



HCBS Heightened Scrutiny Public Comment Summaries

A. **Prairie Pointe Assisted Living and Memory Care CBRF**

One comment in support of Prairie Point Assisted Living and Memory Care indicates that Prairie Point has demonstrated its commitment to providing a homelike environment by providing not only a warm and cozy physical atmosphere for those who live there, but also by offering autonomy to residents that allows them to make their own personal decisions. This includes choice of providers, choice of menu and meal times, choice of preferred activities, and involvement and decision making authority in the care planning process.

B. **Additional Public Comments**

Several comments do not pertain to specific provider settings. The summaries and Wisconsin Department of Health Services (DHS) responses below are related to the heightened scrutiny process in general.

Skilled nursing facilities

Several comments noted that skilled nursing facilities diversifying the type of care settings offered to individuals allows for options of well-prepared assisted living care, especially in rural and economically challenged communities, to best meet care and social needs and help prevent premature nursing home residence.

Milwaukee long-term care campuses

One comment referenced Milwaukee area providers and notes these homes to be on long-term care campuses and typically considered preferable within their communities for their reputations of providing a higher quality of care and staffing.

- The settings located in the city of Milwaukee are:
 - Alexian Village Square community-based residential facility (CBRF)
 - Chai Pointe residential care apartment complex (RCAC)
 - Kavod Terrace CBRF
- The settings located in the Milwaukee County are:
 - Aria West Allis CBRF
 - Clement Manor, Inc CBRF
 - Euphoria of West Allis RCAC
 - St. Camillus Memory Care North Residence CBRF
 - The Gardens at Luther Manor CBRF

Metrics and compliance

One comment notes all settings presented for public comment are said to be compliant despite the metrics reading as a basic checklist rather than a reflection of ongoing or variable participant experience.

- DHS Note: DHS reviewed materials submitted by these providers and visited each setting. During each visit, DHS talked to staff and residents. Evidentiary summaries reflect participant experiences. Evidentiary summaries also indicate settings that may possess the required home and community-based characteristics and will overcome the presumption of having institutional qualities upon successful implementation of their remediation plan. If the areas marked unmet are not remediated, DHS will determine the setting will not overcome the institutional presumption.

Congregate residential facilities

One comment noted it is unclear whether campuses that have already been declared compliant with the HCBS settings rule would be subjected to heightened scrutiny if they continued to add congregate residential facilities. For settings previously subject to heightened scrutiny, it is unclear if additional conversions or buildings would prompt additional review under the settings rule or if DHS' point in time approval carries forward indefinitely.

- DHS Note: Evidentiary summaries do indicate when the campus has either added congregate residential facilities or converted portions of the campus and when DHS previously reviewed settings on the campus.

One comment noted concerns about the acquisition of congregate care residential care settings by multi-state corporations, private equity firms, and companies that own an increasingly diverse portfolio of residential settings.

Regulatory requirements

One comment notes concern with the unequal regulatory treatment of different types of residential facilities that house the same populations of older adults and people with disabilities.

- DHS Note: The HCBS Settings Rule review process is comprehensive for all residential provider types even though the regulatory requirements vary by setting.

Any additional comments provided outside the scope of these heightened scrutiny settings or the heightened scrutiny review process were not included in this HCBS Heightened Scrutiny public comment summary.