

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

Location	Horace
Type	Agency Foster Home for Adults
Name	Shepherd Homes LLC
Visit Date	12/6/2023
State Staff	Kathryn Good, Program Administrator, Erica Reiner, Program Administrator, Heather Lindsley, Program Administrator, Nicolette, HCBS Case Manager Supervisor, Amanda Hayenga, Case Manager Lead
Specialized Services	Residential Habilitation and Community Supports
License	Agency Foster Home for Adults Licensing Policy 670-05-20
Capacity	4
Medicaid Consumers	Initial Licensure - N/A
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 AFHA owner. 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 North Dakota Century Code Chapter 75-03-21.1 Licensing of Agency Foster Homes for Adults as resources to provide education. State staff provided CFR Title 42 Chapter IV subchapter C Part 441 Subpart G Section 441.301 and other applicable guidance documents from the Centers for Medicare & Medicaid Services.
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 reviewed by Settings Rule Administrator.
Settings Experience Interviews	Three months after the first Medicaid consumer admission a Settings Experience Review will be completed by the State. Survey questions focused 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>Facility 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 home is open for tours prior to a decision to reside in the home. There are other options for residential services in the area to choose from.</p> <p>The home is ADA accessible.</p> <p>A legally enforceable agreement following ND landlord tenant laws.</p> <p>There are no cameras in the home.</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>Consumers can continue employment or volunteering based on their person-centered goals.</p> <p>The consumer, power of attorney, or family control finances and keep their funds in their own possession. AFHA will help with budgeting as needed and documented in the Individual Program Plan and Person-Centered Service Plan</p> <p>Engaging in community life is addressed below.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • AFHA Policies
<p>Is integrated in and supports access to the greater community</p>	<p>Staff will communicate community events with the consumers.</p> <p>Per Resident Handbook, the family/natural supports are encouraged to take the consumer out into the broader community.</p> <p>The consumer can utilize the internet, phone or talk to staff to determine activities outside the home.</p> <p>Public Transportation is available, and staff will assist with coordination. The AFHA will provide transportation.</p> <p>A social history form is filled out at admission to determine the likes and dislikes of the consumer and to develop an Individual Program Plan (IPP) for everyone.</p> <p>Everyone accesses the building and units the same way. There is no curfew.</p> <p>Consumers and staff enter the home the same way.</p> <p>The patio door in the dining room opens to an outdoor patio. Consumers have 24/7 access. The home is one level with no steps.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • AFHA Policies • Individual Program Plan (IPP) • 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 and guests can stay overnight. There is a voluntary check in and out process to ensure safety and accountability in an emergency or fire.</p> <p>The Resident Handbook under Resident Rights states the resident has the right to choose who gives them care, how they are approached, choose all aspects of their care and right to determine schedule for waking, bathing, eating and activity participation.</p> <p>The kitchen is open to anyone. There are no locked areas in the kitchen. The menu is available, and the cook ensures consumer involvement with meal planning. Individuals can request another option if they do not like the scheduled meal.</p> <p>Individuals have access to the kitchen at any time for snacks. There are no more than 14 hours between supper and breakfast meals.</p> <p>The laundry room is available for consumers to do their laundry with a counter to fold clothes. There are no locked areas in the laundry room.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • AFHA Policies • Site Visit and Observation by state staff
<p>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</p>	<p>The consumers have private rooms with lockable doors. There are two bathrooms with walk in showers.</p> <p>Couples are not required to share a living unit.</p> <p>Consumers can furnish and decorate their unit as desired.</p> <p>Private visiting with friends or family can be done in the individual's living unit.</p> <p>There is a landline dedicated for consumer use so that residents can receive or make private phone calls. Staff can assist residents in making phone calls when they are requested.</p> <p>Mail is hand delivered to the resident.</p> <p>Staff training includes Resident Rights and topics of dignity and respect.</p> <p>The AFHA policy reflects care and medications are given in private. If the consumer requires medication assistance, the medication will be secured in a cupboard with a lock for staff to administer.</p> <p>Staff will be trained to knock before entering consumers rooms.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Facility Policies • Grievance policy is included in the Admission Packet. • HIPAA Notice of Privacy Practices will be reviewed with consumers • Site Visit and Observation by state staff

<p>Facilitates individual choice regarding services and supports and who provides them</p>	<p>The consumer has a choice in who cares for them. The AFHA provides the consumer information regarding filing a grievance. Individuals go out to the community for church and beautician services. Consumer medical care is provided per own preference.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook (Includes list of services outside of facility) • Resident Rights Booklet • 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>All consumers are treated the same. Consumers can eat in place of their choosing. The consumer can access the broader community for services if desired.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • AFHA Policies • Site Visit and Observation by state staff
<p>Person-centered service plan</p>	<p>Shepherd Homes RN will develop Individual Program Plans to include behaviors, restrictions, and methods that have been tried before. Clients' goals, values, beliefs, and how the client would like to live are reviewed and goals established. Community Integration and social supports are reviewed to determine options available for the client. Level of family support and involvement is reviewed. Care planning includes health care needs, nutrition needs, and mental health needs. Employment, volunteering options, behavior, cognitive, and safety are reviewed at the quarterly meetings.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Individual Program Plan Policy review

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 facility. The lease follows ND landlord tenant laws.</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 units are private with lockable doors. The consumers will have a private unit.</p> <p>The consumer is encouraged to decorate their living unit to reflect personal taste, hobbies, and interest.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • AFHA Policies • Lease Agreement • Site Visit and Observation by state staff • Pictures on file
<p>The individual controls his/her own schedule including access to food at all times</p>	<p>Work together to plan meals with the consumer’s living in the home.</p> <p>Food available at any time</p> <p>Alternative meal choices available</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"> • AFHA Policies • Discussion with owner of AFHA
<p>The setting is physically accessible</p>	<p>The setting is in a residential area of Bismarck near a school.</p> <p>The setting is ADA accessible.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Site Visit and Observation by state employees • Pictures on file

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

Reflects cultural considerations/uses plain language

Discusses individual preference for community integration within and outside the setting.

Individual Program Plan (IPP):

Includes strategies for solving disagreement

Offers choices to the individual regarding services and supports the individual receives and from whom

Provides method to request updates

<p>Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare</p>	
<p>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</p>	
<p>May include whether and what services are self-directed and includes risks and plan to minimize them</p>	
<p>Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education, and others</p>	
<p>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</p>	

Date of Review of Evidence Package by Aging Services Section:

Reviewed by the following staff:

Erica Reiner, HCBS Program Administrator

Kathryn Good, HCBS Program Administrator

Recommendations to Meet Compliance:

Lease agreement was amended to meet Settings Rule criteria.

Date of Compliance with above Recommendations:

12/13/2023

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.**