non-Residential Exploratory Questions          Activity Program Policy</p>	<p>Anticipated Completion Date:          12.31.2024</p>	<p>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.</p> <p>The State will continue to monitor implementation of evidence packet quarterly: June 2024, September 2024, and December 2024</p>
<p>Summary of Public Comments &amp; State Responses:</p>				
<p>Additional Comments:</p>				