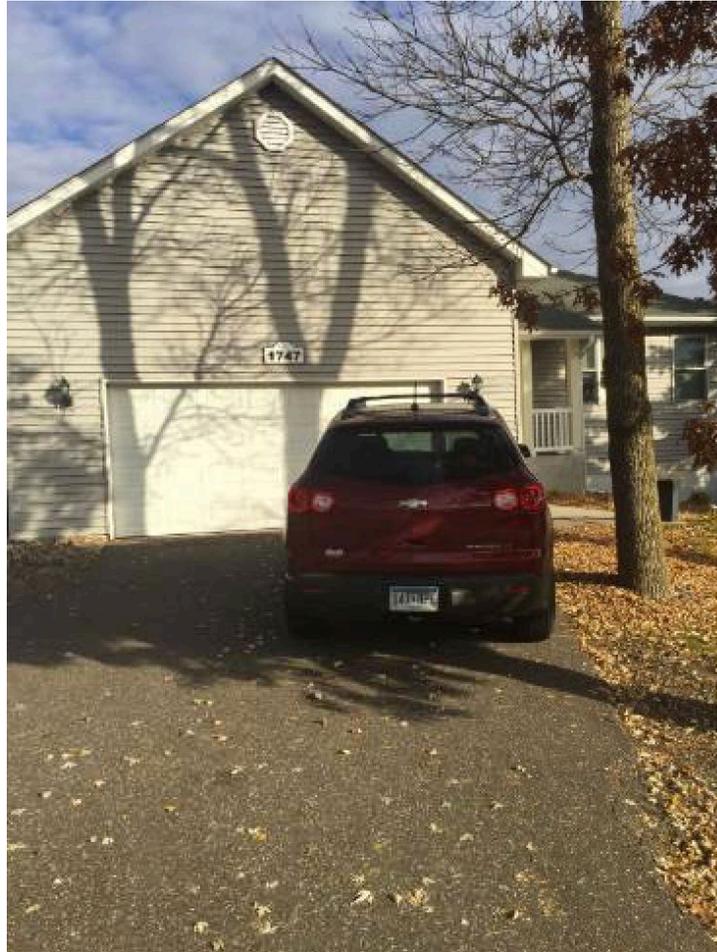


# HCBS Final Rule Evidentiary Package

## Gervais 1747



### Setting information

|   |                               |
|---|-------------------------------|
| Setting name: Gervais 1747                              | ID number: 25241              |
| Street address: 1747 Gervais Ave<br>Maplewood MN, 55109 | Phone: 218-348-2289           |
| Website, if applicable: N/A                             | Date of site visit: 11/2/2018 |

## Waiver service type

| Waiver service   | Service type      |
|--|-------------------|
| <input type="checkbox"/> Alternative Care (AC)<br><input type="checkbox"/> Elderly Waiver (EW)<br><input checked="" type="checkbox"/> Brain Injury (BI)<br><input checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI)<br><input type="checkbox"/> Community Alternative Care (CAC)<br><input type="checkbox"/> Developmental Disabilities (DD) | Customized living |

## 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<br><br>Multiple same street |

Note: The term people/person (resident for residential settings) refers to people who receive Medicaid HCBS waiver service(s).

## General summary

Gervais 1747 is located in a residential area in a suburb of St. Paul (Maplewood, MN) with a population of about 40,000. The setting is a single-family home located on the same street, but not adjacent to, another home operated by the same provider (Gervais 1729). It serves five people under the BI and CADI customized living 24-hour waiver service. The setting is close to retail stores, restaurants and public transportation.

## Customized living provider standards/qualifications

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

Customized living services are provided in housing-with-services establishments with the service provider directly licensed as a comprehensive home care provider by the Minnesota Department of Health. Customized living services provide an individualized package of regularly scheduled health-related and supportive services provided to a person who resides in a qualified, registered housing-with-services establishment.

