

# HCBS Final Rule Evidentiary Package

## Dungarvin Eden Prairie 31



### Setting information

Setting name: Dungarvin Eden Prairie 31	ID number: 1070863
Street address: 12831 Pioneer Trail Eden Prairie, MN 55347	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 31 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 31 is in the same building as Dungarvin Eden Prairie 29 and collocated with Dungarvin Eden Prairie 13, 15, 45 and 47. Each home has separate entrances. Dungarvin Eden Prairie 31 serves three 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](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 31 staff do not work at another setting during a shift. Shared between the six settings, there are flex staff who provide transportation upon 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> <p>Staff interviewed reported that a list of transportation options is available at the house. Options are discussed with people, and staff train them on transportation and will transport them to activities. If other transportation is needed, staff will arrange it.</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 Dunganwin Eden Prairie 31. 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. Dunganwin 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 will assist people to research opportunities that align with their preferences, help people identify community engagement opportunities and support people to access opportunities informally self-identified. Staff reported that people in this house are "more introverted." People are not restricted in time or day of activity. The flex staff will also transport people to community activities as needed. People interviewed and staff reported community activities include:

- Movies
- Restaurants
- Shopping
- Theater
- Events/activities with friends and family
- Race track/casino.

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. Staff reported that people in this house are very social and are vocal in stating preference for activities. In the site visit, a house calendar as well as a group calendar was observed. 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>A person interviewed reported having a written lease or residency agreement.</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  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 on a regular basis. Staff reported that there is “free access to food.” A person interviewed reported they have access to snacks at any time.	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  Visitors are allowed at any time. 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. After 11 p.m., people are requested by their peers to respect quiet hours.	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 none of the 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	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>providing/coordinating transportation to work, helping the person get ready for work and providing a flexible service schedule. The provider will collaborate with the person’s support team when the person expresses interest in work.</p>	
<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 setting was physically accessible and that they can access all areas.</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>Staff reported the people currently living in the home are “introverts.” Staff encourage people to participate in the activities coordinated and the community events identified during the activities calendar development. Community events that staff reported people participate in include going shopping, out to eat, visiting friends, movies and the theater. Staff reported that they offer activity options to people and that people are more active in the summer (when they can be outside) than in the winter. The flex staff will transport people to community activities.</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>	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>A person interviewed reported that they are able to access personal resources and manage their own funds.</p>	
<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.</p>	Compliant
<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>It was observed that staff called people by name and knocked before entering bedrooms. A person interviewed reported the care as better than expected.</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>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.</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>Staff reported that people at Dungarvin Eden Prairie 31 are able to choose activities that they would like to participate in, and if they do not wish to participate in a group activity, they are able to stay at</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<p>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 offer options and will transport to activities.</p> <p>A person interviewed feels a strong connection to their tribal nation and participates in tribal community as often as possible. Staff provide support to ensure this person has opportunities to connect with her community.</p>	

### Pictures of the HCBS setting

