

HCBS Final Rule Evidentiary Package

Jan's Place



Setting information

Setting name: Jan's Place	ID number: 1072332
Street address: 722 S. Gorman Ave. Litchfield, MN	Phone: 320-221-3857
Website, if applicable: Jan's Place (https://www.thrivebehavioralnetwork.com/jans-place)	Date of site visit: 10/10/2018

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

Jan's Place is located in the city of Litchfield in central Minnesota. The population was 6,726 at the 2010 census. Jan's Place is located in a residential neighborhood, within five minutes of retail businesses.

The Jan's Place setting is located in a single-family home, next door to the Windsor House setting. Jan's Place provides services to four people, all 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 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#)

Adult foster care for people on the Elderly Waiver/Alternative Care program:

See the [MHCP Provider Manual adult foster care service page](#)
(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>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings:</p> <p>Staff report there is no shared programming between Jan’s Place and its colocated setting, Windsor House. It was reported they will occasionally, but not regularly, attend a community support program to have opportunities to develop social support networks.</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 colocated setting (s) on the same shift:</p> <p>It was reported staff do not work at the colocated settings during a shift. An administrator reported there are staff trained to work at both settings; however, they do not do so during the same shift.</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:</p> <p>The setting has a van available to this home when public transportation is limited. The lead staff will help set up rides if needed, such as volunteer drivers or work the appointments/activities around when the house van is being used.</p>

Community engagement opportunities and experiences

People at Jan's Place choose their own schedule, which typically results in more of a structured routine and arranging their weeks around events happening on certain days. There are generally two staff working during the day, which usually allows them to provide 1:1 staffing if someone has an impromptu request for an activity that no one else wants to attend. A person interviewed reported their activities are primarily based off a routine so staff know those decisions, but they are able to tell staff if they want to do something different.

Some community activities people participate include:

- Shopping
- Bingo
- Going out of town for dinner once a month
- Cook and Boogie - every other week one person cooks a meal (of their choice) for the whole house
- Going to the apple orchard
- Attending church.

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 (i.e., people are not following a "set 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>	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>Keyed locks were observed on each of the bedroom doors.</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 type="checkbox"/> Observation made during on-site visit</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> <p>Family pictures, different types of bedding, arrangement of furniture and decorations on the walls were observed to be different for each person.</p>	Compliant
<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>	Compliant

<input type="checkbox"/> Observation made during on-site visit Each person has his/her own food, and people are allowed to take snacks from the fridge at any time. Staff are trained to accommodate both a person’s right to access food at any time and monitor for health changes when people have a special diet based on individual needs.	
The setting allows people to have visitors at any time. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit No restrictions were observed or reported on when people are allowed to have visitors.	Compliant
The setting provides opportunities for people to seek employment and work in competitive integrated settings. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
The setting is physically accessible to the individual. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit The house is accessible to the people residing at the setting.	Compliant
The setting provides people opportunities to access and engage in community life. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Two staff are scheduled to work at the setting during the day, providing options for some to stay back and others to go to activities of interest/need in the community.	Compliant
The setting supports the person’s control of personal resources. <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit A person interviewed reported they are able to control their own money within their established budget.	Compliant
The setting ensures people’s right to privacy.	Compliant

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p>The setting optimizes individual initiative, autonomy and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit The people residing at Jan’s Place are described as maintaining a consistent schedule based on their preferences and established activity routines. There is an activity calendar upstairs on the bulletin board, and staff are usually able to provide 1:1 staffing when someone has an impromptu request for an activity that no one else wants to attend.	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.