

# HCBS Final Rule Evidentiary Package

## Dungarvin Eden Prairie 13



### Setting information

Setting name: Dungarvin Eden Prairie 13	ID number: 1070861
Street address: 12813 Pioneer Trail Eden Prairie MN 55324	Phone: 651-699-6050
Website, if applicable: <a href="https://www.dungarvin.com">Dungarvin</a> ( <a href="https://www.dungarvin.com">https://www.dungarvin.com</a> )	Date of site visit: 11/30/2018

## 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

Dungarvin Eden Prairie 13 is located in the metro area, in the suburb of Eden Prairie. Eden Prairie is located 12 miles southwest of Minneapolis. Eden Prairie has a population of 60,797 according to the 2010 U.S. Census. This home is located in a residential area near biking/walking trails, gas station/convenience stores, airport, schools, churches and parks.

There are three twin homes on a cul-de-sac that are Dungarvin settings. Dungarvin Eden Prairie 13 is in the same building as Dungarvin Eden Prairie 15 and collocated with Dungarvin Eden Prairie 29, 31, 45 and 47. Each home has separate entrances. Dungarvin Eden Prairie 13 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](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#](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 collocated 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><b>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings.</b></p> <p>There are three twin homes with six settings collocated owned and operated by Dungarvin. Each home has its own activities calendar that is created based on individualized interests and preferences. People are free to determine their daily schedule and participate in activities of their choice. Meals are not shared between the collocated settings. There are two (2) Dungarvin vehicles shared between the collocated settings. People are able to flexibly request transportation to access different community activities and resources.</p> <p>There are infrequent shared activities amongst the collocated settings. Shared activities consist of holiday celebrations, monthly birthday celebrations, group lunches and special events such as Chanhassen Dinner Theater. All activities are optional. Each individual setting's activities calendar contains the events that may be shared between the two settings. Shared activities are based on individual preferences and interests assessed annually.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>Describe the extent to which staff are scheduled to work with people at the other collocated setting (s) on the same shift.</b></p> <p>Dungarvin Eden Prairie 13 staff do not work at another setting during a shift. Shared between the six settings, there are flex staff who provide transportation on request for people across the six settings. This assists people to have increased flexibility to participate in community activities and spur-of-the-moment options.</p>

Determination	Summary
	<p>In addition to the flex staff, Dungarvin employs a separate float staff who works across the setting settings to provide back-up assistance to each setting. Float staff may assist with two-person transfers, support during staff transitions or transportation needs of a person to attend a community activity.</p> <p>Both the flex and float staff are cross-trained on each person’s person-centered plan and the HCBS rule.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>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.</b></p> <p>Staff interviewed reported that transportation options are discussed with people and staff train people on transportation options, including taxis, bus routes and Dungarvin transportation. Staff will assist people with coordinating taxis, determining the best bus route or other local resource or informal supports.</p> <p>There are two (2) Dungarvin vehicles shared between the collocated settings. People are able to flexibly request—prior schedule, upon request and as needed—transportation to access different community activities and resources. Other transportation options include Metro Mobility, taxi, Dial-a-Ride (Southwest Prime) or ride-hailing apps such as Lyft/Uber. There is a city bus route located nearby, primarily designed as a commuter route to enter into downtown Minneapolis.</p>

## Community engagement opportunities and experiences

The administrator reported each setting creates a setting-specific activities calendar based on individual interests and preferences. Activity bulletin boards with community events and the setting-specific calendars are posted in a central location in Dungarvin Eden Prairie 13. People are free to participate in planned activities and autonomously create their own daily schedule. Annually, people's interests and preferences are assessed to design new community engagement opportunities. Staff are trained to support people to identify community engagement opportunities and support people to access opportunities informally self-identified. Dungarvin created a community documentation strategy to assist staff in capturing data on each person's activities throughout the year to embed in the formal service planning that occurs annually and assist in facilitating future activity calendars.

Staff reported that people in this house are "night owls," and most activities are planned for afternoons or evenings based on their preferences. People are not restricted in time or day of activity. The flex staff will also transport person to community activities as needed.

Individual activities are supported and activities are planned based on the "Person Served Preference" document that is completed by each person and revised annually. People are informed of activities through an activity calendar, conversation with peers and staff and through their own research. People interviewed and staff reported community activities include:

- Shopping
- State Fair
- John Deere themed events
- Threshing Show
- Race track/casino
- Out to eat
- Fishing
- Family.

A person interviewed reported they enjoy wood projects such as making kid toys, bowls and fishing gear. A person interviewed likes to go fishing on their own, and the provider facilitates additional opportunities to support this interest. A person also reported that "staff do a good job" of coordinating and assisting with community activities. Other activities include cooking, baking, bingo, movie nights, hosting friends, card games, ice cream social and exercising.

## 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</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each person living at Dunganvin Eden Prairie 13 has a signed residency agreement. The residency agreement is reviewed annually, with a copy given to the person. A person can request another copy or explanation of his/her right at any time.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each person at the setting has privacy in his/her sleeping or living unit, including a lockable door.</p>	Compliant
<p>The setting facilitates that a person, <b>who shares a bedroom</b>, 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>Each person has his/her own individual bedroom. A person interviewed reported they do not share their 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</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<input checked="" type="checkbox"/> Observation made during on-site visit  It was observed that each bedroom is furnished and decorated differently. A person interviewed reported that they were able to decorate and furnish their bedroom as they wished.	
The setting provides people the freedom and support to control their daily schedules including access to food at any time.  <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit  A person interviewed reported that they can set their own daily schedule and that there are snacks available whenever they want. The administrator reported that people can get something to eat outside of meal times and that staff solicit input from people for what they would like on the menu. Staff reported that the kitchen is always open.	Compliant
The setting allows people to have visitors at any time.  <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit  No visitors were observed at the time of the site visit. There is no sign-in log, posted visitor hours or a restricted visitor meeting area. A person interviewed reported that they can have visitors at any time.	Compliant
The setting provides opportunities for people to seek employment and work in competitive integrated settings.  <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit  Staff report that no people are currently working. The agency policy reflects an annual assessment of people's interests in seeking integrated competitively paid employment. Staff are trained to provide flexible scheduling and activities during times that complement a person's work schedule. Staff support employment by providing/coordinating transportation to work, helping the person get ready for work and providing a flexible service schedule. The provider	Compliant

HCBS Rule requirement	Compliance status (please select)
will collaborate with the person's support team when the person expresses interest in work.	
<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>No visible signs or forms of restriction to people entering or leaving the setting were observed during the site visit. A person interviewed reported that the home is physically accessible, and they are able to access all common rooms at any time.</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>See the 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 can spend money however they want.</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>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door. People have a choice where to receive cares.</p>	Compliant
<p>The setting ensures people's dignity and respect.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<input checked="" type="checkbox"/> Observation made during on-site visit  It was observed that staff called people by name and knocked before entering bedrooms.	
The setting ensures people’s freedom from coercion and restraint.  <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit  There were no signs of coercion or restraint observed during the on-site visit. People were moving about inside and outside the setting. The staff and administrator reported that there were no restrictions on when, how often or how long people can go out.	Compliant
The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.  <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit  One person reported they collect cans to deposit at the recycling center for additional funds to purchase personal items. Staff reported that people are able to choose activities they would like to participate in, and if they do not wish to participate in a group activity, they are able to stay at home. They are able to choose who will participate in activities with them. To help coordinate activities that each person would like to participate in, staff reported that they transport people to activities.	Compliant

# Pictures of the HCBS setting

