

Summary of Ecumen/Evergreens of Fargo Adult Residential CMS Home and Community Based Services (HCBS) Settings Rule Site Visit

09/29/2022 by Kathryn Good, Program Administrator and Erica Reiner, Program Administrator

Ecumen/Evergreens of Fargo is a Specialized Basic Care Facility that specializes in providing care to individuals with memory loss. The setting is a secured facility that is accessible and located in a residential area with access to provider owned or public transportation. A google map, organization chart, Basic Care License, Medication error reporting and Missing Persons policy is included in the Evidence Package.

Ecumen/Evergreens of Fargo’s capacity is 18 with 15 residents presently and 4 on Medicaid.

08/31/2022, a Microsoft Teams conference was held with Ecumen/Evergreens of Fargo 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 [the CMS power point “Monitoring of Compliance with the 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 during the conference.

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

09/29/2022, the state made an onsite visit to tour the facility, review policies and procedures, observe client care, and staff interactions. A phone survey was conducted with the Medicaid consumer’s legal decision maker to assess the consumers experience living in the setting. 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
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. The facility is ADA accessible. A legally enforceable agreement following ND landlord tenant laws. There are cameras in the facility in the common areas of the community to access and review if necessary. Supporting Documentation: <ul style="list-style-type: none">• Lease Agreement

	<ul style="list-style-type: none"> • Site Visit and Observation by state staff summary • Survey with consumer and legal decision maker
<p>Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.</p>	<p>All consumers at the facility are currently retired by personal choice.</p> <p>Consumers can continue employment or volunteering based on their person-centered goals.</p> <p>The consumer, power of attorney, or family control finances, the consumer can keep money in their possession if they desire. All residents have a rep payee or POA.</p> <p>Engaging in community life is addressed below.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Survey with consumer and legal decision maker
<p>Is integrated in and supports access to the greater community</p>	<p>Activity Calendars are posted to inform consumer and family of activities within the facility.</p> <p>The family/natural supports are encouraged to take the consumer out into the broader community. This was noted at the site visit.</p> <p>A “Life Enrichment Assessment” is filled out at Admission to determine the likes and dislikes of the consumer.</p> <p>Monthly Activity Participation logs and outing information are kept for residents and reviewed at quarterly care conferences to determine community integration needs and restrictions.</p> <p>Visitation is openly encouraged and subject to any applicable state and public health guidelines. Ecumen Evergreens of Fargo states that they strive to provide a secure environment for their residents; therefore, their Entrances and Exits are locked.</p> <p>The person-centered plan of care is individualized for each consumer.</p> <p>The outside enclosed courtyard that is open for residents to use at any time.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Calendar of Events • Available Activities Sheet • Monthly Activity Participation Log • Observation/Outing Information Log • Life Enrichment Assessment

	<ul style="list-style-type: none"> • Person Centered Plan • Survey with consumer and legal decision maker • Site Visit and Observation by state staff
<p>Optimizes individual initiative, autonomy, and independence in making life choices</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 a commercial kitchen that is locked. Alternative meal options are available. Snacks are available 24/7 on the counter in the common room.</p> <p>No disposable plates and silverware are used. Clothing protectors only used if brought in by resident or their family.</p> <p>The laundry room is locked but residents may assist with laundry as they wish.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Site Visit and Observation by state staff • Survey with consumer and legal decision maker
<p>Ensures an individual’s rights of privacy, respect, and freedom from coercion and restraint</p>	<p>The Medicaid consumers have private apartments with lockable doors and a private bathroom. The bathroom is in the private apartment.</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>Areas were available to provide private visiting areas.</p> <p>Residents have access to a cordless phone for personal use.</p> <p>Mail is hand delivered to the resident.</p>

