

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

On May 31, 2022, an on-site visit was made by Nancy Nikolas Maier, Aging Services Director, Kathryn Good BSN, RN, Nurse Administrator and Erica Reiner MSN, RN, Nurse Administrator.

New Perspective is a licensed basic care facility including the optional service of Alzheimer’s, Dementia or Special Memory care. The setting is a secure facility that is accessible and located in a residential and commercial area near Cashwise Foods, several restaurants and stores. A google map, organization chart, 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. New Perspective utilizes a “Med Passer Skills Assessment.” The unlicensed team members are required to successfully demonstrate verbal understanding and return demonstration of medication administration skills to a registered nurse (RN) in advance of receiving authorization to perform medication administration tasks.

New Perspective has 27 memory care residents presently with max capacity of 40. Currently, New Perspective has no consumers on Medicaid. New Perspective has a signed lease agreement. “In cases of transfer or discharge, you must receive a 30-day written notice (Included in Rights of Health Care Facility Residents).

May 31, 2022, a site visit was held with New Perspective 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 HCBS Settings Final Rule Handout to educate New Perspective staff via Microsoft Teams Meeting on March 23, 2022. A second meeting via Microsoft Teams was May 24, 2022, to review final questions regarding site visit and settings rule.

The assessment tool was completed, and the State then provided a written summary of suggestions and areas that needed change to come into compliance. The State provided further technical assistance upon request and the provider submitted an evidence package to the State to prove compliance with setting requirements.

May 31, 2022, the state made an onsite visit to tour the facility, review policies and procedures, observe client care, and staff interactions. State staff was not able to meet with a consumer and conducted a care plan review due to no Medicaid consumers currently residing at New Perspective. A survey will be conducted by phone with the Medicaid consumer’s legal decision maker to assess the consumers experience living in the setting 30 days after admission as a Medicaid consumer.

HCBS Settings Requirements	Review of Facility
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.	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. New Perspective is in a residential and commercial area

	<p>close to Cashwise Foods, several restaurants and stores.</p> <p>The facility is ADA accessible.</p> <p>New Perspective has a service and rental agreement with a 30-day notice.</p> <p>There are cameras in the facility in entry/common areas.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Rental Agreement • Admission Packet • 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>	<ul style="list-style-type: none"> • All consumers at New Perspective are currently retired. • Clients will be supported in their choice of work. If you are employed or choose to volunteer, you have a right to have a work or volunteer schedule of your choice. • The consumer, power of attorney, or family control finances. • The consumer can keep money in their possession if they desire. • There is not an option to open a resident account or saving account for activity fund. • Activity outings are paid for by New Perspective. • Engaging in community life is addressed below. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Survey with legal decision maker
<p>Is integrated in and supports access to the greater community</p>	<ul style="list-style-type: none"> • Activity Calendars are posted within the neighborhood and online 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 any resident would ask. • Public Transportation is available. • An intake form is filled out at Admission to determine the likes and dislikes of the consumer. • Encouraged facility to keep Monthly Activity Participation logs and outing information for residents and reviewed at quarterly care conferences to determine community integration needs and restrictions. • The person-centered plan of care is individualized for

	<p>each consumer.</p> <ul style="list-style-type: none"> • Everyone accesses the building and units the same way. The facility entrance door is unlocked from 8:00AM to 8:00PM, locked from 8:00PM to 8:00AM. After hour entrance is available by using phone and buzzing in at entrance of the building. Sign in and out is not required but is recommended for safety reasons, but there is no penalty if not done. • The memory care unit is secured with egress access and alarm system, as well as a secured outdoor area. • Key Fob system for access to memory care unit. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Calendar of Events • Intake Form • Resident Activity Participation Log • Observation/Outing Information Log • Care Plan • Survey legal decision maker • Site Visit and Observation by state staff
<p>Optimizes individual initiative, autonomy, and independence in making life choices</p>	<ul style="list-style-type: none"> • Front doors are 8am-8pm but guests may come at any time, they need to “buzz” in by using the phone in the entry way. Guests can stay overnight. There is a check in and out process to ensure safety and accountability in an emergency or fire. • The Resident Handbook states the resident has the right to determine how you spend your time, who you want to spend time with and which activities you want to participate in. It also states that you can make choices about how you want to live your life that are significant to you. This includes deciding how you want to spend your time, what you would like your daily schedule and routine to be and what your health care wishes are. • The consumer can have a fridge and food in their room. • One entrée is served at mealtime, but alternate food is available upon request on the “Always Available” menu. Snack cupboard is always open. • There is no assigned seating, disposable cutlery and dishes are not used. No protective coverings used unless care planned. • The laundry is locked. Laundry is done by staff weekly.

