

# HCBS Final Rule Evidentiary Package

## Meadows #2



### Setting information

|  |                                |
|--|--------------------------------|
| Setting name: Meadows #2   | ID number: 1072393             |
| Street address: 14990 Chorley Ave. W., Apt. 2,<br>Rosemount, MN 55068  | Phone: 952-562-5010            |
| Website, if applicable: <a href="https://www.optionsres.com/">Options Residential</a><br><a href="https://www.optionsres.com/">https://www.optionsres.com/</a> | Date of site visit: 10/23/2018 |

## Waiver service type

| Waiver service  | Service type      |
|---|-------------------|
| <input type="checkbox"/> Alternative Care (AC)<br><input type="checkbox"/> Elderly Waiver (EW)<br><input 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) | 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

Options Residential Meadows #2 is one of three individual apartment units in the Meadows apartment building. Each unit is individually licensed as a community residential setting, representing a total of three settings in the building. The Meadows apartment building is collocated with the Brook apartment building, also operated by Options Residential. In the Brook apartment building there are four units individually licensed as a community residential setting, representing four settings in the building. In total, there are seven collocated settings in two apartment buildings (Brook #1, #2, #3 and #4, and Meadows #2, #3 and #4). There are a total of 13 people being supported across the seven settings.

This setting is located in Rosemount, Minn., which has a population of 21,874. The Meadows setting is located in a suburban residential neighborhood with other apartment buildings and single family homes. Near the setting are fast food establishments, restaurants, gas stations, a movie theater, a grocery store and a coffee shop. Meadows #2 serves two people.

## 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) providers must meet the licensure requirements found in Minnesota Rules, parts 9555.5050– 9555.6265 (<https://www.revisor.mn.gov/rules/9555/>) and Minnesota Statutes, section 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 Services 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](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#](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](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<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</b></p> <p>The administrator and staff reported occasional transportation and community activities are shared between the colocated settings. The shared activities include holiday and birthday parties, special cookouts and planned trips for shopping and going to the mall. These occur a “couple times a month” according to staff. People are not required to participate in the activities. People also reported they can request individual transportation to participate in self-directed community activities.</p> <p>We observed a shared lounge area in the apartment with the staff office. The shared lounge area is for people to use (a living room, dining area and kitchen) as they desire. People were observed using this space throughout our visit watching TV, visiting and drinking coffee.</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 colocated setting (s) on the same shift:</b></p> <p>Staff are scheduled to work at the Brook and Meadows’ seven colocated setting in the two colocated apartment buildings. All staff are cross-trained on each person’s plans across the seven colocated settings. Staff are trained to work with each person individually. Staff and supervisors may provide backup coverage across the settings.</p> <p>Staff are scheduled to work with people across the colocated settings daily. All settings are considered to be a part of the same program. Staff cover both settings for medication management, skill building and reminders to people, IADLs and hygiene prompts. Staff do daily tasks with all people and offer assistance. Emergency backup staff is usually a supervisor who is trained at these settings for each person.</p> <p>During the site visits, it was observed that one staff was working with one person in Meadows and in the lounge other building, Brook.</p> |

| Determination  | Summary  |
|--|--|
| <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; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</b></p> <p>The administrator and staff reported Options Residential has a vehicle that is shared across the collocated settings used for group activities. People can also request individual transportation by submitting a written request. The administrator reported staff assist people in learning about transportation options as part of the initial orientation. Bus schedules are typically posted in the entryway and the Transit Link bus pulls in hourly at the bus stop.</p> <p>The administrator and staff reported they support people using transportation by training about transportation options, including calling a taxi/Uber, assistance in determining a bus route and staff providing coaching on the different options with the approach of “do with, not do for.” Staff indicated that public transportation is available until 9 p.m. When a person needs support in securing transportation, staff will assist in finding transportation solutions with the person. The staff interviewed indicated that they make people aware of transportation options with a site orientation when they move in, during intake, when assisting people in their daily living plans, and doing frequent check-ins about transportation.</p> <p>A person interviewed said that they “do not ask for help from staff often,” adding, “I prefer to use them as a last resort.” A person interviewed indicated that the staff will help to add options and give them information if they need it, and that they can just walk across the hall and ask them.</p> |

## Community engagement opportunities and experiences

Options Residential offers opportunities throughout each week for people to interact with the broader community individually and in groups, as they desire. People are asked weekly about their preferences and interests for community activities and encouraged to plan and participate. People are free to choose whether to participate in any activity on any given day. People are not required to check in or check out when they are exiting or returning to their apartments.

In addition to the activity coordination provided at Brook and Meadow, people plan their own community activities at an individual level with or without staff support. Staff plan individual community activities throughout each month with each person based on his or her interests and preferences. People are encouraged to express their interests and explore community activities that they may enjoy. Staff work each person individually throughout each week to plan meaningful activities.

Options Residential also has a community bulletin board where they post events coming up in the surrounding communities. There is a computer with internet access available to people so they can look up different community activities or events they would be interested in.

Different bus schedules are posted in common areas to support access and so people can learn the bus system in the area.

Options Residential coordinates a monthly community calendar shared among the seven collocated settings, with available transportation as needed. Events and activities are based on the interests and preferences of people receiving services. The community calendar schedule is offered in addition to activities within the community that people may choose themselves. According to the administrator interview, people living in Brook and Meadows typically attend the community activities without staff, except for transportation.

