



COMMONWEALTH of VIRGINIA

Department of Medical Assistance Services

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August 5, 2026

Home and Community Based Services
Heightened Scrutiny Review Package
RE: Vanguard Landing

The Department of Medical Assistance Services (DMAS) presents the following Heightened Scrutiny Review package for Vanguard Landing. Vanguard Landing meets heightened scrutiny criteria based on a potential for isolation based on being a disability specific community. Please find the following documents enclosed:

- Document 1- Site Report Generated by DMAS and the Department of Behavioral Health and Developmental Services (DBHDS).
- Document 2- Provider response document outlining the deficient findings based on the site visit.
- Document 3- Vanguard Landing's response to the Site Report
- Document 4- Vanguard Landing's completed provider response document
- Document 5- Additional Statement from DMAS.

Document 1

Home and Community Based Settings Regulation

In January 2014, the Centers for Medicare and Medicaid (CMS) published the Home and Community Based Settings Regulation. CMS described the intent of the regulation as “To ensure that individuals receiving long-term services and supports through home and community-based service (HCBS) programs under the 1915(c), 1915(i) and 1915(k) Medicaid authorities have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate. And, to enhance the quality of HCBS and provide protections to participants.” The regulation established “mandatory requirements for the qualities of home and community-based settings including discretion for the Secretary to determine other appropriate qualities. Settings that are not home and community based. Settings presumed not to be home and community based. State compliance and transition requirements.” Below are the requirements of the regulation. Per CMS all of the following must be met to ensure the setting is truly home and community based:

- Be integrated in and supports full access to the greater community.
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimize, but 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.
- Facilitate individual choice regarding services and supports, and who provides them.

Requirements for Person—Centered Planning

- Reflect that the setting was the individual's choice and is integrated in, and supportive of full access of the individual to the greater community.
- Reflect the individual's strengths and preferences.
- Reflect clinical and support needs that have been identified through a functional needs assessment
- Includes individually identified desired outcomes and support activities.
- Reflect the (paid/unpaid) services/supports, and providers of such services/supports that will assist the individual to achieve identified goals.
- Reflect risk assessment, mitigation, and backup planning.
- Be understandable (e.g. linguistically, culturally, and disability considerate) to both the individual receiving HCBS and the individual's support system.
- Identify the individual and/or entity responsible for monitoring the PCSP.
- With the written, informed consent of the individual, be finalized, agreed to, and signed by all individuals/providers responsible for implementation of the PCSP.
- Be distributed to the individual and others involved in the PCSP.

- Prevent service duplication and/or the provision of unnecessary services/supports.

Additional Requirements for Provider-Owned and Controlled Settings

- 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 Virginia. For settings in which landlord tenant laws do not apply, there will be a lease, residency agreement or other form of written agreement in place for each HCBS participant, and the document provides protections that address eviction processes and appeals comparable to those provided under the landlord tenant law.
- Each individual has privacy in their sleeping or living unit:
 - 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 furnish and decorate their sleeping or living units within the lease or other agreement.
- Individuals have the freedom and support 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.
- The setting is physically accessible to the individual

Any modification of the additional conditions specified above (not including accessibility- it cannot be modified), must be supported by a specific individually-assessed need and justified in the person-centered individual support plan. The following requirements must be documented in the person-centered individual support plan:

- Identify a specific and individualized assessed need.
- Document the positive interventions and supports used prior to any modifications to the person-centered individual support plan.
- Document less intrusive methods of meeting the need that have been tried but did not work.
- Include a clear description of the condition that is directly proportionate to the specific assessed need.
- Include regular collection and review of data to measure the ongoing effectiveness of the modification.
- Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- Include the informed consent of the individual.
- Include an assurance that interventions and supports will cause no harm to the individual.

The regulation also outlines settings that are deemed not home and community based as they are institutional in nature:

- (i) A nursing facility;
- (ii) An institution for mental diseases;

- (iii) An intermediate care facility for individuals with intellectual disabilities;
- (iv) A hospital providing long-term care services; or
- (v) Any other locations that have qualities of an institutional setting, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution unless the Secretary determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and that the setting does have the qualities of home and community-based settings.

Based on the regulation, Virginia is submitting the following public comment package on provision V and the potential for isolation in disability specific communities.

Background

Vanguard Landing (referenced as the provider) sent their self-assessment for their Home and Community Based Services review on January 23, 2026. The provider was informed that the assessment will not be reviewed until they are licensed.

The provider became licensed by the Department of Behavioral Health and Developmental Services on March 12, 2026. The current conditional license will expire on September 11, 2026.

On February 17th DBHDS Office of Licensing, Office of Human Rights and Office of Provider Network Supports were on site and provided feedback on the site as well as documentation.

On March 3, 2026, the provider resubmitted the policy and procedures. On March 23, 2026, another HCBS policy document was received to be reviewed as a part of the assessment packet.

On March 26, 2026, DMAS asked the provider to resubmit any policies that had been changed as a result of becoming a licensed provider. The provider responded that they had already made submissions. On March 27, 2026, DMAS responded to clarify if the current resident handbook included in the submission had been changed as a result of any DBHDS feedback. On March 27, 2026, the final assessment packet was received.

As a part of standard practice and the number of new providers requesting a review, it is standard practice that a review of the initial assessment can take 4-6 weeks.

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April 8, 2026, the provider requested an update on their assessment.

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July 1, 2026, DMAS requested full copies of several documents to review as the provider did not submit the full documents that were required for review.

July 3, 2026, Provider submitted the full documentation required.

July 8, 2026, DMAS accepted all of the provider's documents. This closes the first stage of the HCBS review process (provider self-assessment). DMAS emailed the provider to set up a site visit and phone call to discuss the visit. The provider responded on July 8, 2026, and a pre-visit call was scheduled for July 14, 2026, and a site visit was scheduled for July 16, 2026.

July 14, 2026, DMAS and the provider held the pre-visit call and discussed the review process. The review process includes a tour of the facilities, interviews with individuals receiving services and interviews with staff members.

Site Visit

The site visit took place on July 16, 2026. At the time of the visit four individual settings were open (one townhome and three cottages). Nine people were living across the settings and receiving services. Nine people were living across the settings and receiving services. Once the provider reaches capacity, they plan to serve over 100 people in the residential setting.

DMAS and DBHDS arrived at 11am. Upon entry, State staff noted a gate to the left-hand side of the parking lot leading to the intentional community that was locked. Staff parked in the parking lot and walked into the first building referred to as the “gathering point”. Staff walked past a large sign that said, “All visitors must sign in”. Upon entry into the “gathering point” staff observed a desk and visitor log, a store selling Vanguard Landing merchandise, a dining hall area and several other rooms within the building. It was also noted there was a mailroom where each individual has a cubby for mail, but no lock or box for mail privacy.

