

**Summary of Lake Region Corporation Adult Residential CMS Home and Community Based Services (HCBS) Settings Rule Site Visit**

**December 12, 2022, by Kathryn Good, Program Administrator and Erica Reiner, Program Administrator. Briana Ryba, HCBS Case Manager Supervisor was also present.**

Lake Region is a Residential Habilitation and Community Supports provider that specializes in providing care to individuals with various disabilities. The setting is an unsecure home 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, and Grievance Policy is included in the Evidence Package.

Lake Region Residential Habilitation and Community Supports Provider capacity is 4 with 0 Medicaid consumers currently.

Email sent by State to Residential Habilitation and Community Supports Provider 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 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.

December 12, 2022, the state made an onsite visit to tour the facility, review policies and procedures, observe client care, and staff interactions. A survey will be conducted with the Medicaid consumer’s legal decision maker to assess the consumers experience living in the setting 30 days after admission. 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>
<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 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>The facility is ADA accessible.</p> <p>A legally enforceable agreement following ND landlord tenant laws.</p> <p>There are no cameras in the home.</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,</b></p>	<p>Consumers can continue employment or volunteering based on their person-centered goals.</p>

<p><b>and control personal resources.</b></p>	<p>The consumer, power of attorney, or family control finances, the consumer can keep money in their possession if they desire. Engaging in community life is addressed below. A personal outcomes interview is completed before the Person-Centered Service Plan (PCSP) to probe for your dreams, wants, and needs.</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>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. There is always something going on in this community, and we can assist you with exploring your interests in having fun and making friends and being involved in our community. You are encouraged to choose the types of activities in which you wish to be involved. Other recreational activities away from home are scheduled as they come up, such as dances, movies, going to the casino, bingo, bowling, visiting with friends and family, special holiday parties, etc.</p> <p>In our homes, a telephone is available for local calls. You may be responsible for the cost of your long-distance calls. The home has a cordless phone for privacy and a speaker phone to use for people that do not want to hold the phone or are unable to do so. Staff will help you place your telephone call if you desire help.</p> <p>Computers and e-mail are available at each residence for your use. Personal computers are permitted. The upkeep and expenses related to personal computers will be your responsibility.</p> <p>The person-centered plan of care is individualized for each consumer. Your preferences in daily routines such as bathing, choosing clothing, activities, events, room decoration, transportation, food likes and dislikes, waking and sleep times are respected. You are encouraged to set your routine so long as you do not infringe on others.</p> <p>Everyone accesses the building and units the same way.</p>

	<p>During the night, the front entrance to the facility is not staffed, but they may ring the front doorbell at any time, and staff will assist them.</p> <p>The patio and backyard can be used at any time.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Resident Handbook</li> <li>• Calendar of Events</li> <li>• Available Activities Sheet</li> <li>• Monthly Activity Participation Log</li> <li>• Observation/Outing Information Log</li> <li>• Person Centered Plan</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. There is a voluntary check in and out process to ensure safety and accountability in an emergency or fire.</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. The interview with the consumer’s legal decision maker indicated knowledge of these rights.</p> <p>The kitchen is available for consumers use. The consumer also has access to a fridge, oven, or microwave in this area. One entrée is served at mealtime, but alternate food is available upon request. There is food set out for the consumer to access during the day and night. If desired the consumer may have a fridge in their apartment unit.</p> <p>Consumers have choices of food.</p> <p>The laundry room is available to residents who wish 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> </ul>
<p><b>Ensures an individual’s rights of privacy, respect, and freedom from coercion and restraint</b></p>	<p>The consumers have private bedrooms with lockable doors using a key. Bathrooms have lockable doors.</p> <p>Couples are not required to share an apartment.</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>Several areas were available to provide private visiting areas.</p> <p>In our homes a telephone is available for local calls. You may be responsible for the cost of your long-distance calls. The home has a cordless phone for privacy and a speaker phone to use for people that do not want to hold the phone or are unable to do so. Staff will help you place your telephone call if you desire help.</p> <p>Computers and e-mail are available at each residence for your use. Personal computers are permitted. The upkeep and expenses related to personal computers will be your responsibility.</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>Observed the staff knocking on the door before entering the room.</p> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Residential Habilitation and Community Supports Provider Handbook</li> <li>• HIPAA Notice of Privacy Practices is included in the Admission Packet.</li> <li>• Site Visit and Observation by state staff</li> <li>• Staff Training</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>The facility provides the consumer information regarding filing a grievance.</p> <p>Consumer can go out into the community for beautician and church services.</p>

