

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

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| Location | Mandan |
| Type | Agency Foster Home for Adults |
| Name | Sunset Haven |
| Visit Date | 10/13/2023 |
| State Staff | Kathryn Good, Program Administrator & Erica Reiner, Program Administrator |
| Specialized Services | Residential Habilitation and Community Supports |
| License | Agency Foster Home for Adults Licensing Policy 670-05-20 |
| Capacity | 4 |
| Medicaid Consumers | 2 |
| 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 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 | Settings Experience Review completed by the State Administrators with all consumers currently residing in the AFHA. 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 Agency Foster Home Setting |
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| <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 agency home is open for tours prior to decision to reside at the facility. A legally enforceable agreement is signed by the responsible parties following ND landlord laws. There are other options for residential services in the area to choose from. The home is ADA accessible. In the event a discharge is warranted for any of the reason outlined below, Prudent homecare will make sure the process is a seamless as possible, securely transferring resident information or required documentation to the appropriate entity/ destination. 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>Residents can continue employment or volunteering based on their person-centered goals. Money management is included under community supports/ residential habilitation services. Resident, guardian/family, and case manager will determine how money is managed. A record of money including receipts will be kept in a secure bag. This record will be reconciled at least once a month to ensure accountability. Engaging in community life is addressed below. Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook |
| <p>Is integrated in and supports access to the greater community</p> | <p>The agency will arrange for appropriate transportation upon request, and as needed. The agency has an operational van but can only be used for medical appointments and group outings or community events. Individual outings will be on a first come first serve basis. Resident is responsible for any cost of transportation incurred when not in agency vehicle. The family/natural supports will be encouraged to take the resident out into the broader community. The agency will assist individuals in accessing activities within the community. Public Transportation is available, and the agency also offers transportation. Agency encouraged to keep Monthly Activity Participation logs and outing information for residents and review at quarterly care conferences to determine community integration needs and restrictions. The activities out in the community are posted on a calendar in the kitchen area. Everyone accesses the home the same way through the front entrance. There is a patio located outside the backdoor of the home for consumers to utilize at their leisure. During the night the front entrance to the home is locked, but they may ring the front doorbell at any time, and staff will assist them. Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Individual Program Plan (IPP) • Site Visit and Observation by state staff |

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| <p>Optimizes individual initiative, autonomy, and independence in making life choices</p> | <p>There are no visiting hours and guests can stay overnight.</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>Agency provides education stating: "You are invited to decorate your bedroom in accordance with your personal tastes. For your safety, preservation of the facility, and to ensure the Provider/Facility remains in compliance with regulatory requirements, you agree to request and obtain permission prior to hanging pictures or items on walls, installation of items in the room, painting, or any other surface or structural modification to the bedroom."</p> <p>The Agency's meal schedule is Breakfast: 8am; Lunch: 12pm; Dinner:6pm. (The morning mealtime must be no more than 14 hours following the evening mealtime.) The agency provides education stating: "Nutritious snacks and liquids will be available for you to access at other times. You are encouraged to participate in meal planning to assist the Provider/Facility support your preferences. If you miss a scheduled mealtime, a replacement for the last meal missed will be available to you. You have the right to access food at any time. "</p> <p>Residents have the right to control your schedule and activities.</p> <p>The laundry room is available to residents who wish to do their own laundry.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • 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 agency provides education stating: "A lock on your bedroom door is a regulatory requirement and you may choose not to use the locking feature. You will be provided with one key. You agree to not remove, modify or re-key the lock. You agree to not give the key to any person other than your representative, if named above. Lost or stolen keys should be immediately reported to the Provider or facility staff. Additional or replacement keys will be provided as needed for the cost of replacement as evidenced by the receipt. Only appropriate staff will have keys to your room."</p> <p>The agency has video surveillance around the outer premises for security reasons, signs will be posted making residents, staff, or visitors aware of it. Recording device can be used in residents' room, however a sign needs to be posted on the door stating this. The agency will need to be given a written notice of placement and installation plan. The agency is not responsible for any cost related to the recording device other than the electricity it may require to be operated. No video recording is permitted in the common areas, other residents' rooms, bathrooms, kitchen, lobby. The agency's policy on recording devices is in accordance with the NDCC (50-10.2-02.1)</p> <p>The agency has a phone line that residents can use for communication, because this is a shared device for all residents, no one resident can have it for an unnecessary long period of time. Residents are welcome to have their personal cell phones or communication devices at their own expense.</p> <p>The resident handbook reflects care and medications are given in private.</p> <p>Staff may use an intercom or other type of audio monitoring device to be alerted to any emergency and potential night needs. Agency education states: "You have the right to your privacy, and if you agree to the use of a monitoring device, you may choose to turn it off, or request it be turned off, at any time."</p> <p>Several areas were available to provide private visiting areas including the consumer's private room.</p> <p>Staff are trained to recognize signs and symptoms of client abuse and mandated reporting requirements</p> |

Mail is hand delivered to the resident.

