

# HCBS Final Rule Evidentiary Package

## Dungarvin Hiawatha 30



### Setting information

Setting name: Dungarvin Hiawatha 30	ID number: 1070856
Street address: 3230 Hiawatha Ave S 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 30 setting is a single-family home. There are six additional settings collocated. All settings are located nearby other private residences. Dungarvin Hiawatha 30 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)

**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 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>The site administrator identified that the shared programming between the settings is very limited. There are two vans shared between the seven collocated Dunganvin 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</p>

	<p>activities are scheduled each year, including barbeques and holiday parties.</p>
<p><input checked="" type="checkbox"/> Met  <input type="checkbox"/> Unmet  <input type="checkbox"/> Not applicable</p>	<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>According to the interviewed administrator, there is one staff assigned to each of the collocated Dungarvin Hiawatha locations and one float staff who is cross trained in all settings and goes between the settings during their shift.</p>
<p><input checked="" type="checkbox"/> Met  <input type="checkbox"/> Unmet  <input type="checkbox"/> Not applicable</p>	<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, which are shared between the seven collocated 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

A staff member reported that they work to spend time with people, asking questions and learning what they like and prefer to do, then encouraging them to participate in activities related to their interests. However, they also identified that most people, due to health conditions, like to stay in bed, watch movies or TV and do not prefer to access the community frequently. When asked about activities that they enjoy participating in, one person who resides at the setting reported, “Not too many; I’m a very inactive resident by choice and most of the time staff respect that choice.”

Some community activities that people do participate in include:

- Trips to Target
- Going to the barber shop
- Walks
- Shopping
- Minnehaha Falls
- Art fair.

## 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>Bedroom doors were observed to have keyed locks.</p>	Compliant

<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>No shared bedrooms were observed or reported.</p>	Compliant
<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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>People are able to furnish and decorate their bedrooms based on their personal tastes and preferences.</p>	Compliant
<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 reported that food is available for people any time they request it. The only potential delay if the staff member is busy providing care to another person and needs to complete what they are doing.</p>	Compliant
<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>No restrictions were observed or reported on people’s ability to have visitors at the setting. The site coordinator reported that there are restrictions in the lease regarding how frequently people are allowed to have guests spend the night.</p>	Compliant
<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 type="checkbox"/> Observation made during on-site visit</p>	Compliant
<p><b>The setting is physically accessible to the individual.</b></p>	Compliant

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The setting was observed to be physically accessible to the people who reside there.	
<p><b>The setting provides people opportunities to access and engage in community life.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Staff identified that many of the people residing at the setting prefer to remain at the setting versus going into the community but that they offer opportunities whenever they find things of interest.	Compliant
<p><b>The setting supports the person’s control of personal resources.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p><b>The setting ensures people’s right to privacy.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p><b>The setting ensures people’s dignity and respect.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p><b>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</b></p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit People are able to determine their own schedules and engage in activities of their choosing.	Compliant

# Pictures of the HCBS setting