Upon arrival, DMAS and DBHDS were given a tour. We walked through the dining hall and noted several crafting supplies on the tables; the provider informed us that the individuals will be helping a local artist do a mural on one of the walls. We walked out of the doors leading into the area where the homes are located. Upon walking out, there are several rows of “cottages” (5 bed homes) and “townhomes” (1 bed homes). The area is walkable, but not drivable nor are there driveways or areas for parking outside of the general parking lot. Staff toured three cottages and one town home. All homes are built with universal design making them fully accessible to all individuals and those who utilize mobility aids. Staff were given a tour of the town home by the resident and observed a personalized bedroom and a clean environment. Staff then moved to the first cottage and observed a name on the home. The provider staff explained that individuals can give donations to the provider and if the donation sponsors the building of a cottage, the donor is able to name the building. The provider said this is a common practice for non-profit agencies.

Upon entering the cottage, we observed multiple individuals (3-4) and staff (3-4) making a snack (caramel apple grapes). The individuals allowed staff to look at their bedrooms which were all decorated to their liking. Staff then left that cottage and went to the second cottage. This cottage was intended for women and had floral décor on the walls at the request of the individuals. One individual was leaving the cottage as we were entering with a staff member pushing her wheelchair and another individual was inside with another staff person. She started her laundry and then allowed staff to look at her bedroom. Staff then looked at the other individual’s bedroom which was also decorated to her liking. Upon leaving that cottage, we went to the third cottage. This cottage is directly next door to the second cottage and is a men’s cottage. Staff observed a craft and puzzle table in the main area and again observed individualized bedrooms. Upon leaving cottage three to conduct interviews, staff asked the provider which homes are set aside for non-disabled general community residents who will not be utilizing services and were pointed to three townhomes on the other side of the campus. Staff were also told that there would be two cottages set aside, but it was unclear which two would be used. As of the time of the visit, there were no non-disabled residents making the provider a disability-specific community.

Staff Interviews

DMAS and DBHDS interviewed the leadership team and two direct support professionals. Throughout the interviews, staff (staff means the provider's staff in this section) were able to verbalize the HCBS Rights. Throughout multiple staff interviews there were comments on creating a positive environment and that they are seeking to "focus on the positive". When asked about visitors, it was reported by several staff that individual's can have visitors, but they might sign in and be "cleared" by the provider's leadership. When asked specifics about community access, the interviews yielded mixed results. Some staff reported that individuals are free to come and go and are provided with transportation for their activities of choice. Other staff, including leadership, reported that the company vans (referred to as buses by some staff) are only available for "Vanguard sanctioned activities" when asked to elaborate they responded, "things on the schedule". Multiple staff reported that activities off campus were scheduled in advance and generally all residents attend the activities. When asked how more individual-focused activities happen the staff responded they had not encountered that yet. Another staff member reported that only "certified drivers" can drive the "bus" and, as such, there has to be a "certified driver" available to facilitate off campus activities. Staff were asked if the individuals chose their own schedules daily, the staff reported "yes" but were unable to give any specific information. Multiple staff discussed on-campus activities that included: The VanOlympics (an Olympics themed event), art classes and games. Staff reported that one individual does have an off-campus job and other folks would like a job. It was not reported that the individual seeking employment had been linked to DARS for support. It was not reported that any individuals utilize any integrated day service options via waiver services.

Staff also discussed person-centered planning and said they discussed the goals and needs of the individual with their families- state staff asked if the individuals were included in this discussion and were told yes. Staff also outlined that one individual had been discharged from the provider for "behaviors that we were not told about in advance". When asked about the discharge process staff said, "this was an immediate discharge because they were physical with staff". Across multiple interviews, to include leadership, non-person-centered language was used including discussing the individuals as "the kids", describing the individual's level of needs as "they are all mild to moderate" and describing an individual as "non-verbal". Staff were wearing Vanguard Landing shirts and reported wearing them out in the community as well. Multiple staff reported a sense of fulfillment with their jobs and reported being very happy.

Individual Interviews

DMAS and DBHDS interviewed two individuals. Both reported being happy with their current services. One individual did report wanting a job and having access to his car. There were no reports linking the individual with job placement/ discovery services. Both individuals reported eating all their meals in the dining hall and doing activities together in a group. Both individuals reported feeling respected by staff.

Documentation Review

Staff reviewed the daily progress notes for three individuals. The notes do not provide a summary of the day and provide a few sentences related to the individual's outcomes. The notes do not reflect the daily choices of the individual or active interactions with the community or non-disabled persons. Other issues identified in the notes include use of other individual's name in a daily progress note, referring to staff as "teachers", notes discuss getting to the cafeteria and informing the individual what is being served- showing a lack of choice and autonomy. One note discussed an individual taking a few bites of the cafeteria food and throwing it away- no follow up was noted showing choice, offering options, or the ability to make a different meal at home. Other notes said that since no community outings were planned for the shift, the individual's goal was not addressed.

The lease review showed that individual's lease agreements cannot be terminated instantly due to "behaviors". The material non-compliance section included provisions for immediate eviction due to illegal activity or drugs. No reports of illegal activity or police involvement were provided in the instance of the individual being discharged and forced to move due to "behaviors".

Additional Information

Following the onsite review of the provider, DMAS became aware of additional concerns with discharges from the provider. At least two individuals have been discharged from the provider (despite reports of only one discharge). In addition, DMAS received reports that the provider did not properly supervise an individual with their bowel obstruction prevention needs, limited choices of daily activities, lack of ability to complete preferred activities and failure to follow the individuals ISP.

Another discharged family reported that their loved one had a behavioral support plan that was not followed by staff. There were multiple missed medication doses, the individual was forced to go to the dining hall even when they did not want to go and when the family picked the individual up for a doctor's appointment the individual had dry stool stuck to her buttocks. Once the provider decided that the individual could not be served by the provider, the family received a call that the individual needed to be picked up that day.

Both families reported that they felt that they had been provided with misinformation on how the services from the provider would function. They also reported that they had been promised by the provider that Medicaid would begin to cover the service costs within 60-90 days of opening.

