

**Summary of Prudent Home Care, Sunset Haven, Agency Foster Home: CMS Home and Community Based Services (HCBS) Settings Rule Site Visit**

**August 2, 2022, by Erica Reiner, Nurse Administrator and Kathryn Good, Nurse Administrator.**

Prudent Homecare is an Agency Foster Home for Adults Care that specializes in providing residential habilitation and community supports. The setting is an unsecure facility that is accessible and located in a residential area with access to provider owned or public transportation. A google map, organization chart, Medication error reporting policy is included in the Evidence Package. Prudent Homecare’s capacity is 4 with 0 Medicaid consumers currently.

On 7/29/22 a Microsoft Teams conference was held with Prudent Homecare 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.

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

August 2, 2022, the state made an onsite visit to tour the facility, review policies and procedures. State staff was unable to meet a consumer and conducted a care plan review as the facility is not open to consumers at the time of review. A survey will be conducted with the Medicaid consumer’s legal decision maker to assess the consumers experience living in the setting thirty days after the first consumer admission. Survey questions are 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>
<p><b>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.</b></p>	<p>The agency home 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. The home is ADA accessible. A legally enforceable agreement following ND landlord tenant laws. There is a camera outside the front entrance.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> <li>• Site Visit and Observation by state staff summary</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>Residents can continue employment or volunteering based on their person-centered goals. Theresident, power of attorney, or family control finances if needed or the consumer can keep money in their possession if they desire.</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> </ul>
<p><b>Is integrated in and supports access to the greater community</b></p>	<p>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.</p> <p>Public Transportation is available, and the agency also offers transportation.</p> <p>Agency was 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.</p> <p>Everyone accesses the home the same way through the front entrance.</p> <p>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.</p> <p>There is a patio located outside the backdoor of the home for consumers to utilize at their leisure.</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> </ul>
<p><b>Optimizes individual initiative, autonomy, and independence in making life choices</b></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>The kitchen is open to all residents. Residents are encouraged to help with meal prepping, planning and shopping.</p> <p>Residents have choices of food reviewed on sample meal menu provided.</p> <p>The laundry room is available to residents who wish to do</p>

	<p>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>• Meal plan provided</li> </ul>
<p><b>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</b></p>	<p>There are 4 private rooms for residents with lockable doors. One bedroom is located in the basement of the home.</p> <p>There is a shared bathroom on each level of the home that has a lock on the door.</p> <p>Couples are not required to share a room.</p> <p>Residents can furnish and decorate their unit as desired.</p> <p>Several areas were available to provide private visiting areas including the consumer's private room.</p> <p>Residents can use the cell phone located in the home to make calls if they choose.</p> <p>Mail is hand delivered to the resident. Staff training includes Resident Rights and topics of dignity and respect.</p> <p>The resident handbook reflects care and medications are given in private.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Grievance policy is included in the Admission Packet.</li> <li>• Site Visit and Observation by state staff</li> <li>• Medication Policy</li> <li>• Staff Training Folder</li> </ul>
<p><b>Facilitates individual choice regarding services and supports and who provides them</b></p>	<p>The resident has a choice in who cares for them.</p> <p>The agency provides the resident information regarding filing a grievance.</p> <p>Resident will go out into the community for church or beautician services.</p>

	<p>Resident medical care is provided per own preference. The agency will assist in accessing these services and medical coordination as needed.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook (Includes list of services outside of facility)</li> <li>• Resident Rights Booklet</li> <li>• Grievance policy is included in the Admission Packet.</li> <li>• Site Visit and Observation by state employees</li> <li>• Staff Training Folder</li> <li>• Survey with consumer and legal representative</li> </ul>
<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 residents will be treated the same. Residents can eat in place of their choosing.</p> <p>The resident 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>The Case Manager will develop a care plan 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. The Agency will develop an Individual Program Plan through the person-centered planning process.</p> <p>The monthly participation logs are reviewed to ensure community integration and activities.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Person Centered Care Plan Review by State staff</li> <li>• Participation Log review</li> </ul>

	<ul style="list-style-type: none"> <li>• Care Note review after 30 days of first consumer admission</li> <li>• Care Plan review after 30 days of first consumer admission</li> <li>• HCBS Care Plan review</li> </ul>
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**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><b>The individual has a lease or other legally enforceable agreement providing similar protections</b></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><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> </ul>
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<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>The consumer rooms have lockable doors. The resident’s rights handbook indicates the consumer has the right to furnish their own unit.</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>• Survey with consumer and legal decision maker</li> </ul>
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<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 another choice will be offered. There are no assigned seats. Snacks are available throughout the day.</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 maker</li> </ul>
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<p><b>The individual can have visitors at any time</b></p>	<p>Overnight guests allowed and there are no designated visiting hours.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> </ul>
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<p><b>The setting is physically accessible</b></p>	<p>The setting is in a residential area of Mandan. 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>
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**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.

On August 2, 2022, State staff made a visit to facility. Staff will complete Settings Experience Interviews 30 days after admission of the first consumer.

**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.**

<b>Must be timely and occur at times/locations convenient to all involved.</b>	
<b>Reflects cultural considerations/uses plain language</b>	
<b>Discusses individual preference for community integration within and outside the setting.</b>	
<b>Includes strategies for solving disagreement</b>	
<b>Offers choices to the individual regarding services and supports the individual receives and from whom</b>	
<b>Provides method to request updates</b>	
<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>	
<b>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</b>	
<b>May include whether and what services are self-directed and includes risks and plan to minimize them</b>	
<b>Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others</b>	
<b>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</b>	

**Date of Review of Evidence Package by the HCBS Settings Committee:**

November 1, 2022

**Reviewed by the following Committee members:**

Nancy Nikolas Maier, Director of Aging Services

Karla Kalanek, Developmental Disabilities Program Administrator

Katherine Barchenger, State Autism Coordinator

Erica Reiner, HCBS Program Administrator

Russ Korzeniewski, HHS Risk Manager/Disaster Preparedness Administrator

**Recommendations to Meet Compliance:**

**Date of Compliance with above Recommendations:**

November 1, 2022

**Committee 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.**