	<p>TV is available in the common area as well as resident's can have a personal TV in their room. Staff training includes Resident Rights and topics of dignity and respect annually and as needed.</p> <p>The resident handbook reflects care and medications are given in private. The door to the medication and unit office will remain closed.</p> <p>Observed the staff knocking on the door before entering the room.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Grievance policy is included in the Admission Packet. • HIPAA Notice of Privacy Practices is included in the Admission Packet. • Site Visit and Observation by state staff • Staff Training • Survey with consumer and legal decision maker
<p>Facilitates individual choice regarding services and supports and who provides them</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>Evergreens of Fargo offers volunteer led church services. Please review the activity calendars for current activities. Residents are encouraged to attend church services in the community if they would like to.</p> <p>The Salon provides a variety of salon services to both men and women. Service is by appointment only. These services can be paid directly to the Salon.</p> <p>Consumer medical care is provided per own preference.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook (Includes list of services outside of facility) • Resident Rights Booklet • Grievance policy is included in the Admission Packet. • Site Visit and Observation by state employees

	<ul style="list-style-type: none"> • Staff Training Folder • Survey with consumer and legal representative
<p>Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS</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>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Resident Rights Booklet • Site Visit and Observation by state staff • Survey with consumer and legal representative • Care Plan Review • Monthly Activities Calendar
<p>Person-centered service plan</p>	<p>Ecumen/Evergreens of Fargo 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>The monthly participation logs are reviewed to ensure community integration and activities.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Person Centered Care Plan Review by State staff • Participation Log review • Care Note review • Care Plan review • HCBS 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>	<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>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>	<p>At the site visit it was observed the units are private with lockable doors. The Medicaid consumer had a private unit. The consumer or/and legal decision maker did not want to have a key, but when out with family member, the door was locked, and the consumer asked for it to be open upon their return.</p> <p>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> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Lease Agreement • Site Visit and Observation by state staff • Survey with consumer and legal decision maker
<p>The individual controls his/her own schedule including access to food at all times</p>	<p>If a menu is not acceptable, another option will be prepared. There are no assigned seats. Snacks are available 24/7.</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 interview with the consumer’s legal decision maker indicated knowledge of these rights.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Site Visit and Observation by state staff • Survey with consumer and legal decision maker
<p>The individual can have visitors at any time</p>	<p>Overnight guests allowed and there are no designated visiting hours.</p> <p>Supporting Documentation:</p> <ul style="list-style-type: none"> • Resident Handbook • Survey with consumer and legal decision maker
<p>The setting is physically accessible</p>	<p>The setting is in a residential area of Fargo. The setting is ADA accessible.</p> <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.

Monthly Activity Participation logs:

Shows an increase in the consumer's participation with activities in the facility since first moving in and it also shows that the family member interviewed takes the consumer out of the facility weekly for concerts, drives, meals, church or other activities.

Monthly Calendar with outings to the community scheduled twice weekly.

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.	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.
Reflects cultural considerations/uses plain language	Yes
Discusses individual preference for community integration within and outside the setting.	Life Enrichment Assessment: Indicates previous careers and memberships. The Life History Form indicates the activities the consumer enjoys as painting, puzzles, crafts, reading, card making, music, parties, and Bingo. The consumer dislikes loud noises and large crowds. Going for a drive is calming. The care plan lists preferences in activities and a participation log is utilized to indicate participation in activities.
Includes strategies for solving disagreement	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.
Offers choices to the individual regarding services and supports the individual receives and from whom	The care plan indicates the type of services that are being provided are based on the consumers preference.
Provides method to request updates	A resident or POA may request a Care Plan meeting or updates at any time.
Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare	Goals are determined by the consumer and/or legal decision maker during the Person-Centered care plan meeting with the HCBS Case Manager and setting staff.
Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes	Care planning includes Strengths, needs, goals and task.
May include whether and what services are self-	Care planning includes risks.

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	Facility and the HCBS Care planning includes Identified goals and preferences related to values, Community Integration and Social Support, Family, Decision Making, Financial, Education, Employment, Healthcare, Medications, Nutrition, Mental Health, Cognitive, Behavior, and Safety
Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary	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:

August 29, 2022, and October 17, 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
 Russ Korzeniewski, HHS Risk Manager
 Kathryn Good, HCBS Program Administrator
 Erica Reiner, HCBS Program Administrator

Recommendations to Meet Compliance:

Date of Compliance with above Recommendations:

November 8, 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.**