

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

<b>Location</b>	Mandan
<b>Type</b>	Adult Residential Care
<b>Name</b>	Edgewood Lakewood Mandan
<b>Visit Date</b>	2/3/2025
<b>State Staff</b>	Heather Lindsley, Program Administrator & Sonya Binstock, Case Manager
<b>Specialized Services</b>	Traumatic Brain Injury & Memory Loss
<b>License</b>	Basic Care Licensing N.D.A.C 33-03-24.1-03.
<b>Capacity</b>	17
<b>Medicaid Consumers</b>	4
<b>Education Provided</b>	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 50-10.2 Rights of Health Care Facility Residents, 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.
<b>Technical Assistance</b>	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.
<b>Settings Experience Interviews</b>	Ninety days after a 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>All individuals are given a choice on where they wish to reside, if at anytime a individual would want to move out of the adult residential care that decision would be supported and the adult residential care staff would assist in the individuals move.</p> <p>All individuals sign a lease upon admission.</p> <p>The adult residential care unit has multiple cameras throughout the hallways and common area. No signage was posted, it was discussed that Edgewood's camera policy would be implemented and signage would be posted. Update from 3/18/25 visit the cameras located in the adult residential care will not be utilized or turned on at any time.</p> <p>All room are private with a private bathroom.</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>Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.</p>	<p>Individual's can continue employment or volunteering based on their person-centered goals. Individuals are allowed to be employed or volunteer if they would like, the adult residential care would support this and care plan any needs associated to meet their goals.</p> <p>Edgewood Lakewood Mandan does not manage individuals finances and would require family or a guardian to assist the individual with managing.</p> <p>Individuals have the choice to receives services from providers of their choice. There is a beautician that comes every few weeks as well as scheduled trips to a local salon. Individuals would also be able to go to someone of their choosing. Legacy Health will be rounding weekly at the facility and will offer lab services as well. Individuals will have a choice to see a provider with Legacy or continue care with a provider of their choosing.</p> <p>Individuals that are non English speaking would be provided materials in their language and translator supports would be care planned and put into practice.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> </ul>
	<p>How are consumers and families notified of what is going on outside of the adult residential care for activities and events? There is a monthly activity calendar that is posted throughout the adult residential care unit. All individuals receive a copy along with a monthly menu. Would recommend that families are provided a copy.</p> <p>The adult residential care does have a van but currently only the administrator is able to drive due to insurance. The plan will be to add additional drivers to allow for more trips out in the community. The adult residential care also coordinates public transportation as well as coordination with family and guardians. <b>Update from 3/18/25 visit an activities director has been hired and staff have been added to the facility insurance policy as drivers, a new van has also been purchased.</b></p> <p>Access to phone, internet, TV, newspaper? All individuals have access to internet and TV individuals are allowed to have personal devices such as cell phones. A cordless phone is available for individuals to use if they wish.</p> <p>Who assists with public transportation coordination and how does the consumer know who to ask for help? Individuals and families can ask staff to assist with the coordination of transportation and they will contact the appropriate person to arrange.</p>

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

How does the ARC determine what the consumer likes or dislikes for community integration? Individuals have a assessment completed upon admission to include preferences, this is updated with any changes. Individuals can also bring forward any suggestions for outings and activities.

Edgewood Lakewood Mandan's adult residential care unit is locked and can only be accessed by keypad. Initial site visit on 2/3/25, the entrance from within the building was noted to not have a code posted, the east entrance was noted to have a code posted for exit but not entry- **Update from 3/18/25 The code to the door was posted, the door was accessed by state staff using the posted code, the adult residential care building has plans to replace all keypads as the current ones are out of date. Edgewood will also be renovating the adult residential care unit to remove the commercial kitchen and wall off the east entrance and elevator.**

It was noted that the main entrance does not have a doorbell but does have a sign directing individuals to the east entrance which does have a doorbell that alerts staff. It was also noted that phones are routed to nurses stations after hours.

Individuals have access to the courtyard via a patio door, the courtyard is fenced in. There are plans for construction and the patio door will likely be replaced with a door accessed via code and keypad.

The patio door in the dining room opens to an outdoor patio and large backyard. Consumers have 24/7 access.

