DEPARTMENT OF HUMAN SERVICES

HCBS Final Rule Evidentiary Package

Options Residential – Briar Court 1200

Setting information

Setting name: Options Residential – Briar Court 12845	ID # 333
Street address: 1200 W. Burnsville Pkwy., Burnsville, MN	Phone: 952-564-3030
Setting website, if applicable: Options Residential (https://www.optionsres.com)	Date of site visit: 10/2/2018

Waiver service type

Waiver service	Service type:
☐Alternative Care (AC) ☐Elderly Waiver (EW) ☒Brain Injury (BI) ☒Community Access for Disability Inclusion (CADI) ☐Community Alternative Care (CAC) ☐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

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

General summary

Options Residential Briar Court 1200 is a customized living setting, delivering the customized living service that includes support and health services. The setting is located in a residential neighborhood in Burnsville, a southern suburb of the Twin Cities. The population of Burnsville was 61,481 at the 2010 Census.

Options Residential Briar Court 1200 serves six people on the BI and CADI waivers. This setting is collocated in a cul-de-sac with three other Options Residential customized living settings among private homes and a public park. The collocated settings include Options Residential Briar Court 12829, Options Residential Briar Court 12837 and Options Residential Briar Court 12845. A total of 23 people on the BI and CADI waivers are served in the collocated settings.

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 to a person who lives 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 enrollees with arranging meetings and appointments, assisting with money management, assisting participants 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)

Minnesota's Community Based Services Manual (CBSM) provides the following requirements for customized living services:

Community Based Services Manual customized living service requirements page (http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_001787)

Prong 3 settings

Meaningful distinction between collocated HCBS 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**
☒Met ☐Unmet ☐Not applicable	**Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings** (how often, what type of programming or activities are shared) and how the provider assures interests and preferences are supported at an individual level (people are engaged in planning community activities based on their preferences, variety of transportation options, schedules are varied, reverse integration is not the sole form of "community integration": The people receiving services at the four collocated settings of Briar Court each have their own self-contained apartment, except for a two-bedroom apartment that is shared by two people who are related and chose to live together. There is a staff office in Briar Court 12845 for the four collocated settings. In the staff office is a common space available for each person served by Options Residential to use. This common space includes a computer, printer, TV, games, bulletin board, large table and pool table. Briar Court 1200 shares transportation and monthly activities / social calendar with all collocated settings. Meals are prepared by people receiving services in their own apartments. There are 4-5 off-site activities scheduled each week where Options Residential provides transportation. People receiving services sign up for the transportation and attend the community events without staff present beyond transportation. People receiving services are asked their preferences and interests for future community events and activities monthly. Staff also support and plan with people to identify community activities throughout the week for them to participate in, either on their own or as a group. Individual preferences and interests are incorporated into the monthly calendar. The Briar Court settings are located near public transportation that people receiving services use frequently and will use to coordinate peer-to-peer community activities. A couple of people receiving services have their own vehicles and will occasionally share their transportation when others want to join them.

☒Met ☐Unmet ☐Not applicable	**Describe the extent to which staff are scheduled to work with people at the other collocated setting(s) on the same shift:** Two staff are scheduled to work during each shift, serving people receiving services across all four settings. Staff are trained on each person-centered plan prior to supporting a person receiving services. Staff are scheduled to accommodate the work schedules of people receiving services, typically providing direct service to people in their own apartment units. People receiving service can choose to receive support in the staff office or shared lounge area.
☒Met ☐Unmet ☐Not applicable	**Participants in the setting in question do not have to rely primarily on transportation or other services provided by the other collocated setting(s), to the exclusion of other options:** Transportation provided by Options Residential is shared among the four collocated settings. For planned activities that occur throughout the week, people receiving services sign up for transportation. For individual transportation, people are able to use public transportation at their leisure or schedule 1:1 transportation with Options Residential staff. Two bus routes have stops within a quarter mile of Briar Courts. Transportation options are posted in the monthly newsletters, in the lounge and staff office. Multiple people interviewed reported they are free to decide what they do each day. People receiving services are not required to report to staff when they are out, though people receiving services reported they naturally check in about once a day with staff though normal conversation or telephone / text messages.

