

HCBS Final Rule Evidentiary Package

Thrivent-Bayview



Setting information

Setting name: Thrivent Bayview	ID number: 1072333
Street address: 1316 Lori Ave., Detroit Lakes, Minn.	Phone: 320-221 3857
Website, if applicable: Thrivent Bayview (https://www.thrivebehavioralnetwork.com/beacon-house/)	Date of site visit: 11/8/2018

Waiver service type

Waiver service	Service type
<input type="checkbox"/> Alternative Care (AC) <input type="checkbox"/> Elderly Waiver (EW) <input type="checkbox"/> Brain Injury (BI) <input checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI) <input type="checkbox"/> Community Alternative Care (CAC) <input type="checkbox"/> Developmental Disabilities (DD)	Adult foster care

Reason for heightened scrutiny

Prong type	Category	Type of setting
Prong 3 Effects of isolating characteristics	Effect of isolating characteristic	Is one of multiple homes located on the same street or adjoining property that shares programming activities

Note: The term people/person (resident for residential settings) refers to people who receive Medicaid HCBS waiver service(s).

General summary

Bayview is an adult foster care home in Detroit Lakes, a city of 8,569 people (2010 census) in northwest Minnesota. Detroit Lakes is the county seat of Becker County. Bayview is a single-family home in a residential area located less than a mile from the lakefront, parks, churches, and restaurants and about 3 miles from the mall (Walmart, Dollar Store, etc.).

Bayview serves four people through the CADI waiver program and is co-located with another setting (Beacon House) that also serves four people.

Foster care/supported living service provider standards/qualifications

Licensure requirements and other state regulations for foster care services clearly distinguish these services/settings from institutional licensure or regulations.

- Child and adult foster care (BI, CAC, CADI waivers) and supported living service providers (DD waiver) must be licensed under [Minnesota Statutes 245D](https://www.revisor.mn.gov/statutes/cite/245D) (<https://www.revisor.mn.gov/statutes/cite/245D>).
- Adult foster care (Elderly Waiver and Alternative Care program) provider must meet the licensure requirements found in [Minnesota Rules, parts 9555.5050– 9555.6265](https://www.revisor.mn.gov/rules/9555/) (<https://www.revisor.mn.gov/rules/9555/>) and [Minnesota Statutes, section 245A](https://www.revisor.mn.gov/statutes/cite/245A) (<https://www.revisor.mn.gov/statutes/cite/245A>).

Foster care and supported living service definitions that support the setting requirements

Adult and child foster care for people on BI, CAC and CADI waivers:

Adult foster care is ongoing residential care and supportive services and includes personal care assistant services, homemaker, chore, behavioral aide services, companion services and medication oversight (to the extent permitted under state law) provided in a licensed home. Minnesota's Community-Based Service Manual (CBSM) provides requirements for [Adult or child foster care](http://www.dhs.state.mn.us/main/id_001786) (http://www.dhs.state.mn.us/main/id_001786)

Supported living services for people on the DD waiver:

Supported living services are "residential habilitation services" provided to participants who live in a supported living environment. Residential habilitation services consist of assistance with acquisition, retention, or improvement in skills related to activities of daily living, such as personal grooming and cleanliness, bed making and household chores, eating and the preparation of food, and the social and adaptive skills necessary to enable people to reside in a non-institutional setting. Minnesota's CBSM provides requirements for [Supported living services](http://www.dhs.state.mn.us/main/id_048987#) (http://www.dhs.state.mn.us/main/id_048987#)

Adult foster care for people on the Elderly Waiver/Alternative Care program:

Minnesota's CBSM provides requirements for [Adult foster care](http://www.dhs.state.mn.us/main/id_056766#foster) (http://www.dhs.state.mn.us/main/id_056766#foster) for people on the Elderly Waiver/Alternative Care program.

Prong 3 settings

Meaningful distinction between colocated settings

States must submit strong evidence that the setting presumed institutional has the characteristics of a HCBS setting and not an institutional setting.