August 5, 2026

Document 2

Vanguard Landing

Description of Non-Compliance	Regulatory Reference	Provider Response
At least 1 individual was “immediately discharged” due to “behaviors”. This discharge resulted in the individual having to move out of their home. The individual’s lease agreement and the Virginia Landlord Tenant Act provide protections from eviction, yet the individual was forced to move. The appropriate avenue for managing these situations are the use of behavioral support plans and the person-centered planning process.	42 CFR 441.530(a)(1)(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.	
Visitors are required to sign in and out and be “cleared” (word used by staff).	42 CFR 441.530(a)(1)(vi)(D) Individuals are able to have visitors of their choosing at any time.	
Staff reported vans can be used for “vanguard sanctioned outings” limiting full access to the community.	42 CFR 441.530(a)(1)(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.	
At the time of the visit, the community has no non-disabled residents making it a disability specific community.	42 CFR 441.530(a)(2)(v) Any other locations that have qualities of an institutional setting, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution unless the	

	Secretary determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and that the setting does have the qualities of home and community-based settings.	
Choice is not documented in the daily notes.	42 CFR 441.530(a)(1)(iv) 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.	
Daily autonomy in schedules is not documented in the daily notes	42 CFR 441.530(a)(1)(iv) 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.	
Non-person-centered language was used verbally by staff, including leadership, and in written documentation.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and	

	freedom from coercion and restraint.	
One individual reports wanting a job but has not been linked to job discovery/placement services.	42 CFR 441.530(a)(1)(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.	
Mailroom is accessible to all individuals with no lock boxes or privacy for each mailbox.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	
Staff were seen wearing Vanguard Landing shirts and report wearing them in the community.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. DMAS provider manual chapter 2 page 32.	

Based on notes and interviews, all individuals are eating all of their meals in the dining hall. Individuals are informed of what is on the menu when they arrive. Meal times are scheduled.	42 CFR 441.530(a)(1)(vi)(C) Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.	
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Document 3

Public Comment Package for Vanguard Landing

Home and Community Based Settings Regulation

In January 2014, the Centers for Medicare and Medicaid (CMS) published the Home and Community Based Settings Regulation. CMS described the intent of the regulation as “To ensure that individuals receiving long-term services and supports through home and community-based service (HCBS) programs under the 1915(c), 1915(i) and 1915(k) Medicaid authorities have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate. And, to enhance the quality of HCBS and provide protections to participants.” The regulation established “mandatory requirements for the qualities of home and community-based settings including discretion for the Secretary to determine other appropriate qualities. Settings that are not home and community based. Settings presumed not to be home and community based. State compliance and transition requirements.” Below are the requirements of the regulation. Per CMS all of the following must be met to ensure the setting is truly home and community based:

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Additional Requirements for Provider-Owned and Controlled Settings

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Based on the regulation, Virginia is submitting the following public comment package on provision V and the potential for isolation in disability specific communities.

We respectfully request a copy of the package that will be sent to CMS

CMS 2019 Guidance / Intentional Communities

Vanguard Landing respectfully notes that CMS's March 22nd, 2019, guidance clarified that a setting's physical characteristics or location do not, by themselves, determine whether the setting is isolating or institutional in nature. **The review should focus on the actual experiences of individuals receiving services, including access to the broader community, meaningful choice, autonomy, and the setting's policies and practices.** Vanguard Landing therefore requests that the narrative evaluate the Vanguard Landing community based on these operational and experiential factors rather than on the intentional-community model alone.

Background

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was scheduled for July 14, 2026, and a site visit was scheduled for July 16, 2026.

July 14, 2026, DMAS and the provider held the pre-visit call and discussed the review process. The review process includes a tour of the facilities, interviews with individuals receiving services and interviews with staff members.

Site Visit

The site visit took place on July 16, 2026. At the time of the visit four individual settings were open (one townhome and three cottages). Nine people were living across the settings and receiving services. Nine people were living across the settings and receiving services. Once the provider reaches capacity, they plan to serve over 100 people in the residential setting.

For factual accuracy, eight individuals—not nine—were residing in the four open residential settings and receiving services at the time of the July 16, 2026 site visit. Vanguard Landing currently has completed housing designed for up to 128 residents, including individuals who may receive support services and individuals who will reside in the community without receiving services from Vanguard Landing. At the time of the visit, three newly completed townhomes had been reserved by individuals who do not require Vanguard Landing support services and who will participate solely as neighbors and leaseholders.

DMAS and DBHDS arrived at 11am. Upon entry, State staff noted a gate to the left-hand side of the parking lot leading to the intentional community that was locked. Staff parked in the parking lot and walked into the first building referred to as the “gathering point”. Staff walked past a large sign that said, “All visitors must sign in”. Upon entry into the “gathering point” staff observed a desk and visitor log, a store selling Vanguard Landing merchandise, a dining hall area and several other rooms within the building. It was also noted there was a mailroom where each individual has a cubby for mail, but no lock or box for mail privacy.

For factual accuracy, the gate observed near the entrance of the residential area was not locked. It is a manually latched gate intended to discourage unauthorized vehicular access to private residential streets and pedestrian areas. It was installed after consultation with residents, families, local law enforcement, and safety professionals following repeated incidents involving speeding vehicles, unauthorized drive-through traffic, vehicles entering landscaped and pedestrian areas, and unfamiliar persons approaching residences and looking in the windows. Vanguard Landing’s initial use of professional signage did not stop these repeated incidences. The gate does not restrict residents’ ability to enter or leave the community. Residents who drive have access to parking in designated areas, including spaces near the townhomes.

For more clarification, the **sign-in process** located in the Gathering Point applies to unfamiliar business visitors, vendors, contractors, tour participants, and other members of the public entering Vanguard Landing’s community and administrative building. It is not a resident-visitor approval process. Residents, family members, friends, and other guests invited by residents are not required to obtain leadership approval or be “cleared” before visiting. Vanguard Landing respectfully requests that the narrative distinguish the administrative check-in procedure from residents’ unrestricted right to receive visitors of their choosing. Residents' invited guests may visit without provider approval.

The **mail cubbies** contain individually addressed, sealed mail and were selected after Vanguard Landing sought input from prospective residents regarding mail access. Residents expressed a preference for convenient access without managing an additional key or traveling to exterior locked mailboxes. Vanguard Landing recognizes the importance of mail privacy and will continue to evaluate individualized options for any resident who prefers a locked mailbox or another method of receiving mail.

Upon arrival, DMAS and DBHDS were given a tour. We walked through the dining hall and noted several crafting supplies on the tables; the provider informed us that the individuals will be helping a local artist do a mural on one of the walls. We walked out of the doors leading into the

area where the homes are located. Upon walking out, there are several rows of “cottages” (5 bed homes) and “townhomes” (1 bed homes). The area is walkable, but not drivable nor are there driveways or areas for parking outside of the general parking lot. Staff toured three cottages and one town home. All homes are built with universal design making them fully accessible to all individuals and those who utilize mobility aids. Staff were given a tour of the town home by the resident and observed a personalized bedroom and a clean environment. Staff then moved to the first cottage and observed a name on the home. The provider staff explained that individuals can give donations to the provider and if the donation sponsors the building of a cottage, the donor is able to name the building. The provider said this is a common practice for non-profit agencies.

For factual accuracy, the artist referenced is a volunteer artist-in-residence and community partner who is supporting an optional **collaborative mosaic project** in the Gathering Point. Participation is open to residents and other community participants and is not required. Individuals may choose whether and how they wish to contribute to the project.

