

Summary of CMS Home and Community Based Services (HCBS) Settings Rule Site Visit

Location	Bismarck
Name	CompassionCare Home Care, The Patterson Place
Visit Date	3/19/2025
State Staff	Heather Lindsley, Program Administrator & Erica Reiner, Program Administrator
Specialized Services	Residential Habilitation and Community Supports
Capacity	
Medicaid Consumers	
Education Provided	Information and education regarding the Home and Community Based Services Settings requirements published in the Federal Register on January 16, 2014, was emailed to the agency QSP. An assessment tool was developed by the state that was based on the settings criteria and the exploratory questions provided by CMS. State staff utilized Chapter 75-03-23 Provisions of Home and Community Based Services Under the Service Payments for Elderly and Disabled Program and the Medicaid Waiver for the Aged and Disabled Program as resources to provide education.
Technical Assistance	The State provided technical assistance upon request and the provider submitted an evidence package for the State to review prior to onsite visit. The evidence package was used by the State to prove compliance with setting requirements. The assessment tool was completed onsite, and the State then held a Settings Review Committee meeting to provide a written summary of suggestions and areas that needed change to come into compliance.
Settings Experience Interviews	At the first quarterly review after the Medicaid consumers admission a Settings Experience Review will be completed by the State. Survey questions focus on the quality of the individual's experiences, integration into the broader community, options for choice in where to live, ensuring the individuals rights of privacy, dignity, and respect, freedom from coercion and restraint, ensuring the individual has initiative, autonomy, and independence in making choices to include but not limited to activities, cares, and services along with who provides them.

HCBS Settings Requirements	Review of Facility
<p>Setting is selected by the individual from among settings options including non-disability specific settings and an option for a private unit in a residential setting.</p>	<p>The Patterson Place is open for tours prior to an individual choosing this setting. The individual must fill out an application through HUD. CompassionCare is a QSP agency that is located within the apartment building, and is an option for home care services for individuals who reside in this setting.</p> <p>The apartment building has an elevator and the options for ADA accessible apartments.</p> <p>A legally enforceable agreement following ND landlord tenant laws with The Patterson. CompassionCare agency QSP does not have a copy of these leases as the lease agreement is not with the agency.</p> <p>There are cameras in the commons areas of the building and signs are posted notifying individuals who enter the building that there are cameras present.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Lease Agreement • Site Visit and Observation by state staff summary
<p>Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.</p>	<p>Individuals are free to come and go from The Patterson Place building. Individuals are free to volunteer and/or work.</p> <p>CompassionCare does not control any of the individual's funds. The agency will assist with money management if this is an authorized service.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Site Visit and Observation by state staff summary
<p>Is integrated in and supports access to the greater community</p>	<p>There is a calendar posted within the apartment building with opportunities and activities for individuals who reside there.</p> <p>The Patterson Place is located in central Bismarck with access to various restaurants and stores.</p> <p>Transit is used for transportation or the city bus stop is near the apartment building as well.</p> <p>Everyone accesses the building and units the same way and has access by using a key fob into the secure apartment building.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Site Visit and Observation by state staff

<p>Optimizes individual initiative, autonomy, and independence in making life choices</p>	<p>There are no visiting hours within the apartment setting.</p> <p>Individuals are able to choose CompassionCare or another QSP agency to provide services within their apartment setting.</p> <p>There is a commons area on the second floor of the apartment building where individuals are able to access a kitchen and open space for activities or visiting. Each apartment includes a kitchen, bathroom, one bedroom, and a living room.</p> <p>The restricted area of the building is the maintenance room.</p> <p>The laundry room is available for consumers to do their laundry.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Site Visit and Observation by state staff
<p>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</p>	<p>All individuals in the apartment setting have their own private apartment with a bathroom, kitchen, one bedroom, and a living room.</p> <p>Individuals are able to furnish and decorate their apartment as desired.</p> <p>Individuals have a phone jack in their apartments if they choose to have a landline phone.</p> <p>There is a mailroom within the apartment where individuals access their own mail.</p> <p>CompassionCare staff training includes Resident Rights and topics of dignity and respect annually.</p> <p>CompassionCare medication policy indicates that the nurse will conduct a nursing assessment if an individual requires medication management services. Based upon this assessment the nurse will then work with the individual to develop an individualized medication management plan which will address storage of the individual's medications.</p> <p>CompassionCare trains staff to knock before entering an individual's apartment.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Grievance policy • CompassionCare Policies • Site Visit and Observation by state staff

<p>Facilitates individual choice regarding services and supports and who provides them</p>	<p>The individuals in The Patterson Place are able to choose if they want services and who the provider is. The CompassionCare agency provides individuals information regarding filing a grievance. Individuals go out to the community for church and beautician services. There are flyers within the apartment building advertising these services. Individuals choose their own medical providers and pharmacy.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Rights • Grievance policy is included in the Admission Packet. • Site Visit and Observation by state employees
<p>Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS</p>	<p>Individuals within the apartment setting are able to choose the agency and services they receive. Individuals have access to the community and are free to come and go from the setting.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Rights • Site Visit and Observation by state staff
<p>Person-centered service plan</p>	<p>CompassionCare will develop an Individual Program Plan (IPP) for individuals under residential habilitation and community support services. CompassionCare currently develops Nursing Plan of Cares (NPOCs) for those individuals who are authorized for Nurse Educator and Extended Personal Care Services.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • CompassionCare policy review and site visit

Additional Requirement for HCBS Residential Settings—Any modifications to these must be supported by a specific assessed need and justified in the person-centered service plan.

