

# HCBS Final Rule Evidentiary Package

## Dungarvin Hiawatha 00



### Setting information

Setting name: Dungarvin Hiawatha 00	ID number: 1070870
Street address: 2500 33rd St E Minneapolis, MN	Phone: 651-699-6050
Website, if applicable: <a href="https://www.dungarvin.com/locations/minnesota/">Dungarvin</a> ( <a href="https://www.dungarvin.com/locations/minnesota/">https://www.dungarvin.com/locations/minnesota/</a> )	Date of site visit: 10/26/2018

## 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

Dungarvin Hiawatha and its collocated settings are located in the metropolitan city of Minneapolis. Located in Hennepin County, its population was estimated at 422,331 according to the 2017 U.S. Census.

The Dungarvin Hiawatha 2500 setting is a single-family home. There are six additional settings collocated. All settings are located nearby other private residences.

Dungarvin Hiawatha 00 provides services to four people, and all are on HCBS waiver programs.

## 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 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><b>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings.</b></p> <p>The site administrator identified that the shared programming between the settings is very limited. There are two vans shared between the seven colocated Dungarvin Hiawatha settings, but people tend to get rides individually versus in groups. Each setting has its own menu, and a staff identified that meals are only shared occasionally if a person invites a person from another house over to eat with them. A few shared activities are scheduled each year, including barbeques and holiday parties.</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 colocated setting (s) on the same shift.</b></p> <p>According to the interviewed administrator, there is one staff assigned to each of the colocated Dungarvin Hiawatha locations and one float staff who is cross trained in all settings who goes between the settings during their shift.</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>There are two vans that are shared between the seven colocated settings. Most transportation is identified as being with one individual at a time. Metro mobility, public transportation (bus and light rail) and rides with family members are also identified as being commonly used methods of transportation.</p> <p>Dungarvin has an optional transportation and community safety education class that people at this setting can attend. The class offers trainings and updates on ease of transportation, public transportation and general travel in the area for anyone who is interested in participating.</p>

## Community engagement opportunities and experiences

The site administrator reported that people at this setting are “not much for group activities. Most people are out on their own.” The setting’s interviewed staff member reported that they had not experienced people going out in a group during the month that they had been working at the setting. People were identified as typically going and participating in activities on their own or with family.

The setting maintains a monthly calendar of activities supported by the provider. The operational manager meets with each of the people living at this setting to complete a short questionnaire to see what activities they would like prior to developing the calendar for this setting.

Some community activities that people have participated in include:

- Twins game
- Minnesota State Fair
- Minnehaha Falls
- Bowling
- Coffee shop
- Somali Museum of Minnesota
- Art fair.

At this setting, family frequently comes over to provide transportation and do activities. People are independent in making their schedules, including things like shopping and going out.

## 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><b>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	Compliant

<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</b></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>Locks were observed on all the bedroom doors.</p>	<p>Compliant</p>
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>
<p><b>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</b></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>People’s bedrooms were observed to be decorated based on their personal preferences.</p>	<p>Compliant</p>
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</b></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 report that the people who reside at the setting all have very individual preferences in what they do with their time, and staff work to accommodate those preferences. Food is consistently available.</p>	<p>Compliant</p>
<p><b>The setting allows people to have visitors at any time.</b></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 site administrator reported that there are no restrictions of when or where people are allowed to have visitors at the setting. The only noted restriction is the leases stating a limitation on the number of days per year that people can have overnight guests.</p>	<p>Compliant</p>

<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b></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 will assist people as needed to obtain or maintain employment in the community, including providing transportation assistance.</p>	<p>Compliant</p>
<p><b>The setting is physically accessible to the individual.</b></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 site administrator reported that most people who reside at the collocated Dungarvin Hiawatha settings use wheelchairs and that the settings are fully accessible to them.</p>	<p>Compliant</p>
<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>The site administrator noted that most of the people who reside at the Dungarvin Hiawatha settings have made connections with each other. The operational manager reported that engagement in community life “depends on the person. Some are gone all the time; some have no desire to get out.”</p> <p>Staff will assist people in getting into the community, as people are interested, providing assistance with learning/using available transportation or providing rides. The operational manager also noted people will often teach or assist each other to use public transportation versus relying on the staff.</p>	<p>Compliant</p>
<p><b>The setting supports the person’s control of personal resources.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>
<p><b>The setting ensures people’s right to privacy.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>

<p><b>The setting ensures people’s dignity and respect.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>
<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Compliant</p>
<p><b>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</b></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>Schedules and activities appear to vary greatly by person at the setting. There are very few scheduled activities; much of the daily structure appears to be established by people for themselves based on their interests and needs.</p>	<p>Compliant</p>

**Pictures of the HCBS setting**