For factual accuracy, the residential roads **are drivable**. On-street parking is restricted (by the VB Fire Department) to preserve access for fire and emergency vehicles. Designated parking is available in several locations throughout the property, including parking near the townhomes. Vanguard Landing requests that the narrative distinguish the absence of individual driveways and on-street parking from the ability to drive throughout the residential community.

Upon entering the cottage, we observed multiple individuals (3-4) and staff (3-4) making a snack (caramel apple grapes). The individuals allowed staff to look at their bedrooms which were all decorated to their liking. Staff then left that cottage and went to the second cottage. This cottage was intended for women and had floral décor on the walls at the request of the individuals. One individual was leaving the cottage as we were entering with a staff member pushing her wheelchair and another individual was inside with another staff person. She started her laundry and then allowed staff to look at her bedroom. Staff then looked at the other individual’s bedroom which was also decorated to her liking. Upon leaving that cottage, we went to the third cottage. This cottage is directly next door to the second cottage and is a men’s cottage. Staff observed a craft

and puzzle table in the main area and again observed Individualized bedrooms. Upon leaving cottage three to conduct interviews, staff asked the provider which homes are set aside for non-disabled general community residents who will not be utilizing services and were pointed to three townhomes on the other side of the campus. Staff were also told that there would be two cottages set aside, but it was unclear which two would be used. As of the time of the visit, there were no non-disabled residents making the provider a disability-specific community.

For clarification, naming opportunities are a customary nonprofit fundraising practice through which donors may support the development of rooms, buildings, or other community spaces. Any proposed name is subject to Vanguard Landing's approval and is not used to identify a residence as a disability-service setting. The naming of a residence does not affect residents' rights, services, tenancy, or community access.

For factual accuracy, the snack being prepared during the visit was caramel-apple nachos, not caramel-apple grapes.

For **neutral** and **accurate** description, Vanguard Landing requests replacing "the other side of the campus" with "within the same residential area." The townhomes are located along the same internal road system as homes occupied by individuals receiving services. At the time of the visit, three individuals who do not require Vanguard Landing services had reserved townhomes in the same row-building where other residents who will receive support services. Vanguard Landing also anticipates that some additional homes will remain unlicensed and available to individuals who do not receive provider services. The only reason they have yet to move in was due to the need of the builder to complete their "punch-out" list.

The statement that Vanguard Landing was a **disability-specific community** at the time of the visit should be presented as a description of occupancy on that date rather than as a final characterization of the setting. At the time of review, occupancy represented less than 10% of planned residential capacity. Vanguard Landing is newly opened and in the early stages of leasing completed residences. Homes had already been designated and reserved for individuals who would not receive Vanguard Landing services. Vanguard Landing respectfully requests that the narrative reflect both the early lease-up status during initial occupancy and the community's planned mixed-residency model. The HCBS evaluation should also consider residents' actual access to the broader community, individual choice, autonomy, and daily experiences.

Staff Interviews

DMAS and DBHDS interviewed the leadership team and two direct support professionals. Throughout the interviews, staff (staff means the provider's staff in this section) were able to verbalize the HCBS Rights. Throughout multiple staff interviews there were comments on creating a positive environment and that they are seeking to "focus on the positive". When asked about visitors, it was reported by several staff that

individual's can have visitors, but they might sign in and be "cleared" by the provider's leadership. When asked specifics about community access, the interviews yielded mixed results. Some staff reported that individuals are free to come and go and are provided with transportation for their activities of choice. Other staff, including leadership, reported that the company vans (referred to as buses by some staff) are only available for "Vanguard sanctioned activities" when asked to elaborate they responded, "things on the schedule". Multiple staff reported that activities off campus were scheduled in advance and generally all residents attend the activities. When asked how more individual-focused activities happen the staff responded they had not encountered that yet. Another staff member reported that only "certified drivers" can drive the "bus" and, as such, there has to be a "certified driver" available to facilitate off campus activities. Staff were asked if the individuals chose their own schedules daily, the staff reported "yes" but were unable to give any specific information. Multiple staff discussed on-campus activities that included: The VanOlympics (an Olympics themed event), art classes and games. Staff reported that one individual does have an off-campus job and other folks would like a job. It was not reported that the individual seeking employment had been linked to DARS for support. It was not reported that any individuals utilize any integrated day service options via waiver services.

Vanguard Landing is unable to verify the context in which the term "cleared" was reportedly used. Leadership does not approve or deny residents' personal visitors. The administrative sign-in process applies to unfamiliar persons conducting business in the Gathering Point and is not used to screen residents' family members, friends, or other invited guests. Vanguard Landing respectfully requests that the narrative distinguish an interview statement of uncertain context from the organization's actual visitor policy and practice.

Residents may choose individualized destinations both on and off the monthly activity calendar. Transportation may occur through Vanguard Landing vehicles, rideshare services, personal vehicles, family members, or other natural supports. Transportation logistics may affect timing but do not determine whether a resident may choose a destination.

The terms "van" and "bus" are synonymous and sometimes used informally by residents and employees when referring to Vanguard Landing's first two vehicles. One resident refers to the vehicles as "buses" while participating in his preferred vehicle-inspection and cleaning activities with staff, as he has previous experience helping his previous program count their "buses."

The phrase "Vanguard-sanctioned activities," as presented in the narrative, does not accurately describe Vanguard Landing's community-access practices or policies. Vanguard Landing offers on-site and off-site opportunities developed with resident input, and residents may also request individualized activities and destinations that are not listed on the monthly opportunity calendar. Residents access the community through provider vehicles, rideshare services, personal vehicles, family members,

friends, and other natural supports. Provider transportation is **one** available resource and does not define or limit whether a resident may choose any type of activity.

Employees who operate Vanguard Landing vehicles must meet licensing, insurance, driving-record, and organizational safety requirements. This requirement protects residents and is not intended to restrict community access. Residents may use other available transportation methods, including rideshare services, family or friends, and personal vehicles. When a resident requests transportation, we incorporate that with the current vehicle's location and route the staff work with the resident to identify a reasonable alternative or plan another time while preserving the resident's choice of destination.

Because Vanguard Landing was serving only eight residents at the time of the visit, several residents sometimes selected the same community opportunities, including festivals, museums, fitness activities, shopping, and other events. Shared participation does not mean attendance is required. Residents may join a group opportunity, decline it, remain at home, select personal time, or request another activity. As occupancy increases, Vanguard Landing anticipates offering additional schedules and repeat opportunities for highly requested activities. The organization is also strengthening documentation so each resident's individual decision is clearly reflected.