Some community activities reported by staff and people include:

- Minnesota State Fair
- Twins game
- \$5 movie Tuesdays
- Shopping
- Pet stores
- Frolfing (aka Frisbee Golf)
- Fantasy flight games
- Dungeons and Dragons
- Zoo trips
- Gym
- Scooters around lakes
- Monster Jam
- Extreme sandboxing

People may sign up for desired activities including shopping trips, movies, music, walks, different commercial locations, the zoo, nature centers, community events, with staff providing transportation as needed. Typically, people attend these activities by themselves, but may attend with others if they choose. Staff and people reported there are onsite activities which include cooking groups in the lounge area, that people watch weekly shows together in the lounge area, video games, watching sport events, budget groups, painting, card games, movie nights, and socializing coffee club.

## 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>Each person has a copy of a signed residency agreement. A copy of the agreement may be requested at any time by the person.</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 indicated that they have a lockable door.</p>   | Compliant                         |

| HCBS Rule requirement  | Compliance status (please select) |
|--|-----------------------------------|
| <p>The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her 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 indicated that they do not share a bedroom. When a person has a roommate, each person completes a questionnaire about their preferences. The setting provides an opportunity for roommates to meet one another prior to moving.</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>A person interviewed said, “as far as I know. I’m not much for decorating.” We observed that all furniture and décor was different.</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> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administrator and staff reported food and snacks are available at any time. The staff interviewed said that people have their own full kitchens and buy their own food in them to prepare. Occasionally people choose to make a community meal together in the community lounge, each person bringing different dishes to make a group meal.</p> <p>A person interviewed indicated that snacks are available to them at any time.</p> <p>At the time of the onsite visit, only one person was at home. The remaining people living in the Meadows apartment complex were at work or engaged in self-directed community activities.</p> | Compliant                         |

| HCBS Rule requirement  | Compliance status (please select) |
|--|-----------------------------------|
| <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>The administration indicated that people can have visitors whenever they would like.</p> <p>A person interviewed indicated that they can have visitors at any time as allowed in the residency agreement. We observed a visitor sign-in, which was requested by one person receiving services. Visitors are not required to sign in.</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>A person interviewed indicated that they work doing security at another apartment building, usually three days a week and 24 hours a week. Staff reported they accommodate people who work by providing/coordinating transportation, helping the person get ready for work, providing a flexible service schedule to accommodate their work schedule, providing reminders to pack meds and food, sometimes providing a wakeup call, bringing overnight shift workers to the bus, and providing transportation if weather affects their primary transportation choice (i.e. walking, biking or bus).</p> <p>The administrator reported the bus stops near Brook and Meadows have limited hours. There are certain work shifts people have where the buses do not run early or late enough. In these situations, Options Residential works with each person to find solutions, such as staff picking up a person from work, creating a plan to call a taxi or working with the person to find a carpool option.</p> | Compliant                         |

|   |                  |
|---|------------------|
| <p>The setting is physically accessible to the individual.</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 indicated that the home is physically accessible to them. They said that they can always get to the kitchen, dining room, living/family room, bedroom and bathroom and when they want to or need to.</p> <p>We observed a few people using the lounge area.</p>  | <p>Compliant</p> |
| <p>The setting provides people opportunities to access and engage in community life.</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 like to go out. They go out three to four times a week, which is as often as they would like, and they enjoy going out, attending college, school senate, chess club, Dungeons and Dragons get-togethers and parties. They also enjoy playing board games and cards. A person indicated that staff will also share information about activities based on their personal interests.</p> <p>The administrator reported people go out on their own daily for work, visit friends and family, going to movies, spending time with friends, meet up in groups and gaming get-togethers. People go out in groups a few times a year and occasionally in small groups of two. These small groups happens organically, with people choosing who they want in their group or based on sign up.</p> <p>We observed staff creating next month's calendar during the onsite visit. We observed staff providing transportation to a person to attend a community event.</p> <p>See community engagement section for more information.</p> | <p>Compliant</p> |

|   |                  |
|---|------------------|
| <p>The setting supports the person’s control of personal resources.</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 indicated that they almost always can easily get to their money to spend as they wish. Staff will help them with budgeting and will hold money if asked.</p>  | <p>Compliant</p> |
| <p>The setting ensures people’s right to privacy.</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 said that they can choose to have staff sit in medical appointments with them and can ask for help scheduling and coordinating them. We observed that people put their personal belongings in their own apartments. People have private, lockable bedrooms.</p> | <p>Compliant</p> |
| <p>The setting ensures people’s dignity and respect.</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 indicated that the quality of services they receive from this provider are better than expected and added “I would rate them a 9 out of 10.” We observed staff using first names and communicating respectfully with each person.</p>                        | <p>Compliant</p> |

|  |                  |
|--|------------------|
| <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>The administrator reported there are no restrictions on when, how often or how long people can go out. The administrator reported that if someone does have HCBS rights restrictions, it is written into their person-centered plan.</p> <p>A person interviewed reported they can access all areas of the living unit.</p> <p>We did not observe any signs of restricting people from freely coming and going from the setting. We observed individuals moving about inside and using transportation.</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> <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>The administrator and staff reported people have choice in what they do, where they go, participating in activities and if they want to work. The administrator reported staff will help find providers or request referrals if people ask or express interest, otherwise people have established their own choice of providers before moving in. Staff can help provide information to doctors about medications if asked and some people will ask for a staff to go with them to appointments.</p> <p>A person reported they have a choice of who they receive services from and that they go to a clinic in the community for medical services. They have a therapist and ARMHS worker – from different providers – who come to their apartment to see them. A person interviewed said that staff will assist with transportation if needed, they provide some support with meds if needed and will help setup appointments if asked. A person reported they choose to work and can choose which activities they want to participate in. A person interviewed reported they decide what they will do on a daily basis, choosing to share with staff, “what my plans are.”</p> | <p>Compliant</p> |

# Pictures of the HCBS setting

