

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

<b>Location</b>	Bismarck
<b>Type</b>	Agency Foster Home for Adults
<b>Name</b>	Prudent Home Care
<b>Visit Date</b>	5/24/2024
<b>State Staff</b>	Heather Lindsley, Program Administrator & Erica Reiner, Program Administrator
<b>Specialized Services</b>	Residential Habilitation and Community Supports
<b>License</b>	Agency Foster Home for Adults Licensing Policy 670-05-20
<b>Capacity</b>	4
<b>Medicaid Consumers</b>	3
<b>Education Provided</b>	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 Agency owner. State staff utilized North Dakota Administrative Code, Chapter 75-03-21.1 Licensing of Agency Foster Home for Adults and Policy Chapter 670-05 Agency Foster Home for Adults Licensing 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 during the site visit.
<b>Settings Experience Interviews</b>	Thirty days after the first Medicaid consumer admission a Settings Experience Review will be completed by the State, and again annually with all residents in the home or with their legal representative. 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 Agency Foster Home</b>
<p><b>Agency Foster Home 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 home is open for tours prior to a decision to reside in the home. There are other options for residential services in the area to choose from.  The home is ADA accessible.  Each individual has a lease agreement with the agency provider that follows the ND landlord tenant laws.  There are no cameras in the home.  <b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Lease Agreement</li> <li>• Site Visit and observation by state staff</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>Individuals may continue employment or volunteering based on their person-centered goals.  The individual, power of attorney, or family control finances and keep their funds in their own possession.  Prudent Homecare will aid with money management if requested.  Engaging in community life is addressed below.  <b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Site Visit and observation by state staff</li> <li>• Resident Handbook</li> </ul>
<p><b>Is integrated in and supports access to the greater community</b></p>	<p>There is a calendar in the dining room to inform individuals and/or family of activities within the home or community. Activities may include bowling, fishing, the Heritage Center, going shopping, or going to the Dream Center.  Family/natural supports are encouraged to take the consumer out into the broader community.  The individual may utilize the internet, phone, or newspaper to determine activities outside the home.  Public Transportation is available, and staff will assist with coordination.  A social history form is filled out when an individual moves into the home which helps to determine the likes and dislikes of the individual. The agency develops and individual program plan for each resident of the home.  Each individual accesses the home in the same way.  The patio door in the dining room opens to a deck and a backyard. Individuals have 24/7 access.  <b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Individual Program Plan (IPP)</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 may 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, and there are no locked cupboards. The menu is available and all residents are encouraged to contribute ideas for meal planning in the home. Individuals may request another option if they do not like the scheduled meal.</p> <p>Individuals have access to the kitchen at any time for snacks. There are no more than 14 hours between supper and breakfast meals.</p> <p>The laundry room is available for individuals to do their laundry with a table provided to fold clothes. There are no locked areas in the laundry room.</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> </ul>
<p><b>Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint</b></p>	<p>Individuals may furnish and decorate their bedroom as desired. Observation and interviews with the residents verified that the individual's may decorate according to their own personal preferences.</p> <p>Each individual has their own bedroom where they have privacy. There are no shared rooms.</p> <p>There is a cell phone dedicated for consumer use so that individuals can receive or make private phone calls. Staff assist residents in making phone calls when they are requested.</p> <p>Mail is hand delivered to the individuals in the home.</p> <p>Staff training includes Resident Rights and topics of dignity and respect.</p> <p>Medications are stored in a locked cupboard. Each individual has their own medication box and are able to participate in medication administration. Individuals who have insulin have it stored in their own room/fridge.</p> <p>Staff knock before entering individual's rooms.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Grievance policy</li> <li>• Site Visit and Observation by state staff</li> </ul>

<p><b>Facilitates individual choice regarding services and supports and who provides them</b></p>	<p>The individuals have a choice in who cares for them.  The agency provides the individual information regarding filing a grievance. They are able to file suggestions in the suggestion box anonymously.  Individuals go out to the community for church and beautician services.  The individual chooses their medical providers, and agency assists with medical coordination.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Grievance policy</li> <li>• Site Visit and Observation by state employees</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 individuals have the choice of activities in the community.  The individuals are able to 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>• Site Visit and Observation by state staff</li> </ul>
<p><b>Person-centered service plan</b></p>	<p>Prudent Home Care develops Individual Program Plans for each resident which includes restrictions and methods that have been tried before. The individual's 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 individual. 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 person centered planning meetings which include the HCBS case manager.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Individual Program Plan Policy 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.**

<p><b>The individual has a lease or other legally enforceable agreement providing similar protections</b></p>	<p>The individual or legal decision maker signs a lease agreement when the decision has been made to move into the agency home. 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>At the site visit it was observed that each bedroom is private with lockable doors. There are no shared rooms.</p> <p>The individuals bedrooms are furnished according to personal preference.</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>
<p><b>The individual controls his/her own schedule including access to food at all times</b></p>	<p>Each individual has the opportunity to contribute in meal planning in the home.</p> <p>Food is available at any time.</p> <p>Alternative meal choices are available.</p>
<p><b>The individual can have visitors at any time</b></p>	<p>Overnight guests are 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> <li>• Survey with consumer and legal decision maker</li> </ul>
<p><b>The setting is physically accessible</b></p>	<p>The setting is in a residential area of Bismarck near a school.</p> <p>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.**

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.**

<b>Must be timely and occur at times/locations convenient to all involved.</b>	The HCBS case manager, QSP agency, residents and/or guardians are present for person-centered planning meetings. Person centered planning meetings occur every 6 months and annually with quarterly reviews between these meetings.
<b>Reflects cultural considerations/uses plain language</b>	Yes
<b>Discusses individual preference for community integration within and outside the setting.</b>	<b>Individual Program Plan (IPP):</b> The IPP indicates the activities the individual enjoys as well as frequency of activities.
<b>Includes strategies for solving disagreement</b>	The IPP discusses strategies to assist the agency/individual in addressing any disagreements. The agency encourages individuals to participate in activities in and out of the home.
<b>Offers choices to the individual regarding services and supports the individual receives and from whom</b>	The IPP indicates the type of services that are being provided are based on the individual's personal goals and preference.
<b>Provides method to request updates</b>	Resident Handbook states care meetings and updates can be requested 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>	<p>Goals are determined by the individual and/or legal decision maker during the Person-Centered care plan meeting with the HCBS Case Manager and agency coordinator.</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>Individual program plan and person centered plans includes identified goals and preferences related to values.</p>
<p><b>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</b></p>	<p>HCBS care plan is signed by the HCBS Case Manager and the individual or guardian/legal decision maker.</p>

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

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

Erica Reiner, HCBS Program Administrator,  
Kathryn Good, HCBS Program Administrator, Heather Lindsley HCBS Program  
Administrator

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

**Date of Compliance with above Recommendations:**

6/3/2024

### **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.**