**Supporting Documentation:**

- Resident Handbook
- Site Visit and Observation by state staff on 2/3/25 and 3/18/25

<p><b>Optimizes individual initiative, autonomy, and independence in making life choices</b></p>	<p>here are no visiting hours and individuals are able to come and go at any hour that they would choose. Overnight guests would be allowed.</p> <p>Site visit on 2/3/25, observed that the individuals have access to a area that has a microwave, coffee, and water it was noted that snacks are passed at a designated time and no snacks were available as well as cups for coffee and water. It was discussed that the adult residential care will be making snacks available at all times as well as water. Individuals are allowed to have fridge and microwaves in their rooms as well as snacks. Individuals are able to choose where they eat and when they eat, meals would be set aside and warmed up for individuals. Individuals would be offered a different option if they didn't want what was on the menu. <b>Update from 3/18/25 visit snacks and water were noted to be available to residents</b></p> <p>The laundry area is locked but individual are able to access and do laundry with the assistance of staff.</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 on 2/3/25 and 3/18/25</li> </ul>
<p><b>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</b></p>	<p>All apartments have locks and individuals are provided a key.</p> <p>No double rooms</p> <p>Individuals are able to decorate and furnish their apartments.</p> <p>Individuals are able to visit or take calls in their apartments. There are sitting areas, the chapel, and rooms throughout the building that family/visitors would be able to take the individual to after alerting staff.</p> <p>There is a cordless phone that individuals are able to use.</p> <p>Mail is distributed to individuals.</p> <p>Staff are trained upon hire and annually on Resident's Rights. Staff are trained to report any rights violation that is observed.</p> <p>All medications are given privately, med passes are completed with a med cart where all medication is stored. All medication preferences are care planned and preferred location of administration is noted on the MAR.</p> <p>Site visit on 2/3/25, State staff observed that individual names were noted on documents visible within the nursing office, individuals and families do enter the office. Recommend all PHI is stored as not to be visible. <b>Update from 3/18/25 visit no visible PHI was noted</b></p> <p>All staff are trained to knock and wait for a response prior to entering an individuals apartment. Staff are to announce themselves prior to entering.</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>• HIPAA Notice of Privacy Practices is included in the Admission Packet.</li> <li>• Site Visit and Observation by state staff on 2/3/25 and 3/18/25</li> </ul>

<p><b>Facilitates individual choice regarding services and supports and who provides them</b></p>	<p>Individuals can choose who cares for them, the facility will try to resolve any conflicts or miscommunications prior to reassigning staff.</p> <p>There is a box that individuals and family can submit complaint in, it was discussed that Edgewood's grievance policy would be implemented. All individuals and families are given reporting guidelines upon admission and annually.</p> <p>Individuals are able to go to church within the community and also have the option to go to the services that are offered at the Edgewood Lakewood Mandan location.</p> <p>Legacy Health will be rounding weekly at the adult residential care and will offer lab services as well. Individuals will have a choice to see a provider with Legacy or continue care with a provider of their choosing. Individuals can choose any provider they wish to see including for therapies.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights Handout</li> <li>• Grievance policy is included in the Admission Packet.</li> <li>• Site Visit and Observation by state employees on 2/3/25 and 3/18/25</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 rooms are private, Medicaid consumers are integrated throughout the unit along with private pay individuals.</p> <p>Site visit on 2/3/25, noted the adult residential care is under new management and that there are plans for remodeling/construction. The adult residential care is currently in the process of hiring a clinical services director as well as an activity director. There are also plans to likely hire another receptionist, nursing and CNA staff to fill positions that were held by travel staff. <b>Update from visit on 3/18/25, an activities director and Clinical Service Director have been hired along with a receptionist.</b></p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Resident Rights Handout</li> <li>• Site Visit and Observation by state employees on 2/3/25 and 3/18/25</li> <li>• Survey with consumer and legal representative</li> </ul>
<p><b>Person-centered service plan</b></p>	<p>An individualized person-centered service plan is created by the HCBS case manager under the direction of the individual and their responsible person.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Person Centered Service 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.**

**The individual has a lease or other legally enforceable agreement providing similar protections**

The individual or legal decision maker signs a lease agreement when the individual has made the choice to move into Edgewood Lakewood Landing. The lease follows ND landlord tenant laws.