## Customized living service definitions that support the setting requirements

Customized living (CL) and 24-hour CL services include component services designed to meet the person's assessed needs and goals. Individualized CL services may include supervision, home care aide tasks (e.g., assistance with activities of daily living), home health aide tasks (e.g., delegated nursing tasks), home management tasks, meal preparation and service, socialization, assisting people with arranging meetings and appointments, assisting with money management, assisting people with scheduling medical and social services and arranging for or providing transportation. If socialization is provided, it must be part of the service plan, related to established goals and outcomes and not diversional or recreational in nature.

For more details about the component services, including what is covered and distinctions between each, see [Customized Living Component Service Definitions, DHS-6790H \(PDF\)](https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6790H-ENG) (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6790H-ENG>).

Minnesota's Community-Based Services Manual (CBSM) provides the following requirements for customized living services: [CBSM page for customized living services](http://www.dhs.state.mn.us/id_001787#) ([http://www.dhs.state.mn.us/id\\_001787#](http://www.dhs.state.mn.us/id_001787#))

## 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<br><input type="checkbox"/> Unmet<br><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 (i.e., how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level:</b></p> <p>The administrator reported the two homes share programs a few times a year. Examples include bingo nights and a Halloween party. Otherwise, the homes have separate activity calendars and do not interact. The site visitor observed different activity calendars in each home.</p>  |
| <input checked="" type="checkbox"/> Met<br><input type="checkbox"/> Unmet<br><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>The administrator and staff reported staffing is separate.</p>   |
| <input checked="" type="checkbox"/> Met<br><input type="checkbox"/> Unmet<br><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>A variety of transportation options are available. The administrator reported the two homes share a van for activities. Other transportation options include Metro Mobility, public bus, family, volunteer drivers, taxi/Uber and bicycle. The site visitor did not observe transportation options posted but was told people keep that information in their phones.</p> <p>A person interviewed reported, “the staff help [with transportation], but I don’t always need it.”</p> |

## Community engagement opportunities and experiences

The setting has monthly meetings, as well as one-on-one conversations with people to discuss activities and outings for the upcoming month. Each person can choose which activities to take part in. A person interviewed reported they usually prefer to stay home and are able to make that choice. A person interviewed reported there is an activity calendar, “but [I] forget to look.” This person generally prefers to stay home but goes out into the community weekly to shop, eat out and do things with their sister.

The administrator reported some people go out into the community every day, and others go much less often; it depends on each person’s interests and preferences. A staff person reported people at this setting do things in the community at least weekly, usually on their own and rarely in a group. One person at this setting volunteers at a nursing home two or three times a week, and another person rides their bike every day.

Activities in the community include:

- Walmart
- Circus
- Thrift store
- Theater and live performances
- Picnics
- Coffee shops
- Movies
- Birthday dinners
- Bingo
- Volunteering
- Zoo
- Biking.

## 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.

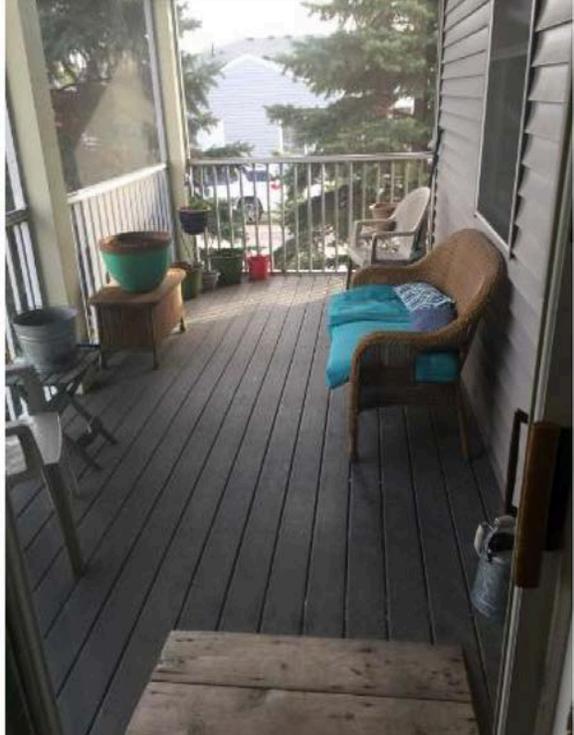
| HCBS Rule requirement   | Compliance status (please select) |
|---|-----------------------------------|
| <p>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported they have a lease.</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>A person interviewed reported they can lock their bedroom 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>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> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p>   | Compliant                         |