Community engagement opportunities and experiences

People living at Briar Court 1200 live in their own apartments with the freedom to come and go as they please. During interviews, they reported they work 26-32 hours a week and choose how each day looks and enjoy going to the library, movie nights and cooking breakfast. During our interviews, people reported staff are available for support or assistance as needed, including with finding transportation to attend self-identified activities and community events. There are multiple forms of transportation available – public, own transportation or Options Residential. Briar Court is located close to a commercial district. Options Residential Briar Court coordinates a monthly calendar shared among the four collocated settings, with available transportation as needed. Events and activities are based on the interests and preferences of people receiving services. People are free to choose whether to participate in any activity on any given day.

Each month, Options Residential staff solicit ideas from people for what should be included. Through day-to-day interactions, people will share ideas for individual or group activities that are implemented by staff or with peers. Options Residential coordinates weekly movie nights, football Sundays, BBQs / picnics, cooking classes, Netflix marathons, current event groups and game nights. Briar Court is also located across the street from Vista View Park, an 18-acre community park with a pond, open green space and numerous other amenities, including: a basketball/hard court, hard trail, outdoor skating rink, picnic area, recreation building and fields for multiple sports.

Other activities reported by staff and people include:

- Multiple stores and restaurants, including Burnsville Center
- Cultural events in city centers and community nodes
- Concerts
- AA
- Zoo
- Nature centers and walks
- Gym
- 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 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 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)**
Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals. ☒Compliant documentation submitted with attestation ☐Observation made during on-site visit Copy of lease meets expectations of HCBS rule requirements.	Compliant
Each person at the setting has privacy in his/her sleeping or living unit including a lockable door. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit Each person has own apartment unit with lockable door and key. Key also is used to access secure laundry area. Staff are trained to knock on people's doors and request permission to enter prior to delivering services in a person's apartment unit.	Compliant
The setting facilitates that a person, who shares a bedroom, is with a roommate of his or her choice. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit Briar Court has only one-bedroom apartment units, except for one two-bedroom unit. People do not share one-bedroom apartment units. The two-bedroom unit does have two people living in the unit, who are related, who chose to live together.	Compliant

The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit People may bring their own furnishings into the apartment unit and their bedrooms. People are able to decorate as they choose. During an interview, a person reported furnishing and decorating the living space as desired.	Compliant
The setting provides people the freedom and support to control their daily schedules including access to food at any time. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit People may decide their daily schedules, choose when they come and go and when they receive supports. Briar Court staff will adjust service schedules to accommodate people's choices. People purchase their own groceries and prepare meals in their own apartments. Occasionally, Briar Court will hold optional group BBQs and potlucks during holidays for those interested in attending.	Compliant
The setting allows people to have visitors at any time. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit People reported that guests may come whenever they want and stay overnight in accordance with their leases. During the onsite visit observations, we were unable to discern visitors from people receiving services living in their own apartment units.	Compliant

The setting provides opportunities for people to seek employment and work in competitive, integrated settings. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit At Briar Court 1200, a person reported working at a construction company for 26-32 hours a week. Briar Court supports several people who are employed in various occupations and roles. Employment is typically part time with a couple of people working more than 30 hours a week. Some of the jobs people have that we learned about include positions at a regional big-box hardware store, construction company, convenience store, receptionist at plumbing agency, and janitorial.	Compliant
The setting is physically accessible to the individual. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit The setting is accessible to the people living at Briar Court 1200. People are informed how to request a reasonable accommodation or physical modifications from their case manager.	Compliant
The setting provides people opportunities to access and engage in community life. ☒Compliant documentation submitted with attestation ☐Observation made during on-site visit See community engagement section above.	Compliant
The setting supports the person's control of personal resources. ☒Compliant documentation submitted with attestation ☐Observation made during on-site visit The provider does not control personal resources of people served.	Compliant

The setting ensures people's right to privacy. ☒Compliant documentation submitted with attestation ☐Observation made during on-site visit Staff are trained to be knowledgeable of people's right to privacy, including how to access people's apartments and interact with people in providing routine care and services.	Compliant
The setting ensures people's dignity and respect. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit Interactions observed between people and staff appeared respectful.	Compliant
The setting ensures people's freedom from coercion and restraint. ☒Compliant documentation submitted with attestation ☐Observation made during on-site visit Policy submitted via HCBS provider attestation.	Compliant
The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact. ☒Compliant documentation submitted with attestation ☒Observation made during on-site visit People were observed coming and going at the onsite visit. Most people receiving services were at work during the onsite visit. When asked about how they decide what a day looks like (e.g. when to wake up, eat or spend time with friends), one person interviewed reported, "I just converse with them [staff]. I don't need to tell staff when I leave," and "They help with things if I ask."	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.