

## **Summary of Edgewood Fargo Adult Residential CMS Home and Community Based Services (HCBS) Settings Rule Site Visit**

**Thursday, September 29, 2022 by Kathryn Good, BSN, RN, Program Administrator and Erica Reiner, MSN, RN, Program Administrator**

Edgewood Fargo is a licensed basic care facility that specializes in providing care to individuals with memory loss. The setting is a secure facility that is accessible and located in a residential area with access to provider owned or public transportation. A google map, Basic Care License, Medication error reporting and "Elopement Risk Prevention/Missing Resident" policy, and Resident Complaint/Grievance Resolution Policy is included in the Evidence Package. Maple View Bismarck received the updated guidelines for reporting critical incidents. Edgewood Fargo utilizes an RN Medication Assistant Training Program.

Edgewood Fargo has 23 residents. Presently to date there are 6 residents on Medicaid. Edgewood has a signed lease agreement. Lease payments may be changed from time to time by Landlord with appropriate notice to the Tenant. A written notice of change in lease payment will be provided to Tenant at least thirty (30) days prior to the end of the month.  
(Included in Packet are the lease agreement).

September 14, 2022, a Teams visit was held with Edgewood Fargo to provide education regarding the Home and Community Based Services Settings requirements published in the Federal Register on January 16, 2014. 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 the CMS power point "Monitoring of Compliance with the Home and Community-Based Setting Requirements, ND Administrative Code Chapter 33-03-24.1 Basic Care Facilities, ND Century Code Chapter 50-10.2 Rights of Health Care Facility Residents, Adult Residential Care Policy 525-05-30-16, and 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 during the visit.

The assessment tool was completed by the State. The State provided further technical assistance upon request and the provider submitted an evidence package to the State to prove compliance with setting requirements.

September 29, 2022, the state made an onsite visit to tour the facility, review policies and procedures, observe client care, and staff interactions. Surveys were conducted by phone with the Medicaid consumer's legal decision maker to assess the consumers experience living in the setting. 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.

| <b>HCBS Settings Requirements</b>   | <b>Review of Facility</b>  |
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| <p><b><i>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.</i></b></p> | <p>The facility is open for tours prior to a decision to reside in the facility. There are other options for residential services in the area to choose from.</p> <p>Of the two resident consumer’s legal decision makers interviewed, the consumer’s legal decision makers made the decision to move into the facility after touring the facility.</p> <p>The facility is ADA accessible.</p> <p>Edgewood has a legally enforceable agreement following ND landlord tenant laws.</p> <p>There are no security cameras in the community.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> <li>• Edgewood Marketing Form</li> <li>• Edgewood has shared units and private units for the Medicaid consumers.</li> <li>• Site Visit and Observation by state staff summary</li> <li>• Survey with legal decision makers</li> </ul> |
| <p><b>Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.</b></p>                                | <p>All consumers at Edgewood Fargo are currently retired. Residents are permitted to continue their employment and encouraged to continue participating in their various fraternal organizations, volunteer associations, hobbies, religious or civic based groups.</p> <p>The consumer, power of attorney, or family control finances, the consumer can keep money in their possession if they desire.</p> <p>There is an option to open a resident account, but it is not required. Residents are able to charge to their account.</p> <p>Engaging in community life is addressed below.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Survey with legal decision makers</li> </ul>  |

**Is integrated in and supports access to the greater community**

Activity Calendars are posted to inform consumer and family of activities within the facility.

The family/natural supports are encouraged to take the consumer out into the broader community. The facility will coordinate transportation if requested.

An escort is available along with transportation for medical appointments.

The consumer can utilize the internet or newspaper to determine activities outside of the facility.

Public Transportation is available with escort. The concierge desk can assist with arrangements.

Transportation will also be provided for events and community outings listed on the activity calendars, however you must sign-up at either concierge desk prior to each of these events. Events that require you to sign-up will have an asterisk noted next to them on the calendar. If we have more resident sign-ups than there are seats available on the bus, we will provide a shuttle service for our grocery and retail outings, however this does not include all outings.

A Life Enrichment Form is filled out at Admission to determine the likes and dislikes of the consumer.