Vanguard Landing supports residents in making adult choices, including choices involving lawful community destinations. Provider-owned transportation, however, is subject to ordinary driver availability, insurance requirements, safety considerations, and reasonable planning. Vanguard Landing does not operate as an on-demand, all-night transportation service. When a requested trip cannot be supported immediately, staff discuss available alternatives with the resident, such as rideshare transportation, another authorized driver, or scheduling the activity at a feasible time. This operational limitation or a specific location's hours of operations are not intended to function as provider approval or disapproval of the resident's destination.

The activities mentioned during interviews were examples and were not intended as a complete list of available opportunities. Vanguard Landing offers a broad range of on-site and community-based options, and residents may also initiate activities based on their own interests. The relevant HCBS consideration is whether participation is voluntary, individualized alternatives are available, and each resident's choices are honored and documented.

Vanguard Landing supports residents who express an interest in **employment** but is not itself licensed to provide every employment-related waiver service, such as job coaching or certain pre-vocational services. One resident currently receives job-coaching support from another qualified provider. Another newly admitted resident has expressed an interest in employment, and Vanguard Landing is assisting him in identifying his interests, preferences, strengths, and realistic employment goals. Referral to DARS or another qualified employment provider will be initiated when consistent with the

resident's goals and preferences. The absence of a DARS referral at the time of the visit should not be interpreted as a refusal to support employment.

Staff also discussed person-centered planning and said they discussed the goals and needs of the individual with their families- state staff asked if the individuals were included in this discussion and were told yes. Staff also outlined that one individual had been discharged from the provider for "behaviors that we were not told about in advance". When asked about the discharge process staff said, "this was an immediate discharge because they were physical with staff". Across multiple interviews, to include leadership, non-person-centered language was used including discussing the individuals as "the kids", describing the individual's level of needs as "they are all mild to moderate" and describing an individual as "non-verbal". Staff were wearing Vanguard Landing shirts and reported wearing them out in the community as well. Multiple staff reported a sense of fulfillment with their jobs and reported being very happy.

The statement that the resident was discharged simply because she was "physical with staff" does not fully describe the circumstances. During a six-day period, the resident displayed rapidly escalating conduct that created an immediate risk of injury to herself, other residents, and employees, including throwing heavy objects and electronic equipment, striking and pushing others, and directing a chair toward a resident using a wheelchair. Vanguard Landing maintained communication with the resident's family throughout the period and completed applicable incident-reporting and review processes. Vanguard Landing recognizes that emergency safety intervention, discontinuation of services, and termination of tenancy are distinct processes and will describe those processes separately in its formal response and supporting documentation.

Residents control their daily schedules and may select from scheduled opportunities, request an activity not listed, spend time in their homes or bedrooms, use available on-site spaces and equipment, participate in community activities, or request transportation assistance. Some requests require planning because of distance, cost, ticket availability, staffing, or transportation logistics. In those circumstances, staff work with the resident to develop a feasible plan rather than treating the request as prohibited. Vanguard Landing is strengthening the communication to all individuals and staff of the importance of providing and taking advantage of opportunities offered but also ensuring progress-note documentation show these choices and planning discussions are more readily visible to reviewers.

Vanguard Landing agrees that employees should use **adult-respecting and person-centered language**. Vanguard Landing agrees employees should consistently use adult-respecting, person-centered language. Terms such as "resident," "adult," "individual," and communication-specific language have been reinforced through staff education. The organization does not have a policy or practice of treating residents as children ever. The term "kids" may occasionally be used as terms of endearment by family

members, residents, or employees, but it should not be interpreted as evidence that residents' adulthood or legal rights are disregarded. Descriptions such as "mild to moderate" were intended to discuss whether Vanguard Landing could safely meet an applicant's individualized support needs, not to replace an individualized assessment. Vanguard Landing is reinforcing the use of preferred names and respectful terms such as resident, adult, individual, person, and house-mate, as well as communication-specific language such as "uses limited spoken language" or "communicates through [identified method]" when appropriate.

Vanguard Landing recognizes the DD Waiver Provider Manual's expectation that paid support staff wear ordinary clothing during routine community support so the individual is not unnecessarily identified as receiving services. Vanguard Landing staff are not required to wear uniforms or matching logo apparel. The organization has adopted an apparel and branding policy distinguishing resident choice, routine community support, on-site administrative work, public events, and enterprise employment. Residents remain free to wear Vanguard Landing merchandise if they choose, while staff providing routine individualized support in the community will wear ordinary, professional, non-logo clothing.

Vanguard Landing appreciates the fact that multiple employees reported a strong sense of fulfillment and satisfaction with their work. The organization believes this positive workforce culture supports continuity, engagement, and respectful relationships with residents. Vanguard Landing respectfully requests that this favorable interview feedback be given appropriate weight alongside the concerns identified in the narrative.

Individual Interviews

DMAS and DBHDS interviewed two individuals. Both reported being happy with their current services. One individual did report wanting a job and having access to his car. There were no reports linking the individual with job placement/ discovery services. Both individuals reported eating all their meals in the dining hall and doing activities together in a group. Both individuals reported feeling respected by staff.

Seven of the eight residents had provided authorization to participate in interviews. Vanguard Landing observed state staff interact with **more than** two, if not almost all residents during the visit and offered individualized communication supports, including familiar yes/no communication tools for a resident who does not use spoken language.

The resident who expressed interest in employment had been living at Vanguard Landing for only a short period. Staff **had** begun discussing his interests, preferred work, transportation goals, and potential employment directions with him and his family. He has declined several initial suggestions, and Vanguard Landing continues to support him in refining what type of work he wants to pursue. Referral to DARS or another qualified employment provider can be made as part of that process with the resident's participation. Vanguard Landing respectfully requests that the narrative reflect the early

stage of person-centered employment **exploration** rather than imply that his stated interest had been disregarded. Nor has

Residents may choose to eat in their homes, prepare or receive support to prepare meals using household groceries, or dine at the Seaside Café in the Gathering Point. Some residents frequently choose the café because they enjoy the meals and do not currently wish to cook, while others use a combination of options. The café OR their own personal homes are for engagement and life skills. The café was developed in response to resident and family interest and is available to residents, staff, visitors, and other community participants. Vanguard Landing is strengthening documentation so each resident's meal and dining-location choices are recorded more explicitly.

Vanguard Landing provides residents with multiple meal and snack options and respects a resident's decision not to finish a meal or to decline additional food. Staff may provide education and encouragement regarding balanced choices when consistent with the resident's health needs and person-centered plan, but residents are not forced to eat. Vanguard Landing acknowledges that the reviewed progress note did not document the alternatives offered or the follow-up discussion. Documentation guidance has been revised, and will continue to be provided, so future notes identify the resident's choice, options offered, response, and any alternative selected.

