

HCBS Final Rule Evidentiary Package

Benedictine Adult Day Center



Setting information

Setting name: Benedictine Adult Day	ID # 800181
Street address: 935 Kenwood Avenue, Duluth, MN 55811	Phone: 218-723-6408
Setting website, if applicable: Benedictine Adult Day Program (http://www.blcduluth.org/adult_day_services)	Date of site visit: 5/29/2018

Waiver service type

Waiver service	Service type:
<input checked="" type="checkbox"/> Alternative Care (AC) <input checked="" 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 Day Service

Reason for heightened scrutiny

Prong type	Type of setting
Prong 1 Located in a Public or Private Institution	Nursing Facility: Benedictine Heath Center

Note: The term people/person (resident for residential settings) refers to people receiving Medicaid HCBS waiver services.

General summary

Benedictine Adult Day of Duluth serves 36 people with multiple funding sources, including 15 people receiving HCBS Waiver funding. Duluth is the 4th largest city in Minnesota with a population of 86,066 (according to the 2017 U.S. Census estimates). Benedictine Adult Day of Duluth is located in the metropolitan area of Duluth, sharing a campus with the College of Saint Scholastica.

Benedictine Adult Day Services are community-based programs that meet the health, social, recreational, and therapeutic needs of elderly and disabled adults, including wellness programs, community outings, creative arts and intergenerational activities.

Adult day provider standards/qualifications

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

Adult day services provided in center-based facilities are directly licensed by the Department of Human Services. Adult day services serve functionally impaired adults on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence.

Adult day service definitions that support the setting requirements

Minnesota's Community Based Services Manual (CBSM) provides the following requirements for [Adult day services](#):

(http://www.dhs.state.mn.us/main/id_002205#)

Adult day services must:

- Be based on the person's assessed needs
- Be directed toward the achievement of specific outcomes identified in the person's support plan
- Offer opportunities to participate in community groups (e.g., senior citizen centers or clubs, generic service organizations, adult education)
- Provide age-appropriate tasks and materials
- Provide community integration opportunities to enhance the person's social and physical interaction with people without disabilities
- Provide the supports necessary either to maintain or improve the person's ability to care for him or herself.

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and HCBS setting

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 checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>Staff are hired by Benedictine Adult Day administration and receive adult day specific employee orientation and ongoing training. Adult day staff are not scheduled to work with people at the health center on the same shift. Staff may provide occasional back-up for the child care center.</p> <p>Therapy services are offered at Benedictine health center, however people need to request to have these services provided. Upon intake the administrator informs people of their options for therapy services both onsite and in the community.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>People in the setting in question do not have to rely primarily on transportation or other services provided by the facility setting, to the exclusion of other options</p> <p>There are a variety of transportation options used by the people at Benedictine Adult Day. The adult day program has vans that are used for transporting people receiving services to and from the program and to provide access to community events/activities. People also use public transit to get to and from the adult day center, as well as using family members.</p> 

<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</p> <p>There is a separate and designated space for Benedictine Adult Day. The adult day program is located on the same level of the café and child care center.</p>
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Community engagement opportunities and experiences

Upon enrollment to the adult day program, people are interviewed using the person-centered planning tool to document personal preferences related to schedules and activities. The person-centered planning tool also documents how staff will assist in meeting these preferences.

Some information in the person-centered planning tool includes:

- Let me tell you about myself
- let me tell you about my family
- I like to be around people and like to attend (fill in blank)
- I like to work (what do you like to do?)
- I like to volunteer (what do you like to do?)
- I like to participate in community activities (what types of community activities)?

In order to accommodate individual interests, staff regularly connect with people and schedule off site activities for smaller groups to participate in depending on level of interest. For example, several of the men that attend the adult day program were interested in going to the Bong Memorial Museum and a trip was arranged just for those interested. People who were not interested either chose to stay back at the program site or participate in a different community activity. This is typical practice reported by staff and the administrator.

Staff and people who receive services meet in small groups to discuss ideas regarding community activities each month. The monthly calendar is developed based on input from people who receive services. The people receiving services that were interviewed prefer to go out and participate in as many community activities as possible.

Staff and people interviewed reported that off-site community activities are planned 4-5 times per month. People receiving services that were interviewed also reported that a calendar of activities/events is provided to them every month. Newsletters and a white board was also observed as ways people are informed of daily, weekly and monthly activities. There are 2 regular volunteers to help with onsite and offsite activities. With the help of volunteers, the adult day program is able to support individual interests more regularly. Students from the local college also volunteer when school is in session.

Administration, staff and people interviewed mentioned the following community activities they have participated in:

- Memorial museum
- Toy museum
- Bowling
- Out to lunch/Dairy Queen
- St. Louis river experience
- Baseball games
- Glenshien mansion
- Hobby Lobby
- Horse farm.

Staff noted that they check in with people on a regular (weekly/daily) basis on their preferences related to daily activities. Onsite activities include musicians, zoo mobile, Duluth art institute, stay fit program, karaoke and intergenerational programming.

There is a child care center on the Benedictine campus (same floor level as the adult day program). People receiving adult day services go to the child care center on a regular basis to interact with the children to socialize and build relationships.

In addition to group activities (crafts, games, social club), Benedictine adult day also offers the option for people receiving services to choose solitary activities (puzzles, coloring, books). If someone chooses not to participate in a community activity, they either change the schedule for the week or stay back with staff.

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>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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>One person interviewed reported that he was interested in pursuing a job in the community. The adult day program director and staff planned to contact his case manager to start the employment search process. Another person interviewed was interested in volunteering in the health care field. The program director plans to look into volunteer opportunities available onsite (at the Benedictine Health Center) and referring her to her case manager to explore other options.</p>	Compliant
<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>Some people in the program were observed accessing different areas of the settings using wheelchairs and walkers.</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>The administrator and people interviewed reported that opportunities are offered to participate in a variety of recreation/leisure activities while attending the adult day program. The administrator and staff reported that information is provided to people prior to admission and as needed regarding medial and therapeutic services available onsite, as well as a reminder that they have the right to choose use of offsite services if they prefer. Interviews with people receiving services confirmed that they have opportunities to contribute ideas for community activities on a monthly basis.</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> <p>There are 3 restrooms for people to use in the adult day program. All restrooms had locks on the doors to ensure privacy.</p>	<p>Compliant</p>
<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>Respectful treatment of people served was observed during the site visit.</p> <p>People also reported in their interviews that they enjoyed participating in the program and felt respected.</p>	<p>Compliant</p>
<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>Compliant</p>
<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>The administrator reported that people receiving services known interests and strengths are taken into consideration when developing the monthly calendar and that each person may choose which activities to participate in or choose not to participate. Independent activities are offered to people that choose not to participate in group activities. This was verified by staff and interviews with people.</p>	<p>Compliant</p>

Pictures of the HCBS setting



Public comment summary

DHS sought public comment for 30 days (Feb. 6-March 7, 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 [Feb. 6, 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.

There was one comment received in general support of this setting's compliance with the HCBS settings rule requirements.

Minnesota's recommendation

Date of recommendation: 4/1/2019

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.