2 consumer's legal decision makers were interviewed, and 4 consumer's legal decision maker did not respond.

- It was noted the facility does not have rules that prevent the resident from coming and going as they choose.
- No consumers regularly go out of the facility with family.
- 2 legal decision makers stated the residents were anxious to go back "home".

The person-centered plan of care is individualized for each consumer.

Edgewood Fargo complies with all pertinent codes pertaining to accessibility. Our secure community is accessible using a code which must be entered on a keypad. These codes are posted at each door entrance

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|  | <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Calendar of Events</li> <li>• Resident Life Enrichment Form</li> <li>• Person Centered Plan of Care</li> <li>• Survey legal decision makers</li> <li>• Site Visit and Observation by state staff</li> </ul>  |
| <p><b>Optimizes individual initiative, autonomy, and independence in making life choices</b></p> | <p>The Admission Agreement states:</p> <ul style="list-style-type: none"> <li>• The resident is free to decorate their room as they wish</li> <li>• Refrigerators are allowed if the resident and /or responsible party can maintain them.</li> </ul> <p>2 consumer's legal decision makers were interviewed, and 4 consumer's legal decision maker did not respond.</p> <ul style="list-style-type: none"> <li>• Of the consumer's legal decision makers surveyed, all stated residents could decorate as they please.</li> <li>• All consumer legal decision makers managed the finances.</li> </ul> <p>Edgewood Resident Rights states the resident has the right to choose who gives them care, to set their own personal schedules, to have overnight guests and visitors at any time, and to request another caregiver if they prefer.</p> <p>Edgewood states Resident's rights are discussed at admission and again 30 days later to ensure understanding. Individual and POA to sign Resident's Rights Acknowledgement</p> <p>Most of the consumer's legal decision makers were aware of these rights.</p> <p>2 consumer's legal decision makers were interviewed, and 4 legal decision makers did not respond.</p> <p>The kitchen is an open kitchen. Residents have access to food and beverages at any time.</p> <p>One entrée is served at mealtime, but alternate food is available upon request.</p> <p>If desired the consumer may have a fridge in their apartment unit. This indicated on the Admission Agreement that is signed by the consumer or legal decision maker.</p> |

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|   | <p>There is no assigned seating, no disposable plates and silverware. No protective coverings used.</p> <p>The laundry is locked but the consumer can request to use the laundry room if they would choose to do their own laundry.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"><li>• Resident Handbook</li><li>• Site Visit and Observation by state staff</li><li>• Survey with legal decision makers</li></ul>   |
| <p><b>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</b></p> | <p>There are some companion rooms. Edgewood does their best to accommodate a roommate choice. This is based on availability. If there is a roommate conflict, they work to make a change. Couples are not required to share an apartment.</p> <p>Admission Agreement states records are kept confidential.</p> <p>Consumers can furnish and decorate their unit as desired. Observation reflected consumer's own personal tastes in decorating their private living quarters.</p> <p>The Resident handbook states if a request is made to relocate to another room, the facility will work on making a change based on availability.</p> <p>Several areas were available to provide private visiting areas.</p> <p>Most residents desiring a phone opt for a cell phone rather than a landline phone. Edgewood Fargo will provide a portable telephone for memory care residents to use for personal calls.</p> <p>Computers are available for resident use in the sunroom and wireless Internet is available in the coffee shop.</p> |

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|   | <p>Mail is distributed to the resident.</p> <p>Staff training includes Resident Rights and topics of dignity and respect.</p> <p>Medications are given in private.</p> <p>a. As part of our training, staff are instructed to knock and wait for a response from the resident. Because a resident may have difficulty hearing, it is permitted to crack the door, after knocking, wait for a response, and announce your presence and ask if it is permissible to enter. This was observed at site visit.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights is included in the Admission Packet.</li> <li>• Site Visit and Observation by state staff</li> <li>• Staff Training</li> <li>• Survey with consumer and legal decision makers</li> </ul>   |
| <p><b>Facilitates individual choice regarding services and supports and who provides them</b></p> | <p>The consumer has a choice in who cares for them.</p> <p>Resident Rights states has the right to choose the person providing cares.<br/>All legal decision makers indicated knowledge of this right.</p> <p>The facility provides the consumer information regarding filing a grievance.<br/>All legal decision makers indicated knowledge.</p> <p>There is a chapel and church services offered within facility and via electronic means. Fee for service for salon/barber can be arranged.</p> <p>Consumer medical care is provided per own preference. Option for PT given at facility.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights Booklet</li> <li>• Site Visit and Observation by state employees</li> <li>• Staff Training</li> <li>• Survey with consumer and legal representatives</li> </ul> |