Documentation Review

Staff reviewed the daily progress notes for three individuals. The notes do not provide a summary of the day and provide a few sentences related to the individual's outcomes. The notes do not reflect the daily choices of the individual or active interactions with the community or non-disabled persons. Other issues identified in the notes include use of other individual's name in a daily progress note, referring to staff as "teachers", notes discuss getting to the cafeteria and informing the individual what is being served- showing a lack of choice and autonomy. One note discussed an individual taking a few bites of the cafeteria food and throwing it away- no follow up was noted showing choice, offering options, or the ability to make a different meal at home. Other notes said that since no community outings were planned for the shift, the individual's goal was not addressed.

Vanguard Landing agrees that progress notes must more consistently demonstrate residents' daily choices, individualized activities, community access, and the supports provided. The organization is continuing staff training, revising note prompts, and conducting supervisory audits to improve documentation quality. This includes documenting meaningful choice, refusals, alternatives, resident-initiated activities, follow-through, and barriers that required additional planning. Vanguard Landing requests that the narrative distinguish limitations in the written record from a conclusion that choices were not offered in practice, while recognizing that documentation must be sufficient to verify those practices.

The lease review showed that individual's lease agreements cannot be terminated instantly due to "behaviors". The material non-compliance section included provisions for immediate eviction due to illegal activity or drugs. No reports of illegal activity or police involvement were provided in the instance of the individual being discharged and forced to move due to "behaviors".

The resident's lease was not terminated because of "behaviors." During an escalating safety emergency, the parent's were notified and the fact that the resident's father was already on his way to Vanguard Landing for a visit, led to her leaving the same day. Vanguard Landing advised the family that the residence remained available for the period already paid and that belongings could remain temporarily. Her belongings did in fact stay put for about another week. A mutual tenancy-termination document was subsequently completed, and payments for unused rent and services were refunded. Vanguard Landing respectfully submits that the resident's tenancy protections were preserved while emergency safety actions, service discontinuation, and mutual tenancy termination were addressed through separate processes.

Additionally, Vanguard Landing has reported admissions and discharges through its required monthly reporting processes. One service discontinuation was initiated by Vanguard Landing following the serious safety emergency described above. In the second matter, the resident's father elected to withdraw her after an extended period during which Vanguard Landing and the family attempted to address escalating scratching and aggression, including an incident that injured another resident. Vanguard Landing provided additional staffing for safety during this period even though continuous one-to-one staffing was not part of the agreed service arrangement. Vanguard Landing requests that the narrative distinguish a provider-initiated emergency discontinuation from a family-initiated withdrawal and avoid implying that two residents were summarily discharged through the same process.

Additional Information

Following the onsite review of the provider, DMAS became aware of additional concerns with discharges from the provider. At least two individuals have been discharged from the provider (despite reports of only one discharge). In addition, DMAS received reports that the provider

did not properly supervise an individual with their bowel obstruction prevention needs, limited choices of daily activities, lack of ability to complete preferred activities and failure to follow the individuals ISP. Another discharged family reported that their loved one had a behavioral support plan that was not followed by staff. There were multiple missed medication doses, the individual was forced to go to the dining hall even when they did not want to go and when the family picked the individual up for a doctor's appointment the individual had dry stool stuck to her buttocks. Once the provider decided that the individual could not be served by the provider, the family received a call that the individual needed to be picked up that day.

Both families reported that they felt that they had been provided with misinformation on how the services from the provider would function.

They also reported that they had been promised by the provider that Medicaid would begin to cover the service costs within 60-90 days of opening.

These allegations were not part of the onsite review and, to Vanguard Landing's knowledge, have not been independently substantiated through the HCBS assessment process.

Vanguard Landing respectfully requests that the narrative clearly identify these items as allegations and state whether they have been substantiated, remain under review, or were addressed through a separate DBHDS or Office of Human Rights process. Presenting disputed allegations alongside direct site-visit findings without identifying their evidentiary status may lead readers to believe that they were independently verified during the HCBS review. Vanguard Landing denies that it intentionally limited the resident's choices, disregarded the ISP, or failed to provide required supervision and will provide the relevant ISP, protocols, progress notes, incident records, communications, and investigation outcomes as supporting evidence.

Vanguard Landing disputes the allegation that staff intentionally failed to follow ANY resident's behavioral support plan and requests that DMAS identify the specific plan provisions, dates, and documentation on which the statement is based. Vanguard Landing requests identification of the specific behavioral support plan referenced, as no formal behavioral support plans were in place for current or former residents involved in these matters. Medication-related concerns were reported and addressed through the applicable incident-management, medication-administration, and corrective-action processes. The narrative should distinguish reported concerns, confirmed medication errors, corrective actions, and any unresolved allegations rather than presenting them as a single established conclusion.

Vanguard Landing disputes the statement that the resident was forced to go to the dining hall. Residents may eat in their homes or at the Seaside Café and may decline either option. Vanguard Landing respectfully requests that this statement be clearly identified as an unsubstantiated allegation. Vanguard Landing will continue to improve their documentation and progress notes to ensure meal choice is clear.

Vanguard Landing takes the personal-care allegation seriously and requests that the narrative accurately reflect the timing and available context. On the day referenced, the resident had spent the morning away from Vanguard Landing with her family for an appointment and meal before returning. The resident was also displaying significant aggression toward staff, including striking an employee with a broom, throwing a chair towards another resident, which required staff to balance immediate safety concerns

while continuing to provide personal care. This context does not diminish the importance of hygiene support; rather, it is relevant to evaluating what occurred, the timing of the observation, and the steps staff could safely take.

Vanguard Landing requests that the narrative distinguish an emergency request for family assistance during an escalating safety event from a predetermined eviction or routine same-day discharge practice. The family had been in ongoing communication with Vanguard Landing regarding the resident's escalating needs. The resident's father elected to remove her when he was already planning to come, and Vanguard Landing subsequently addressed service, tenancy, belongings, medication reconciliation, and refunds.

Vanguard Landing disputes that any family was guaranteed Medicaid coverage within 60 to 90 days. Families were provided with the information available at the time regarding licensure, provider enrollment, and anticipated Medicaid-review timelines, while being advised that approval and payment decisions rested with the applicable state agencies. Vanguard Landing will provide written admissions materials and communications to clarify what was represented. The organization also worked to explain that licensed HCBS services must follow resident-rights and person-centered requirements even when family preferences differed from those standards. Vanguard Landing respectfully requests that the narrative describe this as a reported concern unless a specific written promise can be identified.

Document 4

Vanguard Landing

Opening Statement

Vanguard Landing appreciates DMAS's review and recognizes the importance of evaluating an HCBS setting based on the actual nature and quality of each resident's experience.

We also appreciate DMAS's positive observations concerning the individualized and personalized nature of resident bedrooms and the spacious design of the bathrooms. These observations are consistent with Vanguard Landing's commitment to providing residents with homes that reflect their personal identities, choices, belongings, preferences, and accessibility needs.