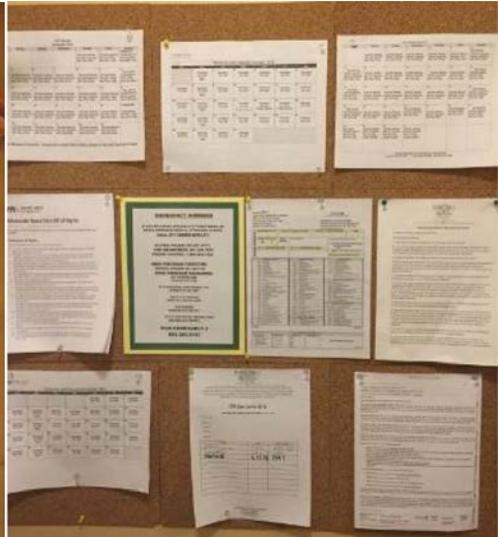
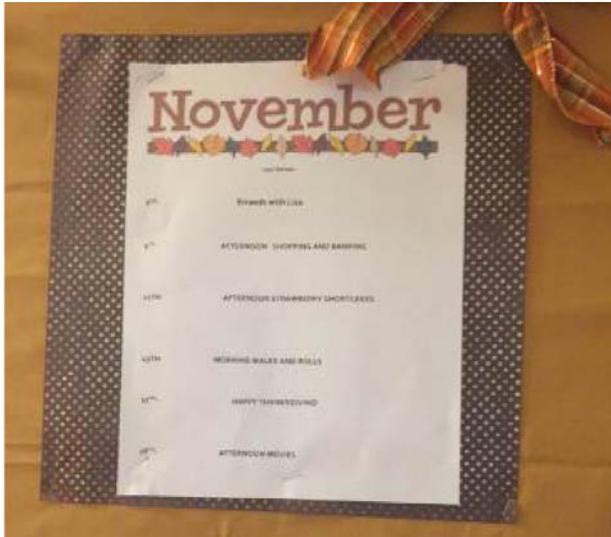
| HCBS Rule requirement   | Compliance status (please select) |
|---|-----------------------------------|
| <p>A person interviewed reported they can decorate their bedroom. The site visitor observed people can furnish their rooms according to preference.</p>   |                                   |
| <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>A person interviewed reported they can get snacks when they want.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported they do not have any concerns about when visitors can visit. The person reported their sister visits them regularly.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administrator reported no one at this setting works, but one person volunteers at a nursing home. The staff person reported that they have conversations about working. The agency policy reflects they provide flexible scheduling and activities during times that complement a person's work schedule. The life enrichment manager meets with all residents within a week of moving in and on an ongoing basis thereafter. Obtaining employment is discussed at this time, and when a person does not express an interested in employment or is unable to obtain employment, the option of working will be discussed again within 90 days. The provider will collaborate with the person's support team when the person express interest in work.</p> | Compliant                         |

| HCBS Rule requirement   | Compliance status (please select) |
|---|-----------------------------------|
| <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>A person interviewed reported the setting is accessible to them. The site visitor observed people moving freely about the home.</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>A person interviewed reported they go out to eat, shopping, and to do things with their sister. The site visitor observed people coming and going.</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> <p>A person interviewed reported they manage their own money.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>A person interviewed reported they can lock their bedroom 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>The site visitor observed staff treating people with dignity and respect.</p>  | Compliant                         |

| HCBS Rule requirement   | Compliance status (please select) |
|---|-----------------------------------|
| <p>The setting ensures people’s freedom from coercion and restraint.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>There were no signs of coercion or restraint observed during the on-site visit. People were moving about inside and outside the setting.</p>  | Compliant                         |
| <p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li> <li><input checked="" type="checkbox"/> Observation made during on-site visit</li> </ul> <p>A person interviewed reported they are allowed to "just go and do it."<br/>A staff person reported each person can choose whether to take part in activities.</p> | Compliant                         |

**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.