

HCBS Final Rule Evidentiary Package

Brook #2



Setting information

Setting name: Brook #2	ID number: 1072392
Street address: 14986 Chorley Ave W Apt 2, Rosemount, MN 55068	Phone: 952-562-5010
Website, if applicable: Options Residential https://www.optionsres.com/	Date of site visit: 10/23/2018

Waiver service type

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

<p>Options Residential Brook #2 is one of four individual apartment units in the Brook apartment building. Each unit is individually licensed as a community residential setting, representing a total of four settings in the building. The Brook apartment building is collocated to the Meadows apartment building, also operated by Options Residential. In the Meadow apartment building there are three units individually licensed as a community residential setting, representing three settings in the building. In total, there are seven collocated settings in two apartment buildings (Brook #1, #2, #3, and #4, and Meadows #2, #3, and #4). There are a total of 13 people being supported across the seven settings.</p> <p>This setting is located in Rosemount, Minnesota which has a population of 21,874. The Brook setting is located in a suburban residential neighborhood with other apartment buildings and single family homes. Nearby the setting are fast food establishments, restaurants, gas stations, a movie theater, a grocery store and a coffee shop. Brook #2 serves two people.</p>
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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>).

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 checked="" 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 The administrator and staff reported occasional transportation and community activities are shared between the colocated settings. The shared activities include holiday and birthday parties, special cookouts and planned trips for shopping and going to the mall. These occur a “couple times a month” according to staff. People are not required to participate in the activities. People also reported they can request individual transportation to participate in self-direct community activities.</p> <p>We observed a shared lounge area in the apartment with the staff office. The shared lounge area is for people to use (a living room, dining area and kitchen) as they desire. People were observed using this space throughout our visit watching TV, visiting and drinking coffee.</p>
<input checked="" 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 reported staff are scheduled to work at the Brook and Meadows’ seven colocated setting in the two colocated apartment buildings. All staff are cross-trained on each person’s plans across the seven colocated settings. Staff are trained to work with each person individually. Staff and supervisors may provide backup coverage across the settings.</p> <p>Staff interviewed reported that staff are scheduled to work with people across the colocated settings daily. All settings are considered to be a part of the same program. Staff cover both settings for medication management, skill building, reminders to people, IADLs and hygiene prompts. Staff do daily tasks with all people and offer assistance. The staff interviewed added that emergency backup staff is usually a supervisor who is trained at these settings for each person.</p> <p>During the site visits, it was observed that one staff was working with one person in the lounge at Brook and in the other building, Meadow.</p>

Determination	Summary
<input checked="" 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>During the onsite visit, we observed one person using a self-selected transportation option and another person using Metro Mobility. We did not observe any use of shared transportation. Available transportation include public transit, public taxi/Uber, community volunteer drivers, family transportation, Transit Link, biking, walking and some people have their own vehicles.</p> <p>The administrator and staff reported Options Residential has a vehicle that is shared across the collocated settings used for group activities. People can also request individual transportation by submitting a written request. The administrator reported staff assist people in learning about transportation options as part of the initial orientation. Bus schedules are typically posted in the entryway and the Transit Link bus pulls in hourly at the bus stop.</p> <p>The administrator and staff reported they support people using transportation by training about transportation options, including calling a taxi/Uber, assistance in determining a bus route and staff providing coaching on the different options with the approach of “do with, not do for.” The staff interviewed indicated that public transportation is available until 9pm. When a person needs support in securing transportation, staff will assist in finding transportation solutions with the person. The staff interviewed indicated that they make people aware of transportation options with a site orientation when they move in, during intake, when assisting the person’s in their daily living plans, and doing frequent check-ins about transportation.</p>

Community engagement opportunities and experiences

Options Residential offers opportunities throughout each week for persons supported to interact with the broader community individually and in groups, as they desire. People are asked weekly about their preferences and interests for community activities and encouraged to plan and participate. People are free to choose whether to participate in any activity on any given day. People are not required to check-in or check-out when they are exiting or returning to their apartment.

In addition to the activity coordination provided at Brook and Meadow, people plan their own community activities at an individual level with or without staff support. Staff plan individual community activities throughout each month with each person based on their interests and preferences. People are encouraged to express their interests and explore community activities that they may enjoy. Staff work each person individually throughout each week to plan meaningful activities.

Options Residential, Inc. also has a community bulletin where they post events coming up in the surrounding communities. There is a computer with internet access available to people so they can look up different community activities or events they would be interested to participate in. Different bus schedules are posted in common areas to support access and so people can learn the bus system in the area.

Options Residential coordinates a monthly community calendar shared among the seven collocated settings, with available transportation as needed. Events and activities are based on the interests and preferences of people receiving services. The community calendar schedule is offered in addition to activities within the community that the person may make themselves. According to the administrator interview, people living in Brook and Meadows typically attend the community activities without staff, except for transportation.