Vanguard Landing welcomes constructive oversight and has used this review process to strengthen documentation, reinforce staff education, and improve operational consistency while preserving resident autonomy and choice.

The verbal and written exit feedback identified several areas in which an isolated interview statement, terminology choice, administrative procedure, or incomplete documentation may not have conveyed the full nature of Vanguard Landing's practices. Vanguard Landing does not seek to dismiss the HCBS principles underlying these concerns. Instead, our response distinguishes among:

1. current practices that were not fully represented during the review;
2. policies or procedures that might require clearer written language;
3. documentation that must more consistently demonstrate individualized practice; and
4. targeted operational changes that will further align Vanguard Landing with DMAS expectations.

Vanguard Landing's objective is not merely to appear compliant during a review. **It is to ensure that every individual who chooses to live at Vanguard Landing experiences meaningful choice, adult dignity, legal tenancy protections, community access, privacy, control over daily life, and individualized support.**

Description of Non-Compliance	Regulatory Reference	Provider Response
At least 1 individual was “immediately discharged” due to “behaviors”. This discharge resulted in the individual having to move out of their home. The individual’s lease agreement and the Virginia Landlord Tenant Act provide protections from eviction, yet the individual was forced to move. The appropriate avenue for managing these situations are the use of behavioral support plans and the person-centered planning process.	42 CFR 441.530(a)(1)(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.	Vanguard Landing recognizes that an emergency health and safety intervention, discontinuation of residential support services, and termination of a lease or tenancy are distinct processes. These three processes are governed by different legal and regulatory standards. Our policies and information packets are clear on behaviors that we do not accept. The incident discussed during these findings involved serious and escalating conduct, including physical aggression, throwing furniture and electronic equipment, property destruction, and an immediate risk of injury to the individual, roommates, and employees. Vanguard Landing’s immediate response was based on the urgency and severity of the safety threat—not solely on the resident’s disability, diagnosis, or general behavioral support needs. Vanguard Landing has a responsibility to protect all individuals residing at Vanguard Landing and employees during an immediate emergency. Vanguard Landing also recognizes that its emergency or discharge policy does not independently waive the individual’s rights under a lease or residency agreement and does not replace applicable tenant protections. Additionally, individuals and guardians had received and acknowledged Vanguard Landing’s service-discharge policy. Immediate protective action was taken because of an imminent safety emergency. Vanguard Landing has reviewed whether the subsequent service, residency, and tenancy processes were documented and implemented distinctly and in accordance with each controlling agreement and requirement. Vanguard Landing recognizes that behaviors communicate unmet needs, however, the immediate circumstances required emergency protective action before longer-term behavioral planning could occur. Vanguard Landing has reviewed and updated the Comprehensive Assessment processes to attempt to prevent this from happening in the future. Vanguard Landing has revised its assessment process to evaluate each applicant individually to determine whether the support required can be safely and appropriately provided within the organization's licensed scope of services.

Visitors are required to sign in and out and be “cleared” (word used by staff).	42 CFR 441.530(a)(1)(vi)(D) Individuals are able to have visitors of their choosing at any time.	Vanguard Landing acknowledges and agrees that Individuals can have visitors of their choosing at any time. The sign-in process located in the Gathering Point foyer applies to unfamiliar business visitors, vendors, contractors, tour participants, and other members of the public entering Vanguard Landing’s community and administrative building. It is not a resident-visitor approval process. Individuals living at Vanguard Landing, family members, friends, and other guests invited by Individuals are not required to obtain leadership approval or be “cleared” before visiting. Vanguard Landing has revised visitor signage to ensure this will be clearer moving forward and has reviewed its admissions and residential documents so that all family members and individuals understand they do not need to sign in or out.
Staff reported vans can be used for “vanguard sanctioned outings” limiting full access to the community.	42 CFR 441.530(a)(1)(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.	Vanguard Landing agrees fully that all individuals residing at Vanguard Landing must have access to the greater community to go anywhere they choose. The phrase “Vanguard Landing-sanctioned outings,” reportedly used during an interview, does not accurately describe Vanguard Landing’s policies or actual transportation practices. Vanguard Landing does not sanction, approve, or disapprove Individual’s community destinations. Individuals may select destinations and activities outside Vanguard Landing’s organized community center activities and may leave the property through multiple transportation arrangements. Transportation logistics affect the timing of support but do not determine whether an individual may choose a destination. Current individuals residing here have used: • individualized Vanguard Landing vehicle transportation; • rideshare services; • transportation by family members; • transportation by friends and other natural supports; • transportation for appointments and personally selected activities. For example, an individual selected his preferred community gym and received an individualized van trip to and from the gym. He was not required to participate in a group outing or select an activity sponsored by Vanguard Landing.

At the time of the visit, the community has no non-disabled residents making it a disability specific community.	42 CFR 441.530(a)(2)(v) Any other locations that have qualities of an institutional setting, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution unless the Secretary determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and that the setting does have the qualities of home and community-based settings.	At the time of review, occupancy represented less than 10% of planned residential capacity. Homes have been designated and reserved for individuals who would not receive Vanguard Landing services. Vanguard Landing respectfully requests that the narrative reflect both the early lease-up status and the community's planned mixed-residency model. The temporary occupancy status during initial lease-up should not be interpreted as the completed operational model of the community. Vanguard Landing distinguishes between the existence of a presumption requiring heightened scrutiny and the conclusion that Vanguard Landing has the effect of isolating individuals from the broader community. The purpose of the heightened scrutiny process is to evaluate the actual lived experience of Individuals living at Vanguard Landing, the opportunities available to them, and the provider's operational practices—not simply the physical design, mission, or population served by the setting. The March 22, 2019, CMS guidance explains that the State may present evidence demonstrating that a setting does not have institutional qualities and instead possesses the characteristics of a home and community-based setting. Vanguard Landing respectfully submits that the relevant HCBS inquiry is whether Individuals experience meaningful integration with the broader community through their daily lives and have chosen to be here, not placed by anyone or the government. Individuals routinely access community businesses, restaurants, parks, recreation, medical providers, employment exploration, volunteer opportunities, places of worship, shopping, family activities, and other community destinations using a variety of transportation options. Individuals may also invite visitors, maintain relationships with family and friends, choose individualized daily activities, and participate in community life consistent with their own preferences and person-centered plans.
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Choice is not documented in the daily notes.	42 CFR 441.530(a)(1)(iv) 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.	Vanguard Landing agrees that progress notes must more consistently demonstrate Individuals are offered daily choices, individualized activities, community access, and the supports provided. The organization is continuing staff training and conducting ongoing supervisory audits to improve documentation quality. This includes documenting meaningful choice, refusals, alternatives, resident-initiated activities, follow-through, and barriers that required additional planning. Vanguard Landing provides Individuals living here with multiple meal and snack options and respects a resident's decision not to finish a meal or to decline additional food. Staff may provide education and encouragement regarding balanced choices when consistent with the individual's health needs and person-centered plan, but Individuals are not forced to eat. Vanguard Landing acknowledges that the reviewed progress notes did not document the alternatives offered or the follow-up discussion. Vanguard Landing has revised the guidance given to our direct support professionals to produce notes that identify the individual's choice, options offered, response, and any alternative selected. Supervisory review now includes evaluation of whether documentation adequately reflects resident-directed decision making.
Daily autonomy in schedules is not documented in the daily notes	42 CFR 441.530(a)(1)(iv) 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.	Vanguard Landing agrees that its documentation must clearly demonstrate how Individuals living at Vanguard Landing direct their daily lives, exercise meaningful choices, decline activities, select alternatives, and receive individualized supports. Individuals are regularly offered and exercise choices in practice. However, Vanguard Landing's internal review indicates that some progress notes documented only the final activity or task completed. For example, a note may have stated that a resident attended an activity without recording whether the resident selected that activity, considered another option, initiated the activity, declined a different activity, or changed plans. As a result, the record may not have fully reflected the resident's actual role in directing the day. Vanguard Landing has revised its documentation expectations and training requiring staff to record, when relevant: • the individual's expressed interest, preference, or goal; • choices discussed or available; • the decision made by the resident;