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| <p><b>Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS</b></p> | <p>All consumers are treated the same. Consumers can eat in a place of their choosing.</p> <p>The consumer can access the broader community for services if desired.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights Booklet</li> <li>• Site Visit and Observation by state staff</li> <li>• Survey with consumer and legal representative</li> </ul>   |
| <p><b>Person-centered service plan</b></p>  | <p>Edgewood’s care plan includes focus needs, problem needs, the consumers goals, and the approach or intervention. Edgewood care plan includes health care needs, nutrition needs, privacy, and social needs reviewed.</p> <p>Community Integration and social supports are reviewed to determine options available for the client.</p> <p>Level of family support and involvement is reviewed.</p> <p>HCBS Care planning includes client’s goals, values, beliefs, and how the client would like to live are reviewed and goals established. Health care needs, nutrition needs, and mental health needs, employment, volunteering options, behavior, cognitive, and safety are reviewed at the quarterly meetings.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Person Centered Care Plan Review by State staff</li> <li>• Care Note review</li> <li>• Edgewood Care Plan review</li> <li>• HCBS Care Plan review</li> </ul> |

**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><b>The individual has a lease or other legally enforceable</b></p> | <p>The consumer or legal decision maker signs a lease</p> |
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| <p><b>agreement providing similar protections</b></p>  | <p>agreement when the decision has been made to move into the facility. The lease follows ND landlord tenant laws.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> </ul>   |
| <p><b>The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate unit</b></p> | <p>Resident apartments lock and in companion suites, the door on the restroom locks. There is a wall between living spaces as well as a curtain. Residents living in a companion suite are given the option of a private room as they become available. A resident's cupboards and wardrobe can be locked at the request of the resident. Any restrictions (i.e. locking a wardrobe) are based on the individualized care plan.</p> <p>The consumers had pictures on the wall and units were furnished according to the desire of the consumer or family.</p> <p>The consumer is encouraged to decorate their apartment to reflect personal taste, hobbies, and interest.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Lease Agreement</li> <li>• Site Visit and Observation by state staff</li> <li>• Pictures of rooms and privacy curtains</li> <li>• Survey with consumer and legal decision makers</li> </ul>  |
| <p><b>The individual controls his/her own schedule including access to food at all times</b></p>   | <p>If a menu is not acceptable, a sandwich can be prepared. There are no assigned seats.</p> <p>While the kitchen is accessible, it should be noted that it is a 'commercial' serving kitchen and must comply with basic health code policies (this is not a home kitchen): Food serving temps, sanitation of silverware and serving utensils, refrigerator temps, limited food storage days and type of containers used for food storage, appropriate washing, and sanitation of dishware... to name a few. For this reason, while access to the kitchen area is open, access to the above-mentioned items will be limited for sanitation and safety reasons.</p> <p>Perishable items can be stored in a resident apartment in a small refrigerator provided by the resident. If an item needs to be heated, this can be done in the kitchen in memory care or with a microwave provided by the resident. A resident will be asked to demonstrate their use of a microwave to ensure it can be used properly.</p> <p>Residents can request a room tray when they are sick. If a</p> |