<p>The individual has a lease or other legally enforceable agreement providing similar protections</p>	<p>The consumer or legal decision maker signs a lease agreement when the decision has been made to move into The Patterson Place. The lease follows ND landlord tenant laws and HUD requirements.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Lease Agreement
<p>The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate unit</p>	<p>At the site visit it was observed the apartments are private with lockable doors.</p> <p>Individuals are able to decorate and furnish their apartment to reflect personal taste, hobbies, and interest.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Lease Agreement • Site Visit and Observation by state staff
<p>The individual controls his/her own schedule including access to food at all times</p>	<p>Individuals in the apartment setting are able to choose their schedule. CompassionCare home care agency assists individuals with services that are authorized by the HCBS case manager or to individuals who are privately paying.</p> <p>Each individual supplies their own food and has access to their own private kitchen.</p> <p>The Patterson Place does not provide meals. CompassionCare will assist with meal preparation and shopping if these services are chosen by the individual or authorized under HCBS.</p>
<p>The individual can have visitors at any time</p>	<p>Overnight guests allowed and there are no designated visiting hours.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Lease agreement
<p>The setting is physically accessible</p>	<p>The setting is in a residential area of Bismarck near restaurants and shopping areas.</p> <p>The setting is accessible and includes an elevator. Some of the apartments within the building have a walk in shower and an accessible kitchen.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Site Visit and Observation by state employees

HCBS Setting Requirements establish an outcome-oriented definition that focuses on the nature and quality of individuals experiences. The requirements maximize opportunities for individuals to have access to the benefits of community living and to receive services in the most integrated setting.

N/A

HCBS Settings requirement: The Person-Centered Service Plan must be developed through an individualized planning process. It must be driven by the individual. Should include people chosen by the beneficiary and/or beneficiary's representative, which may include a variety of individuals that play a specific role in the beneficiary's life. Must be able to direct the process to the maximum extent possible.

Must be timely and occur at times/locations convenient to all involved.	The HCBS case manager will work with the CompassionCare agency to arrange for person centered planning meetings for HCBS MW consumers.
Reflects cultural considerations/uses plain language	Yes
Discusses individual preference for community integration within and outside the setting.	Individual Program Plan (IPP): CompassionCare will develop an Individual Program Plan (IPP) for each individual who receives residential habilitation and community support services once the agency begins providing these services.
Includes strategies for solving disagreement	CompassionCare has a policy for grievance procedures. This will be discussed at person-centered planning meetings with the HCBS case manager.
Offers choices to the individual regarding services and supports the individual receives and from whom	CompassionCare is an agency available within The Patterson apartment complex, but the individual may choose a different provider.

Provides method to request updates	CompassionCare reports that individuals may request an update to their plan at any time. The HCBS case manager will conduct person centered planning assessments every 6 months, annually, and complete quarterly visits.
Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare	Goals are determined by the consumer and/or legal decision maker during the Person-Centered care plan meeting with the HCBS Case Manager and setting staff.
Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes	The HCBS person centered plan will include the individual's strengths, preferences, needs, and desired outcomes. The Individual Program Plan (IPP) developed by CompassionCare will also include these elements.
May include whether and what services are self-directed and includes risks and plan to minimize them	The HCBS case manager develops a risk assessment during the person centered planning meetings. The QSP agency will also receive these plans.
Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education, and others	HCBS Care planning includes identified goals and preferences related to values. Individual Program Plan is then developed by the QSP agency which reflects the individual's goals.
Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary	HCBS care plan is signed by the HCBS Case Manager and the family who is the POA.

Date of Review of Evidence Package by Aging Services Section:

Reviewed by the following staff:

Erica Reiner, HCBS Program Administrator

Heather Lindsley, HCBS Program Administrator

Recommendations to Meet Compliance:

Date of Compliance with above Recommendations:

Aging Services Decision:

- ☒ **Setting Fully Complies**
- ☐ **Setting with additional changes will fully comply**
Setting issued temporary compliance with need to submit a Corrective Action
Plan to include the intent to become compliant with the community
- ☐ **integration regulations of the HCBS Settings Final Rule Medicaid Waiver**
1915(c) Adult Residential Care Services.
- ☐ **Does not/cannot meet HCB Settings Requirements**
Evidence package must be submitted to CMS for heightened scrutiny because
- ☐ **the facility is presumed to have institutional qualities based on one or more**
of the following:
 - ☐ **Setting is in a publicly or privately-operated facility that provides**
inpatient institutional treatment;
 - ☐ **Setting is in a building on the grounds of, or adjacent to, a public**
institution;
 - ☐ **Setting has the effect of isolating individuals receiving Medicaid**
HCBS from the broader community of individuals not receiving
Medicaid HCBS.