		• whether the resident initiated, declined, or changed an activity; • any alternative selected; • individualized support provided; • whether the choice was fulfilled; • any legitimate barrier and the follow-up offered. Scheduled activities are opportunities and resources to be used, not mandatory programming. A resident's choice to remain home, rest, spend time privately, decline a meal, select different food, choose an alternative activity, or change plans will be respected and documented neutrally. Vanguard Landing will continue to develop better individual resident schedules and person-centered documentation rather than relying solely on a shared activity calendar as evidence of opportunities. These documentation improvements increase the visibility of individualized supports rather than changing the underlying resident experience. Supervisory review now includes evaluation of whether documentation adequately reflects resident-directed decision making.
Non-person-centered language was used verbally by staff, including leadership, and in written documentation.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	Vanguard Landing agrees that staff should consistently use adult-respecting, person-centered language and has reinforced those expectations through additional training. These documentation improvements increase the visibility of individualized supports rather than changing the underlying resident experience.
One individual reports wanting a job but has not been linked to job discovery/placement services.	42 CFR 441.530(a)(1)(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	Vanguard Landing supports Individuals who express an interest in employment but is not itself licensed to provide every employment-related waiver service, such as job coaching or certain pre-vocational services. One resident currently receives job-coaching support from another qualified provider. Another newly admitted individual has expressed an interest in employment, and Vanguard Landing is assisting him in identifying his interests, preferences, strengths, and employment goals. Referral to DARS or another qualified employment provider will be initiated whenever consistent with the individual's goals and preferences. The absence of a DARS referral at the time of the visit should not be interpreted as a refusal to support employment.

	receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.	
Mailroom is accessible to all individuals with no lock boxes or privacy for each mailbox.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	Vanguard Landing agrees that any individual choosing to live at Vanguard Landing has rights to privacy, dignity and respect, and freedom from coercion and restraint. Residents currently living at Vanguard Landing have not reported concerns regarding mail privacy. The mail cubbies identified on the site visit contain individually addressed, sealed mail and the mail room provides an opportunity for practicing numerous skills. They expressed a preference for convenient access without managing an additional key or traveling to exterior locked mailboxes. At the time of the review, no individual residing at Vanguard Landing reported concerns regarding mail privacy. Vanguard Landing recognizes the importance of mail privacy and will continue to evaluate individualized options for any resident who prefers a locked mailbox or another method of receiving mail.
Staff were seen wearing Vanguard Landing shirts and report wearing them in the community.	42 CFR 441.530(a)(1)(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. DMAS provider manual chapter 2 page 32.	Vanguard Landing recognizes the Virginia DD Waiver Provider Manual's expectation that paid support staff wear ordinary clothing during routine community support, so the individual is not unnecessarily identified as receiving services. Vanguard Landing staff are not required to wear uniforms or matching logo apparel. The organization has adopted an apparel and branding policy distinguishing employee and resident choice, routine community support, on-site administrative work, public events, and enterprise employment. Individuals living at Vanguard Landing remain free to wear Vanguard Landing merchandise if they choose, while staff providing routine individualized support in the community will wear ordinary, professional, non-logo clothing.

Based on notes and interviews, all individuals are eating all of their meals in the dining hall. Individuals are informed of what is on the menu when they arrive. Meal times are scheduled.	42 CFR 441.530(a)(1)(vi)(C) Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.	Vanguard Landing acknowledges that the reviewed progress note did not document the alternatives offered or the follow-up discussion. Vanguard Landing's documentation guidance has been revised so future notes identify the individual's choice, options offered, response, and any alternative selected. Individuals may choose to eat in their homes, prepare or receive support to prepare meals using household groceries, or dine at the Seaside Café in the Gathering Point. Some Individuals frequently choose the café because they enjoy the meals and do not currently wish to cook, while others use a combination of options. Individuals may choose to dine in their homes or in the Seaside Café. The café was developed in response to resident and family interest and is available to Individuals, staff, visitors, and other community participants. Vanguard Landing provides Individuals with multiple meal and snack options and respects a resident's decision not to finish a meal or to decline additional food. Individuals may also choose to prepare food within their homes. Vanguard Landing has revised the documentation training, so each resident's meal and dining-location choices are recorded more explicitly.
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Quality Improvement

Since the site review, Vanguard Landing has completed revisions to documentation standards, staff education, admissions procedures, visitor communication, transportation guidance, branding practices, and supervisory quality assurance processes. These improvements reflect Vanguard Landing's commitment to continuous quality improvement and demonstrate the organization's willingness to strengthen systems whenever opportunities for greater HCBS alignment are identified.

Vanguard Landing's Commitment

Vanguard Landing appreciates the review conducted by DMAS and recognizes the importance of the HCBS Settings Rule in protecting individual rights and promoting meaningful community inclusion. The organization has used the review process as an opportunity to strengthen documentation practices, reinforce staff education, and further align operational practices with HCBS expectations. Vanguard Landing respectfully offers factual clarification where additional context may assist reviewers with both the organization's practices and the lived experiences of the Individuals living at Vanguard Landing.

August 5, 2026

Document 5

August 5, 2026

After reviewing Vanguard Landing's response documents, the Department of Medical Assistance Services (DMAS) would like to assert that our initial Site Review document was accurate. Reviewers assert that their observations were accurate and honest based on the tour, documentation review, and interviews.