Determination	Summary
<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings (how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level (people are engaged in planning community activities based on their preferences, variety of transportation options, schedules are varied, reverse integration is not the sole form of “community integration”):</p> <p>The administrator and staff reported that people receiving services in the two co-located homes (Bayview and Beacon) share activities several times a year. Examples of shared programming include birthday parties, holidays, and a Super Bowl party. There were no observations indicating the two settings share additional community/recreational programming or that they share transportation.</p>
<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Describe the extent to which staff are scheduled to work with people at the other colocated setting (s) on the same shift:</p> <p>The administrator and staff reported that staff are cross-trained to work at both settings, but that they are never scheduled to work with people at the adjacent setting on the same shift. There was no indication of shared staffing observed during the on-site visit.</p>
<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Participants in the setting in question do not have to rely primarily on transportation or other services provided by the other co-located setting (s), to the exclusion of other options; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>There were no observations made that would indicate shared transportation between the colocated settings. The administrator and staff reported that available modes of transportation include a house van, public bus, taxi/Uber, and family members. Staff said transportation options are reviewed when a person moves in, and we observed that transportation phone numbers are posted by the phone. Administration and staff said that staff provide training to residents on using public transportation.</p>

Community engagement opportunities and experiences

The administrator and staff reported that residents go into the community daily as individuals and weekly in groups. Activities include sporting events, riding bikes, shopping, special events, movies, out to eat, community center, parks, church.

The administrator reported that “staff get to know each resident and their hobbies, interests, preferences, and also give choices/options” and staff reported that “residents are good at finding things to do, bring up activities, plus staff help too.” Staff also reported, “[we] ask them their preferences, what they like to do, interest areas and just allow them to make choices.” Calendars of community activities and transportation phone numbers are posted at the house. A person interviewed reported that they prefer staying home versus going out into the community to do activities. This person said, “When I do have free time, I will go out on my own for 2 hours or stay home by myself for 2 hours.”

Some community activities people have participated in independently or in groups include:

- Sporting events
- Riding bike
- Shopping
- Movies
- Restaurants
- Parks
- Church
- Community and cultural center
- Gym
- A Place to Belong (social group),
- Central market
- Fishing
- Car shows
- Music in the park.

It was evident in observation and interviews with people, staff, and the administrator that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity.
- Supporting activities are flexible and work around the person’s preferred schedule (people are not following a “set schedule”
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests
- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired.

HCBS characteristics

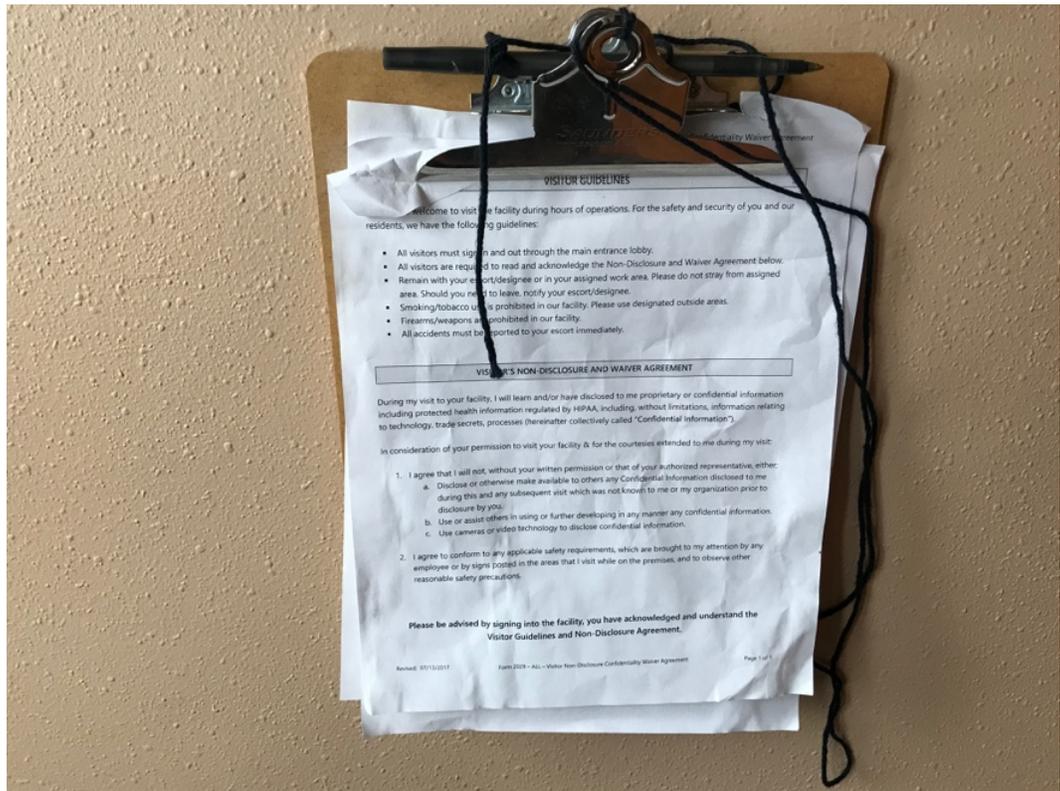
This section is a summary of the individual HCBS characteristics required in the HCBS rule. The findings for each characteristic are identified through the setting attestation documentation, on-site observation or both.