**Supporting Documentation:**

- Lease Agreement

**The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate unit**

All living units are private with lockable doors  
Individual's are able to furnish and decorate their living unit as they choose

**Supporting Documentation:**

- Resident Handbook
- Lease Agreement
- Site Visit and Observation by state staff on 2/3/25 and 3/18/25.
- Pictures on file

**The individual controls his/her own schedule including access to food at all times**

The individuals have access to a area that has a microwave, coffee, and water it was noted that snacks are passed at a designated time and no snacks were available as well as cups for coffee and water. It was discussed that the facility will be making snacks available at all times as well as water. Individuals are allowed to have fridge and microwaves in their rooms as well as snacks. Individuals are able to choose where they eat and when they eat, meals would be set aside and warmed up for individuals. Individuals would be offered a different option if they didn't want what was on the menu. There is no assigned seating in the dinning area and no bibs/aprons are used unless the individual requests one. All cares including bathing are care planned based on the individuals preferences these can be changed at any time. Individuals that refuse a schedule care are offered at a later time, attempts and refusals are documented.

- Site Visit and Observation by state employees on 2/3/25 and 3/18/25.

**The individual can have visitors at any time**

Guests are allowed at anytime and may have overnight guests if the consumer chooses to.

**Supporting Documentation:**

- Resident Handbook
- Survey with consumer and legal decision maker

**The setting is physically**

On 2/3/25, it was observed that Edgewood will need to ensure that building is ADA complaint, adult residential care unit is ground level. Update from visit on 3/18/25 Bathrooms have grab bars in the shower and by the toilet

accessible	<b>Supporting Documentation:</b> <ul style="list-style-type: none"> <li>• Site Visit and Observation by state employees on 2/3/25 and 3/18/25.</li> <li>• Pictures on file</li> </ul>
<p align="center"><b>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.</b></p>	
N/A	
<p><b>HCBS Settings requirement: The <u>Person-Centered Service Plan</u> 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>	
<b>Must be timely and occur at times/locations convenient to all involved.</b>	Power of Attorney for consumer stated that the care planning process is held at a convenient time and location, or by phone. Care plan meetings are scheduled to involve family/guardian or other support individuals as well as the individual if they wish to attend. Any updates to the care plan are communicated to family/guardian. <b>Update from visit on 3/18/25 The facility has a copy of the HCBS care plan on file.</b>
<b>Reflects cultural considerations/uses plain language</b>	The person centered service plan reflects the individual's unique identity and considers the needs on an individualized basis. The plan is written in plain language for the individual and legal decision maker.
<b>Discusses individual preference for community integration within and outside the setting.</b>	<b>Person Centered Service Plan:</b> The plan reflects options discussed with each individual regarding their choices of where to receive HCBS. Individual's are offered the choice to live within the community and receive supports.
<b>Includes strategies for solving disagreement</b>	The person-centered service plan reflects the individuals risks and strategies to mitigate risks.

<b>Offers choices to the individual regarding services and supports the individual receives and from whom</b>	<p>The HCBS Case Manager works directly with the individual and their legal decision maker to determine where they wish to live and receive services. All HCBS options are reviewed and offered for the individual and their legal decision maker to make an informed decision about the individual's life.</p>
<b>Provides method to request updates</b>	<p>Individual or responsible person may request a care plan meeting or call for an update at any time.</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>A person centered service plan is created with each individual and their responsible person to reflect what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare.</p>
<b>Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes</b>	<p>The person centered service plans reviewed all reflect the persons strengths, preferences, needs and desired outcomes while receiving services.</p>
<b>May include whether and what services are self-directed and includes risks and plan to minimize them</b>	<p>Each individual's care plans reflect that they self-direct to the extend that they are able. This is defined on an individualized basis to meet the needs of the specific individual.</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>The person centered service plans reflect the individualized preferences and wishes.</p>
<b>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</b>	<p>All person centered plans are reviewed with the individual, their responsible person, and a copy given to the adult residential care, unless the individual does not wish the adult residential care to receive a copy.</p>

## **Date of Review of Evidence Package by Aging Services Section:**

### **Reviewed by the following staff:**

Erica Reiner, HCBS Program Administrator (Onsite 3/18/2025)

Kathryn Good, HCBS Program Administrator (Documentation)

Heather Lindsley, HCBS Program Administrator (Onsite 2/3/2025 & 3/18/2025) Sonya

Binstock, LBSW (Onsite 2/3/2025)

### **Recommendations to Meet Compliance:**

Onsite 2/3/2025 - gave recommendations to become compliant

### **Date of Compliance with above Recommendations:**

3/18/2025

### **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.**