

HCBS Final Rule Evidentiary Package

New Horizons



Setting information

Setting name: New Horizons	ID number: 1070116
Street address: 51374 E Wymer Lake Rd Frazee, MN	Phone: 320-491-5178
Website, if applicable: N/A	Date of site visit: 10/23/2018

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 type="checkbox"/> Community Access for Disability Inclusion (CADI) <input type="checkbox"/> Community Alternative Care (CAC) <input checked="" type="checkbox"/> Developmental Disabilities (DD)	Supported living services

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

The New Horizons setting is located in the city of Frazee, which is located in northwestern Minnesota. The population was 1,350 at the 2010 census.

There are two colocated New Horizons settings located on the same property. The settings are located in a lake property residential neighborhood, which has both vacation homes and primary residences.

The New Horizons setting provides services to four people, and all are served through DD Waivers.

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) (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#) (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) (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/building:</p> <p>Staff report regular programming is not shared between the two colocated New Horizons settings. The occasions identified when the programming is shared include an annual Super Bowl party, sometimes celebrating birthdays together and going out to eat with people from the other setting.</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>Although staff are cross trained for both New Horizons settings, they are not scheduled to work at more than one setting during an assigned 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 colocated New Horizons settings do not share a vehicle. Transportation is available at the setting through the setting's vehicle, as there is no reliable public transportation in the area. Other service providers transport people to work.</p> 

Community engagement opportunities and experiences

The administrator, staff and people residing at New Horizons report being very active in the community. Staff report the people have lived together for a long time, have many interests in common and like to go places together. Staff plan activities by discussing available events with people, or people bring ideas from work and just by hearing about things. The setting typically has more than one staff member working, so a staff member will stay back with anyone who does not want to go. However, it was reported this rarely happens because they all like to get out and do things.

Some community activities people participate in include:

- Going to auctions
- Ice fishing
- Ice fishing expos
- Four wheeling
- Hunting
- Going out to eat at Taco Johns, Dairy Queen or Perkins
- Going to 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>Locks were located on each bedroom door. A person interviewed stated, "I don't always lock my door; I feel safe here."</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> <p>Each person residing at the setting has his/her own 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 type="checkbox"/> Observation made during on-site visit</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>	Compliant

<p>A person interviewed reported there are always snacks available and that, "I help cook from time to time. I make a really good grilled cheese, mac n cheese and I like Ramen noodles."</p>	
<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>No restrictions were observed or reported. A person interviewed reported he often has friends and family over to visit, as well as other people for their Super Bowl party.</p>	<p>Compliant</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>People who reside at the setting are employed and receive assistance from staff with transportation for their jobs, as well as help needed with scheduling.</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 type="checkbox"/> Observation made during on-site visit</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 type="checkbox"/> Observation made during on-site visit</p> <p>Staff reported that people at this setting , "like to go, go, go. Lots of hunting and fishing, going out to eat, auctions, community center, library and more. This is a very busy home."</p>	<p>Compliant</p>
<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>Compliant</p>

<p>A person residing at the setting stated, "I carry my own money. Staff helps me budget as I like to spend it right away. I have bought lots of stuff, four wheeler, video game system, etc."</p>	
<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>	<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 type="checkbox"/> Observation made during on-site visit</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 type="checkbox"/> Observation made during on-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>When asked about their ability to control their own schedules, a person who resides at the setting noted, "I like to shower at night. I can choose when I go to bed, which is usually between 9-10 p.m. I get up at 6:30-7 a.m."</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 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.