

HCBS Final Rule Evidentiary Package

New Horizons



Setting information

Setting name: New Horizons	ID number: 1070115
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 checked="" type="checkbox"/> Community Access for Disability Inclusion (CADI) <input type="checkbox"/> Community Alternative Care (CAC) <input checked="" type="checkbox"/> Developmental Disabilities (DD)	Adult foster care; 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 that has both vacation homes and primary residences.

The New Horizons setting provides services to four people. All are served through DD and CADI 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 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) provider must meet the licensure requirements found in [Minnesota Rules, parts 9555.5050-9555.6265 \(https://www.revisor.mn.gov/rules/9555/\)](https://www.revisor.mn.gov/rules/9555/) and [Minnesota Statutes, section 245A \(https://www.revisor.mn.gov/statutes/cite/245A\)](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. It 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)

Supported living services for people on the DD Waiver:

Supported living services are "residential habilitation services" provided to people 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 live 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)

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) 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 an 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>An administrator and staff report that regular programming is not shared between the two colocated New Horizons settings. The occasions identified when 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>Staff are reported to be cross trained for both colocated New Horizons settings. However they are not scheduled to work at both settings 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>Both of the colocated New Horizons settings have their own vehicles. There is no reliable public transportation in the area, but staff said people may ask staff to drive them to places using the home vehicle.</p>

Community engagement opportunities and experiences

The administrator, staff and people served at New Horizons report being very active in the community. Activities are planned by staff talking with people about things they would like to do, help to plan and make happen. People have the option to decide whether or not they prefer to attend activities, but it was reported that people typically choose to attend activities.

Some community activities people participate in include:

- Fishing
- Hunting
- Going out to eat
- Events at the community center
- Library trips
- Movies
- High school sporting events
- Attending fishing expos
- Twins games
- Shopping trips to Fargo
- Special Olympics

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 that are flexible and work around the person's preferred schedule (people are not following a "set schedule")
- Encouraging people to share ideas and make choices about activities based on their 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 observed on each person’s bedroom door.</p>	Compliant
<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>Each person who lives at the setting has his or 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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Each bedroom observed was decorated with different furnishings, bedding and décor on the walls.</p>	Compliant



<p>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>Staff reported that people will ask, or just grab whatever they want to eat when they are hungry. They also always have the choice of whether or not they want to participate in any activities happening.</p>	Compliant
<p>The setting allows people to have visitors at any time.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>No restrictions were reported or observed related to when or where visitors were allowed at the setting.</p>	Compliant
<p>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>People who live at the setting are employed and receive assistance from staff with transportation for their jobs, as well as needed help with scheduling.</p>	Compliant
<p>The setting is physically accessible to the individual.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit 	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>Staff report that people at the setting typically love to be very active in the community and are interested in activities that allow them to be outside and in their community.</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>A person who lives at the setting stated, “I need help with budgeting. Staff will help me if I ask them.”</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 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> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Compliant documentation submitted with attestation<input checked="" type="checkbox"/> Observation made during on-site visit <p>When asked about making decisions for themselves, a person said, “I make decisions on my own. Staff will help me if I ask.”</p>	<p>Compliant</p>
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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.