Some community activities reported by staff and people include:

- Minnesota State Fair
- Twins game
- \$5 movie Tuesdays
- Shopping
- Pet stores
- Frolfing (aka Frisbee Golf)
- Fantasy flight games
- Zoo trips
- Gym

- Scooters around lakes
- Monster Jam
- Extreme sandboxing

People may sign up for desired activities including shopping trips, movies, music, walks, different commercial locations, the zoo, nature centers, community events, with staff providing transportation as needed. Typically, people attend these activities by themselves, but may attend with others if they choose. Staff and people reported there are onsite activities which include cooking groups in the lounge area, that people watch weekly shows together in the lounge area, video games, watching sport events, budget groups, painting, card games, movie nights, and socializing coffee club.

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
<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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each person has a copy of their signed residency agreement. A copy of the sign residency may be requested at any time by the person.</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</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Each person has a lockable apartment unit door and lockable bedroom door for privacy. Provider policy submitted during attestation complies with the HCBS rule requirements.</p>	Compliant

HCBS Rule requirement	Compliance status
<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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed indicated that they do not share a bedroom. When a roommate apartment sharing situation occurs, each person completes a questionnaire about their preferences and provide an opportunity to meet one another prior to moving in together.</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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>We observed that all furniture and décor was different.</p>	Compliant
<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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administrator and staff reported food and snacks are available at any time. The staff interviewed said that people have their own full kitchens and buy their own food in them to prepare. Occasionally people choose to make a community meal together in the community lounge, each person bringing different dishes to make a group meal.</p> <p>At the time of the onsite visit, only one person was at home while another person was asleep following an overnight shift at their job. The two people living in Brook #2 were not home. The remaining people living in the Brook apartment complex were at work or engaged in self-directed community activities.</p>	Compliant

HCBS Rule requirement	Compliance status
<p>The setting allows people to have visitors at any time.</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 administration indicated that people can have visitors whenever they would like. We observed a visitor sign in which was requested by one person receiving services. Visitors are not required to sign-in.</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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administration indicated that some people work full time but on average people work around 20 hours a week. People work at fast food establishments, venues, and retail stores. Staff reported they accommodate people who work by providing/coordinating transportation, helping the person get ready for work, providing a flexible service schedule to accommodate their work schedule, providing reminders to pack meds and food, sometimes a wakeup call, bring overnight shift workers to the bus, and provide transportation if weather impacts their primary transportation choice (i.e. walking, biking, or bus).</p> <p>The administrator reported the bus stops running near Brook and Meadows have limited hours. There are certain work shifts people have where the bus times do not run early or late enough. In these situations, Options Residential works with each person to find solutions, such as staff picking up a person from work, creating a plan to call a taxi or working with the person to find a carpool option.</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 type="checkbox"/> Observation made during on-site visit</p> <p>Provider policy submitted during attestation complies with the HCBS rule requirements.</p>	Compliant

HCBS Rule requirement	Compliance status
<p>The setting provides people opportunities to access and engage in community life.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The administrator reported people go out on their own daily for work, visit friends and family, going to movies, spending time with friends, meet up in groups and gaming get-togethers. People go out in groups a few times a year and occasionally in small groups of two. These small groups happens organically, with people choosing who they want in their group or based on sign up.</p> <p>We observed staff creating next month's calendar during the onsite visit. We observed staff providing transportation to a person to attend a community event.</p> <p>See community engagement section for more information.</p>	Compliant
<p>The setting supports the person's control of personal resources.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>Provider policy submitted during attestation complies with the HCBS rule requirements.</p>	Compliant
<p>The setting ensures people's right to privacy.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>We observed that people put their personal belongings in their own apartments. People have private, lockable bedrooms.</p>	Compliant
<p>The setting ensures people's dignity and respect.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>We observed staff using their preferred names and support people to make choices</p>	Compliant

HCBS Rule requirement	Compliance status
<p>The setting ensures people’s freedom from coercion and restraint.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The administration indicated that there are no restrictions on when, how often or how long people can go out. They said that if someone does have restrictions it is written into their plan. We did not observe any signs of restricting people from freely coming and going from the setting. We observed individuals moving about inside and using transportation.</p>	Compliant
<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The administration indicated that staff will help find providers or request referrals if people ask or express interest, otherwise people have established their own choice of providers before moving in. The staff can help provide information to doctors about medications if asked and some people will ask for a staff to go with them to appointments. The administration indicated that people can choose to work, can choose to not participate in activities and that they can choose to go out in groups.</p> <p>The staff interviewed indicated that people have their choice in what they do, where they go, participating in activities and if they want to work. We observed staff coordinating transportation with a person so they could visit a local pet store.</p>	Compliant

Pictures of the HCBS setting

