

HCBS Final Rule Evidentiary Package

River Oaks Residence, Supported Living Services



Setting information

Setting name: River Oaks Residence, SLS	ID # 1073268
Street address: 16121 160th St. NE Thief River Falls, MN	Phone: 218-681-1278
Setting website, if applicable: River Oaks Residence (https://www.johnsonsriverside.com/)	Date of site visit: 9/17/2018

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 checked="" type="checkbox"/> Developmental Disabilities (DD)	Adult Foster Care and Supported Living Services (SLS)

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 receiving Medicaid HCBS waiver services.

General summary

River Oaks Residence, SLS is a community residential setting that provides adult supported living services (SLS) and foster care. The setting is located 2 miles from the town of Thief River Falls MN.

Thief River Falls is located approximately 70 miles (110 km) south of the Canada–United States border and 52 miles (84 km) northeast from Grand Forks, North Dakota, in the northwest region of Minnesota.

The population in Thief River Falls was 8,573 at the 2010 census. River Oaks Residence is a single-family home located among other single-family homes. River Oaks Residence, River Bend Residence and Johnson’s Riverside SLS are on adjoining properties.

There are 4 people served through the CADI and DD waivers residing at River Oaks residence.

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 services (DD waiver) providers must be licensed under [Minnesota Statutes Chapter 245D](#)
- Adult foster care (Elderly Waiver and Alternative Care program) providers must meet the licensure requirements found in [Minnesota Rules, parts 9555.5050 – 9555.6265](#) and [Minnesota Statutes Chapter 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.

See the [CBSM adult and child foster care service page](#)
(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.

See the [CBSM residential habilitation service page](#)
(http://www.dhs.state.mn.us/main/id_048987#)

Prong 3 settings

Meaningful distinction between co-located HCBS Setting

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.</p> <p>River Oaks Residence, River Bend Residence and Johnson’s Riverside have females of the same ages that enjoy spending time together and do so by their own choosing. Weekly on Mondays, some of the people go to horseback riding lessons. Two of these people are from Johnson’s Riverside, and one of them is from River Bend. A staff from one of the two facilities will take them to lessons and will pick them up when the lessons are completed.</p> <p>Weekly, on Tuesdays, there is bowling that some of the people from Johnson’s Riverside, River Oaks and River Bend Residence attend together. One person from River Bend, one person from River Oaks and three to four people from Johnson’s Riverside also attend bowling. There are times the group will take a bus together to the bowling alley and times they will drive separately.</p> <p>Occasionally there are shared meals; one home will bring a couple of dishes, as will the other home. This does not happen often (usually when short-staffed).</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 collocated setting (s) on the same shift.</p> <p>During short periods of time, if there is a staffing shortage and the home is waiting for a relief staff to come in, the homes will get together and participate in activities or movie nights. This is very sporadic and unpredictable. All staff are cross-trained to provide emergency back-up as needed.</p>
<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</p>

	<p>avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p>
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River Oaks Residence has a program van that is used to assist people with transportation in groups and individually. People living there also use public transportation (Tri Valley) and family.

Community engagement opportunities and experiences

People individually choose activities in which to participate by receiving information through community activity brochures, fitness center activities, bulletin board, Facebook, radio and word of mouth. Community activity options are written on a monthly calendar, and people decide what they would like to participate in. There are also weekly house meetings to discuss what people would like to participate in for the upcoming week and weekend to make sure activities meet their preferences. It was reported that people participated in community activities at least two times per week.

Some community activities people participate in include:

- Sporting events
- Movies
- Special Olympics
- Newfest
- Goosefest
- Consignment stores
- Annual holiday train
- Movies
- Going out to eat (Dairy Queen was specifically mentioned by a person interviewed).

People interviewed reported they participate in community activities as often as they would like to. It was reported that one resident goes to AA meetings on their own. People also frequently go to their friends' houses and visit with family.

It was evident in observation and interviews with people, staff and the administrator that person-centered practices are at the forefront of service delivery by:

- Respecting and honoring the things each person thinks are important and encouraging informed choice and creativity
- Supporting activities are flexible and work around the person's preferred schedule
- Encouraging people to share ideas and make choices about setting activities based on their own personal preferences and interests
- Ensuring people have opportunities and supports they need to be fully included in their community, individually and in groups, as desired
- Assisting people with developing meaningful relationships with other members of the community.

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 type="checkbox"/> Observation made during on-site visit</p> <p>Each person living at River Oaks Residence has a signed 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 living at River Oaks Residence was observed to have a standard keyed bedroom door lock. Each person is provided his/her own key for his/her own individual room.</p>	Compliant
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, 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.</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>	Compliant

<p>People living at River Oaks Residence are encouraged to decorate their own bedrooms as they wish. One person loves trains, and he has trains in his room. His room is decorated in a train theme.</p> 	
<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>People were observed to be coming and going during the on-site visit.</p>	Compliant
<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 type="checkbox"/> Observation made during on-site visit</p> <p>One person interviewed was asked if he can have visitors at any time and he reported, “yes, I can be with friends and have them to my house.”</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 type="checkbox"/> Observation made during on-site visit</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 checked="" type="checkbox"/> Observation made during on-site visit</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 community engagement section above.</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 type="checkbox"/> Observation made during on-site visit</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 type="checkbox"/> Observation made during on-site visit</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>During the on-site visit, it was observed staff were attentive and very respectful to people.</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>During the on-site visit, there were no visible signs of coercion and restraint.</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>During the on-site visit, people were observed to be coming and going.</p>	<p>Compliant</p>
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Pictures of the HCBS setting



Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from Aug. 5, 2019 to Sept. 4, 2019, before submitting settings to the Centers Medicare & Medicaid Services (CMS) for heightened scrutiny.

We sought public comments using the following methods:

- Evidentiary packages posted online on the [Home and Community Based Services Rule transition plan page](#)
- Evidentiary packages specific to each setting posted in a common area of the setting
- Notice of public comment period via [Aug. 5, 2019, eList announcement](#)
- Notification to lead agencies via regional resource specialists
- Notification to providers via email
- Notification to managed care organizations and Area Agencies on Aging (AA) via email
- Notification to long-term care ombudsman office via email
- Disability Hub MN virtual insight panel.

Minnesota's recommendation

Date of recommendation: 10/1/2019

Minnesota supports that this setting overcomes the institutional presumption and meets the requirements of a home and community-based setting. Provider is required to maintain on-going compliance with all HCBS requirements.