	<p>Consumer medical care is provided per own preference.</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</li> <li>• AFHA Handbook 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 consumers are treated the same. Consumers can eat in 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>• AFHA Handbook</li> <li>• Resident Rights</li> <li>• Site Visit</li> </ul>
<p><b>Person-centered service plan</b></p>	<p>Lake Region AFHA has developed 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.</p> <p>Along with the annual meeting, a team meeting can be requested at any time by you or another team member if a concern arises.</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>• 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 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>
<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 the units are private with lockable doors.</p> <p>The consumer can furnish 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> <p><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Residential Habilitation and Community Supports Provider Handbook</li> <li>• Lease Agreement</li> <li>• Site Visit</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, another option will be prepared. There are no assigned seats.</p> <p>Snacks are available throughout the day.</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><b>Supporting Documentation:</b></p> <ul style="list-style-type: none"> <li>• Residential Habilitation and Community Supports Provider Handbook</li> <li>• Site Visit</li> </ul>
<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>• Residential Habilitation and Community Supports Provider Handbook</li> </ul>
<p><b>The setting is physically accessible</b></p>	<p>The setting is in a residential area of Leeds within walking distance to other businesses.</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.**

Lake Region Corporation provides or obtains services for people in such a way that will reduce unnecessary restrictions in lifestyle and support personal outcome attainment.

This Residential Habilitation and Community Supports Provider offers a variety of home and day services including group living situations and support for people in their own home or apartment. The Residential Habilitation and Community Supports Provider's day services are designed to meet a wide variety of preferences including employment, volunteer opportunities, recreational activities, creative and enjoyable retirement activities, social skills and communication training, and use of community resources.

**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>	Power of Attorney for consumer stated that the care planning process is held at a convenient time and location, or by phone. The POA knows that the consumer and family can invite anyone they choose.
<b>Reflects cultural considerations/uses plain language</b>	Yes
<b>Discusses individual preference for community integration within and outside the setting.</b>	There is always something going on in this community, and we can assist you with exploring your interests in having fun and making friends and being involved in our community. You are encouraged to choose the types of activities in which you wish to be involved. Other recreational activities away from home are scheduled as they come up, such as dances, movies, going to the casino, bingo, bowling, visiting with friends and family, special holiday parties, etc.
<b>Includes strategies for solving disagreement</b>	The care plan discusses strategies to assist the consumer in addressing any disagreements by implementing activities that the consumer enjoys. The facility has set a goal to encourage the consumer to participate in activities.
<b>Offers choices to the individual regarding services and supports the individual receives and from whom</b>	The care plan indicates the type of services that are being provided are based on the consumers preference.
<b>Provides method to request updates</b>	We have staff available to track, schedule, and assist you with attending appointments. You and your guardian will receive information about your health, medication, and treatments. We will work with you and your guardian to make sure we are meeting your health care needs and preferences.
<b>Reflects what is important to the individual to ensure delivery of services in a manner</b>	Goals are determined by the consumer and/or legal decision maker during the Person-Centered care plan meeting with the HCBS Case

<b>reflecting personal preferences and ensuring health and welfare</b>	Manager and setting staff.
<b>Identifies the individual’s strengths, preferences, needs (clinical and support), and desired outcomes</b>	You will be supported in opportunities to achieve your personal goals and dreams. Part of this process is done through the support of your team and the team process. You and your goals, wants and needs are the focus of the team. A personal outcomes interview is completed before the Person-Centered Service Plan (PCSP) to probe for your dreams, wants, and needs.
<b>May include whether and what services are self-directed and includes risks and plan to minimize them</b>	Care planning includes risks.
<b>Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others</b>	Facility and the HCBS Care planning includes Identified goals and preferences related to values “What is important to client”, Community Integration and Social Support, Family, Decision Making, Financial, Education, Employment, Healthcare, Medications, Nutrition, Mental Health, Cognitive, Behavior, and Safety
<b>Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary</b>	HCBS care plan is signed by the HCBS Case Manager and the family who is the POA.

**Date of Review of Evidence Package by the HCBS Settings Committee:**  
**December 19, 2022**

**Reviewed by the following Committee members:**

- Nancy Nikolas Maier, Director of Aging Services
- Karla Backman, State Long Term Care Ombudsman Administrator
- Karla Kalanek, Developmental Disabilities Program Administrator
- Katherine Barchenger, State Autism Coordinator
- Kathryn Good, HCBS Program Administrator
- Erica Reiner, HCBS Program Administrator

**Recommendations to Meet Compliance:**

**Date of Compliance with above Recommendations:**

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**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.**