Staff training includes Resident Rights and topics of dignity and respect.

Couples are not required to share a room.

Staff are trained to knock before entering consumers rooms.

Supporting Documentation:

- Resident Handbook
- Grievance policy is included in the Admission Packet.
- HIPAA Notice of Privacy Practices is included in the Admission Packet.
- Site Visit and Observation by state staff
- Client Abuse Policy 3.160

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| <p>Facilitates individual choice regarding services and supports and who provides them</p> | <p>The consumer has a choice in who cares for them.</p> <p>Education states: "We want you to enjoy living here in the home, hence we encourage you and/or your family/ Guardian to share your concerns, ask questions, make suggestions. We have a suggestion box if you would rather not talk to someone directly. Otherwise, our phonenumber is reachable at any time of day 701-319-2659."</p> <p>Individuals go out to the community for church and beautician services.</p> <p>Consumer medical care is provided per own preference. The agency will assist in accessing these services and medical coordination as needed.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • 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>This AFHA recognizes and respects that not all people are the same and that cultural norms, behaviors, ideas, values, beliefs, customs, religion, differ. The agency tailors the menu, activities, signage throughout the home to accommodate languages residents understand.</p> <p>The consumer can access the broader community for services if desired.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Resident Rights Booklet • Site Visit and Observation by state staff • Survey with consumer and legal representative |
| <p>Person-centered service plan</p> | <p>The agency develops 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.</p> <p>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"> • Person Centered Plan review • 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.

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| <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 Medicaid consumers will have a private unit.</p> <p>The consumer had pictures on the wall and unit was furnished according to the desire of the consumer or family. The consumer is encouraged to decorate their apartment to reflect personal taste, hobbies, and interest.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Lease Agreement • Site Visit and Observation by state staff • Survey with consumer and legal decision maker • 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>Agency education states: "You may have visitors of your choosing at any time. Visitors shall not sleep in the common areas of the home nor sleep in another resident's bed. The agency is not responsible for providing food or sleeping accommodations for guests of the Resident. visitors that present an active health and safety risk to persons present in the household, will be asked to leave the premises."</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Lease Agreement • Survey with consumer and legal decision maker |
| <p>The setting is physically accessible</p> | <p>The setting is in a residential area of Mandan 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 involved.

Settings Experience Interviews completed with the consumer stated that the care planning process is held at a convenient time and location, or by phone.
The consumer is aware that the consumer can invite anyone they choose.

Reflects cultural considerations/uses plain language

Yes

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

Individual Program Plan (IPP):
Indicates previous careers and memberships. The IPP indicates the activities the consumer enjoys as painting, puzzles, crafts, reading, card making, music, parties, and Bingo. For example, if the consumer dislikes loud noises and large crowds. Going for a drive is calming.
The IPP lists preferences in activities and a participation log is utilized to indicate participation in activities.

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| <p>Includes strategies for solving disagreement</p> | <p>The IPP discusses strategies to assist the consumer in addressing any disagreements by implementing activities that the consumer enjoys. You are encouraged to let staff know if you have any concerns, complaints or grievance and find an acceptable means of address to resolve the grievance. If you or your legal guardian have a complaint or grievance and it cannot be resolved with the home Manager, please ask to speak to the Operations Manager, or Program Director about the matter. If your grievance or complaints cannot be resolved with the directors, you can appeal to the CEO of Prudent Home Care. The CEO will respond within 7 working days of hearing the grievance.</p> |
| <p>Offers choices to the individual regarding services and supports the individual receives and from whom</p> | <p>The IPP indicates the type of services that are being provided are based on the consumers preference.</p> |
| <p>Provides method to request updates</p> | <p>Resident will participate in person-centered plan/individual Program plan (PCP or IPP) meetings. A team that consists of resident, case manager, family/guardian, staff, and any other persons deemed necessary by case manager. These meeting will be held periodically to help make decisions on how to better support resident and enhance well-being, safety of Resident and staff. Resident Handbook states care meetings and updates can be requested at any time.</p> |
| <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>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.</p> |
| <p>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</p> | <p>Care planning includes Strengths, needs, goals and task.</p> |
| <p>May include whether and what services are self-directed and includes risks and plan to minimize them</p> | <p>Care planning includes risks.</p> |

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| Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education, and others | Facility and the HCBS Care planning includes identified goals and preferences related to values. Individual Program Plan is created relating to the individuals hopes, dreams and values. |
| 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 consumer (as well as the family who is the POA, if applicable). All changes to the Care Plan/Individualized Program Plan shall be made in writing and signed and dated by the individual making the change. Complete and legible copies of the original Care Plan/Individualized Program Plan and subsequent revised Care Plan/Individualized Program Plans shall be given to the resident/resident's representative. |

Date of Review of Evidence Package by Aging Services Section: 10/13/

Reviewed by the following staff:

Erica Reiner, HCBS Program Administrator

Kathryn Good, HCBS Program Administrator

Recommendations to Meet Compliance:

N/A

Date of Compliance with above Recommendations:

N/A

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.