

HCBS Final Rule Evidentiary Package

Ebenezer Martin Luther Campus – Adult Day Center



Setting information

Setting name: Martin Luther Campus – Adult Day Center	ID # 1045460
Street address: 1301 100 TH St. E, Bloomington, MN	Phone: 952-948-5154
Setting website, if applicable: Martin Luther Campus Adult Day Center (http://www.martinluthercampus.com/adult-day-programs.html)	Date of site visit: 3/21/2018

Waiver service type

Waiver service	Service type:
<input checked="" type="checkbox"/> Alternative Care (AC) <input checked="" 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 Day Service

Reason for heightened scrutiny

Prong type	Category	Type of setting
Prong 1 Located in a Public or Private Institution	Name of Institution	Name of Institution Martin Luther Care Center – Nursing Facility

Note: The term people/person (resident for residential settings) refers to people receiving Medicaid HCBS waiver services.

General summary

The Martin Luther adult day program is located in metropolitan Minnesota where community activities, shopping, public transportation and other public venues are accessible and within close proximity (churches, parks, retail businesses).

Martin Luther adult day serves 10 older adults and people with disabilities, providing entertainment, lifelong learning activities, intergenerational programming and a variety of offsite community activities on a regular basis.

Adult day provider standards/qualifications

Licensure requirements and other state regulations for adult day services clearly distinguish these services/settings from institutional licensure or regulations.

Adult day services provided in center-based facilities are directly licensed by the Department of Human Services. Adult day services serve functionally impaired adults on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence.

Adult day service definitions that support the setting requirements

Minnesota's Community Based Services Manual (CBSM) provides the following requirements for [Adult day services](#):

(http://www.dhs.state.mn.us/main/id_002205#)

Adult day services must:

- Be based on the person's assessed needs
- Be directed toward the achievement of specific outcomes identified in the person's support plan

- Offer opportunities to participate in community groups (e.g., senior citizen centers or clubs, generic service organizations, adult education)
- Provide age-appropriate tasks and materials
- Provide community integration opportunities to enhance the person’s social and physical interaction with people without disabilities
- Provide the supports necessary either to maintain or improve the person’s ability to care for him or herself.

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and 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>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The Martin Luther Campus Adult Day Center is located in the lower level of Martin Luther Care Center, a nursing facility. Staff are hired by Martin Luther Adult Day administration and receive adult day specific employee orientation and ongoing training.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff; (staff training materials that speak of the need to support individuals’ chosen activities), (person centered planning) (the staff is trained specifically for home and community-based support in a manner consistent with the HCB settings regulations.)</p> <p>Nursing facility staff do not provide occasional support or back up to the HCBS staff at the Martin Luther Campus Adult Day Center.</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 facility setting, to the exclusion of other options; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>There are a variety of transportation options used by the people receiving services at Martin Luther Adult Day Center. The adult day program has 3 vans that are used between 2 adult day programs for transporting people to and from the program and to provide access to community events/activities. People also use Metro Mobility and family</p>

	members for transportation. For program community activities, they have been using the campus van.
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</p> <p>People receiving Adult Day services access the adult day program through a separate and distinct entrance in the lower level of the building.</p>

Community engagement opportunities and experiences

People are asked about interests and preferences regarding onsite and offsite activities every 3 months (during care conference). During care conferences they review what they have done during the past 3 months and discuss with people what they would like to continue to do or if there is anything new they would like to try. Community activities are planned with the input of people receiving services. At the end of each month, people are asked what activities/events they are interested in to help develop a monthly activity calendar. People are also able participate in small group community events to accommodate interests and preferences. For example some people were very interested in going to the Prince Experience, while others stayed onsite to participate in other program related activities.

Staff and people receiving services reported that off-site community activities are planned at least one time per week. The off-site activities are also listed on the monthly calendars. Staff noted that they check in with people on a regular (weekly/daily) basis on their preferences related to daily activities.

People participating in the adult day services are made aware of activity options on a monthly and daily basis. The setting utilizes the following methods to inform people of their options including:

1. Daily activity options are written on a dry erase board located in the common area
2. Monthly calendars are printed for people to take/look at

There are 3 part time volunteers dedicated to the adult day program. Volunteers assist with onsite and offsite activities.

Community activities mentioned by administration, staff and people receiving services include:

- Air museum
- Baseball games
- History theater
- Restaurants
- Heritage Center
- James J. Hill House

- Bowling
- Brewery
- Movie Theater
- Picnics
- Summer music concerts.

It was observed that people are offered a variety of activities to participate in on a daily basis, people have choice of what to participate in and schedules are varied between each person attending. Onsite activities include baking, crafts, intergenerational programming, current events and musical performances. In addition to group activities (crafts, games, social club), Martin Luther adult day also offers the option for people to choose solitary activities (puzzles, coloring, iPad/iPod, books). If someone chooses not to participate in a community activity, they either change the schedule for the week or stay back with staff.

Martin Luther adult day has walking paths and an outdoor patio that is accessible to people receiving adult day services.

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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<p>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<p>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>

<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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<p>The setting allows people to have visitors at any time.</p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Policy and procedures related to providing opportunities for people to seek employment documents the following:</p> <ul style="list-style-type: none"> • Staff will assist as needed with arranging appropriate rides for participants that are going to employment. • Activities in the adult day center may need be changed if participant wants to participate and is at work at the time. This may not occur if it is an outside vendor coming in at a certain time such as entertainment, but changes may be made with other activities such as exercise, if it does not make a hardship for the majority of the adult day participants <p>One person interviewed is actively pursuing a job in the community. The adult day program director and staff were both aware of her desire to work and have assisted her by coordinating with her case manager and residential program. The program director and staff reported that another person volunteers part time at VEAP food shelf.</p> <p>Another person interviewed reports she is retired. It was reported by the program director that most people are over the age of 65 and have chosen to retire.</p>	<p>Compliant</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>Some people in the program were observed accessing different areas of the settings using wheelchairs and walkers.</p>	<p>Compliant</p>
<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>Policy indicates that people are offered opportunities to participate in a variety of recreation/leisure activities while attending our adult day program. People are also encouraged to contribute ideas for future activities and outings. These activities are designed to promote and stimulate intellectual, physical, recreational and spiritual well-being, and accommodate personal interests of current participants. Information is provided to people prior to admission and as needed of services available onsite medical and therapeutic services as well as a reminder that they have the right to choose use of offsite services if they prefer. Interviews with people receiving services confirmed that they have opportunities to contribute ideas for community activities on a monthly basis.</p>	<p>Compliant</p>
<p>The setting supports the person’s control of personal resources.</p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Ebenezer Adult Day does not provide personal resource management.</p>	<p>Compliant</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>Direct care staff and people receiving services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint.</p> <p>A separate room was observed that people can use to meet with family or visitors in private, as needed.</p>	<p>Compliant</p>

<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>Direct care staff and people receiving services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint. Respectful treatment of people served was observed during the site visit.</p> <p>People also reported in their interviews that they enjoyed participating in the program.</p>	<p>Compliant</p>
<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>Direct care staff and people receiving services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint. Respectful treatment of people served was observed during the site visit.</p>	<p>Compliant</p>
<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>Policy indicates that people receiving services known interests and strengths are taken into consideration by the program director and staff when developing the monthly calendar and that each person may choose which activities to participate in or choose not to participate. Independent activities offered to people that choose not to participate in group activities. This was verified by staff and interviews with people.</p>	<p>Compliant</p>

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 for 30 days (Feb. 6-March 7, 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 [Feb. 6, 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: 4/1/2019

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.