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|  | <p>resident prefers to eat their meal in their apartment, and they aren't sick, they can come to the dining room to pick up the meal to go.</p> <p>The Resident Handbook states:</p> <ul style="list-style-type: none"> <li>Residents may choose their own times for rest, bedtime and wake time as well as personal care preferences.</li> </ul> <p>Resident's Rights:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>2 consumer's legal decision makers were interviewed, and 4 legal decision maker did not respond.</p> <p>When interviewed regarding were you asked what time you like to eat, can you choose when to eat, what happens when you miss a meal, or can you eat anytime.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>Resident Handbook</li> <li>Site Visit and Observation by state staff</li> <li>Survey with consumer and legal decision makers</li> </ul> |
| <p><b>The individual can have visitors at any time</b></p> | <p>Resident Handbook states 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>Two consumer's legal decision makers were interviewed, and four consumer's legal decision maker did not respond.</p> <ul style="list-style-type: none"> <li>All stated they could visit at any time.</li> <li>All stated that family is encouraged to visit.</li> </ul>  |
| <p><b>The setting is physically accessible</b></p>         | <p>The setting is in a residential area in Fargo.<br/>The setting is ADA accessible.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>Site Visit and Observation by state employees</li> </ul>  |

**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.**

**Monthly Activity Participation logs:**

Monthly Resident Activity Attendance is filled out by the facility to indicate activities attended, attended/sleeping, Ill, out of facility, participated, declined, sleeping, or unavailable.

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| <p><b>HCBS Settings requirement: The <i>Person-Centered Service Plan</i> 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.</b></p> |   |
| <p><b>Must be timely and occur at times/locations convenient to all involved.</b></p>   | <p>Power of Attorney's for the consumer are aware that the care plan meetings can be scheduled at convenient times.<br/>The POA knows that the consumer and family can invite anyone they choose.<br/>They are able to attend by phone or virtual if needed.</p>  |
| <p><b>Reflects cultural considerations/uses plain language</b></p>  | <p>Yes</p>  |
| <p><b>Discusses individual preference for community integration within and outside the setting.</b></p>   | <p><b>Resident Life Enrichment Form</b><br/>Indicates previous careers and memberships. The Life Enrichment Form indicates the activities the consumer enjoys, religious and spirituality preferences, education and work history, military history, music/entertainment interests, recreational activities/hobbies, travel, pets/animals, favorite foods, holidays/seasons, and current information.<br/>The care plan lists preferences in activities..</p>   |
| <p><b>Includes strategies for solving disagreement</b></p>  | <p>The care plan discusses strategies to assist the consumer in addressing any disagreements by implementing activities that the consumer enjoys.</p>   |
| <p><b>Offers choices to the individual regarding services and supports the individual receives and from whom</b></p>  | <p>The care plan indicates the type of services that are being provided are based on the consumers preference.</p>  |
| <p><b>Provides method to request updates</b></p>  | <p>A resident or responsible party may request a Care Plan meeting at any time.</p>   |
| <p><b>Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare</b></p>   | <p>Goal is 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><b>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</b></p>  | <p>Care planning includes Strengths, needs, goals and task.</p>   |
| <p><b>May include whether and what services are self-directed and includes risks and plan to minimize them</b></p>  | <p>Care planning includes risks.</p>  |
| <p><b>Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others</b></p>   | <p>HCBS Care planning includes Identified goals and preferences related to values, Community Integration and Social Support, Family, Decision Making, Financial, Education, Employment, Healthcare, Medications, Nutrition, Mental Health, Cognitive, Behavior, and Safety.<br/>Facility Care planning includes identified focus/problem/need, goals, and approach/Intervention. Includes medical, self-preservation, and activities/community integration.</p> |
| <p><b>Signed by all individuals and providers responsible for implementation and a copy</b></p>   | <p>HCBS care plan is signed by the HCBS Case Manager and the family who is the POA.</p>   |

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| provided to all chosen by the beneficiary |  |
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**Date of Review of Evidence Package by the HCBS Settings Committee:**

Date: October 11, 2022

**Reviewed by the following Committee members:**

Karla Kalanek, Developmental Disabilities Program Administrator  
Heidi Zander, Developmental Disabilities Program Administrator  
Karla Backman, State Long Term Care Ombudsman Administrator  
Katherine Barchenger, State Autism Coordinator  
Erica Reiner, HCBS Program Administrator

**Requirements to Meet Compliance: N/A**

**Date of Compliance with above Requirements: N/A**

**October 11, 2022**

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**Committee Decision:**

**Setting Fully Complies**

- Setting with additional changes will fully comply after facility has made the changes and reeducated the consumer and legal decision makers. Changes will be reviewed by the committee.**
- 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.**