	<p>If resident requests to do their laundry and the staff will assist them.</p> <ul style="list-style-type: none"> • Phones are available in all neighborhoods. Residents may have cell phones. <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>	<ul style="list-style-type: none"> • All residents in memory care unit have private rooms which are lockable, and the resident has a key unless they choose not to, or family chooses not to. Staff will knock on the door before entering and ask for approval to enter. Management notifies the residents of any scheduled tasks which require access to their apartment. • Consumers can furnish and decorate their unit as desired. Observation reflected consumer’s own personal tastes in decorating their private living quarters. • Several areas were available to provide private visiting areas. • Staff training includes Resident Rights and topics of dignity and respect. • Observed medications were not given in common areas and were given in private settings. • Education provided to ensure med carts are always locked when staff is not present at cart. • Training to staff regarding knocking on the door and waiting for a response before entering the room. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • “Resident Complaint/Grievance” policy is included in the Admission Packet. • Resident Rights is included in the Admission Packet. • Site Visit and Observation by state staff • Staff Training worksheet
<p>Facilitates individual choice regarding services and supports and who provides them</p>	<ul style="list-style-type: none"> • The consumer has a choice in who cares for them. If resident refuses care from provider, staff are trained to ask to switch consumers with another staff member • The facility provides the consumer information regarding filing a grievance. • There is a chapel and services; residents can choose their own church also

	<ul style="list-style-type: none"> • Beautician onsite and hours posted; may use their own beautician if preferred • Consumers medical care is provided per own preference • Option for medical treatment, PT, and OT to be given at facility provided by Big Stone. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Concierge’s desk • Resident Rights Booklet • “Resident Complaint/Grievance” policy is included in the Admission Packet • Site Visit and Observation by state employees • Staff Training List
<p>Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS</p>	<ul style="list-style-type: none"> • 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>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Resident Rights • Site Visit and Observation by state staff
<p>Person-centered service plan</p>	<ul style="list-style-type: none"> • Upon first Medicaid consumer, Case Manager will complete a PCP at the same time New Perspective is doing their care plan meeting. • Encouraged New Perspective to keep a monthly participation log to ensure community integration and activities. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • New Perspective Care Plan review

<p>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>	
<p>The individual has a lease or other legally enforceable agreement providing similar protections</p>	<ul style="list-style-type: none"> • 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>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>	<ul style="list-style-type: none"> • The units for the residents are single occupancy with lockable door, double occupancy with wall between or triple occupancy with each having their own lockable

	<p>door but sharing a shower unit.</p> <ul style="list-style-type: none"> • The bedroom and bathroom are equipped with lockable doors. • 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>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Lease Agreement • Site Visit and Observation by state staff
The individual controls his/her own schedule including access to food at all times	<ul style="list-style-type: none"> • If a menu is not acceptable, the “Always Available” menu is available. • There are no assigned seats. • Snacks are available throughout the day. • Individual controls when they shower, wake and rest <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Site Visit and Observation by state staff
The individual can have visitors at any time	<ul style="list-style-type: none"> • Overnight guests allowed and there are no designated visiting hours. <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook
The setting is physically accessible	<ul style="list-style-type: none"> • The setting is in a residential area in West Fargo. • The setting is ADA accessible. <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.

Have not contacted consumer family member as there are no Medicaid consumers currently.

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

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

Date: 06/03/2022

Reviewed by the following Committee members:

- Nancy Nikolas Maier, Director of Aging Services
- Karla Kalanek, Developmental Disabilities Program Administrator
- Karla Backman, State Long Term Care Ombudsman
- Kathryn Good, HCBS Nurse Administrator
- Erica Reiner, HCBS Nurse Administrator
- Russ Korzeniewski, Risk Management Program Administrator

The committee gave recommendations to update the handbook to allow the consumer and family better understanding of the consumer's independence in making life choices and the right to control his/her own schedule.

Date of Compliance with above Recommendations:

Committee Decision:

- Setting Fully Complies**
- Setting with additional changes will fully comply**
- 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.**