HCBS Rule requirement	Compliance status (please select)
<p>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit</p>	Compliant
<p>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each person has a lockable bedroom door. A person interviewed reported that they have a lock on their door.</p>	Compliant
<p>The setting facilitates that a person, who shares a bedroom, is with a roommate of their choice.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit</p> <p>Each person has their own bedroom.</p>	Compliant
<p>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The person receiving services we spoke with said they are free to furnish and decorate as they choose. We observed that bedrooms are decorated according to people's preferences.</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported, “I make up my own schedule,” and that they have access to the house, including the kitchen, and can make snacks if they want. The administrator and staff reported that people are free to make snacks outside of mealtimes.</p> <p>Evidence from our observations and from interviews with staff and a person receiving services at this setting indicate that individual interests and preferences are supported. The person receiving services that we spoke with said they can they choose how to spend their free time when at home and also whether to stay home or go out into the community. They told us “I make up my own schedule” and that “I don’t like public transportation and staff are willing to bring me, just let them know ahead of time if possible.”</p> <p>We observed that each person receiving services seemed to be enjoying their own activities: one was reading, one was socializing with staff, the other was in their bedroom. We observed that community activity schedules and transportation options are posted.</p>	Compliant
<p>The setting allows people to have visitors at any time.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported that they can have visitors at any time.</p>	Compliant
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administrator and staff reported that they regularly assess interest in employment of individuals served and no one receiving services at this setting has chosen to work. A person interviewed reported that they do not work but knows they can, saying, “I know where to pick up applications, connect with work services if I want to work in the future.”</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>The setting is physically accessible to the individual.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported that the house is physically accessible to them and their movement is not restricted.</p>	Compliant
<p>The setting provides people opportunities to access and engage in community life.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person receiving services we spoke with said they generally prefer to stay home, but they are aware of opportunities. They said they can get a ride from staff when they need or want to go somewhere.</p> <p>Administration and staff said that people receiving services go into the community frequently, individually or in groups, and they listed various activities. We observed calendars of activities and information about public transportation posted at the house.</p> <p>See “community engagement” section for more information.</p>	Compliant
<p>The setting supports the person’s control of personal resources.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported that they manage their own money. They reported that if they needed or wanted help with this, they could ask staff.</p>	Compliant
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>The setting ensures people’s dignity and respect.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Staff were observed treating people with dignity and respect during the on-site visit.</p>	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported that they have access to all parts of the house and are free to go into the community when they want to. They also said, “I feel safe here.” There was no evidence of people being restrained or coerced observed during the on-site visit.</p>	Compliant
<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported, “I make up my own schedule.” The administrator and staff reported that people are free to come and go as they like. During the site visit it was observed that people were sitting where they wanted to during meals and spending their free time as they choose.</p>	Compliant



Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from Aug. 5, 2019 to Sept. 4, 2019, before submitting settings to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny.

We sought public comments using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan page](#)
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [Aug. 5, 2019, eList announcement](#)
- Notification to lead agencies via regional resource specialists
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via email
- Notification to long-term care ombudsman office via email
- Disability Hub MN virtual insight panel.

Minnesota's recommendation

Date of recommendation: 10/1/2019

Minnesota supports that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. Provider is required to maintain on-going compliance with all HCBS requirements.