

# HCBS Final Rule Evidentiary Package

## Eastern Star



### Setting information

Setting name: Eastern Star	ID # 1072150
Street address: 1852 Eastern Star Loop, Sauk Rapids, MN 56379	Phone: 218-340-7143
Setting website, if applicable: <a href="https://www.thrivebehavioralnetwork.com/">Thrive Behavioral Network</a> <a href="https://www.thrivebehavioralnetwork.com/">https://www.thrivebehavioralnetwork.com/</a>	Date of site visit: 10/1/2018

### Waiver service type

Waiver service	Service type:
<input type="checkbox"/> Alternative Care (AC)	Adult Foster Care

Waiver service	Service type:
<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 type="checkbox"/> Developmental Disabilities (DD)	

## 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 receiving Medicaid HCBS waiver services.

## General summary

Sauk Rapids is located in Benton County, Minnesota. A town that is estimated at 13,722 people according to 2017 census estimates. Sauk Rapids is located in central Minnesota and is a neighboring city to St. Cloud, a city of over 67,000. Sauk Rapids is located on the Mississippi River. The Eastern Star house is located in a residential neighborhood with a gas station nearby. The setting is a single-family home in a neighborhood of other single family homes. Eastern Star and Western Star, the collocated setting, are on adjoining properties. There are two people with CADI waivers served by the program.

## 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 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 Service 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 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#)

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 co-located HCBS Setting

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><b>Describe the extent to which any shared programming (meals, transportation, social/recreational activities) occurs between different homes/buildings</b> (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”:</p>

Determination	Summary
	<p>There is no identified shared programming between the collocated settings. Eastern Star has its own van for the program. Programs and schedules are developed for Eastern Star independent of collocated setting.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>Describe the extent to which staff are scheduled to work with people at the other collocated setting (s) on the same shift:</b></p> <p>There are main staff identified setting. These staff do not float between houses and are only scheduled at Eastern House. There are some staff designated as “float staff” who could be scheduled to go between houses. Float staff are trained on person centered plans for both settings.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <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;</b> (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>Eastern Star has its own van to transport people. People also use public bus, ubers, taxis, or family as transportation resources to access the community. Transportation options are verbally provided to people in these settings upon admissions, other meetings, and as needed. Staff support people to use transportation options by printing schedules, helping call to schedule rides, training in using transportation, and determining bus routes.</p>

## Community engagement opportunities and experiences

People at this setting come and go as they choose. Community activities happen on a 1:1 basis or in groups. When activities are done in a group, people choose who they want in their group. Some community activities that the setting helps coordinate includes:

- Movies
- Fairs
- Zoo trips
- Eating out
- Festivals by the Lake
- Live music
- Walks

There is a house calendar posted and staff site down to talk with people about what activities they would like to participate in. People also go out on their own without staff or other people from the setting. Some of the activities people do independently include:

- Running or walking
- Trips to the gas station
- Going to the gym
- Going to the library
- Running personal errands or shopping

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 (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><b>Each person at the setting has a written lease or residency agreement in place providing protections to address eviction processes and appeals.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Residency agreement submitted with attestation.</p>	Compliant
<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</b></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>All people have locks on their door.</p>	Compliant
<p><b>The setting facilitates that a person, <i>who shares a bedroom</i>, is with a roommate of their choice.</b></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 do not share bedrooms at this site. Everyone has their own bedroom.</p>	Compliant
<p><b>The setting provides people with the freedom to furnish and decorate their bedroom and living unit within the lease or residency agreement.</b></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>Observed that people have their rooms decorated with their own decor and personal items.</p>	Compliant
<p><b>The setting provides people the freedom and support to control their daily schedules including access to food at any time.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	Compliant

HCBS Rule requirement	Compliance status (Please select)
<input checked="" type="checkbox"/> Observation made during on-site visit Person interviewed reported he can access food at any time. He reported he can come and go as he wants.	
<b>The setting allows people to have visitors at any time.</b> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit Documentation submitted with attestation.	Compliant
<b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</b> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Person interviewed reported he is not interested in working at this time. Staff report providing options and information on-going. DHS site visit staff left behind documents on the new employment services.	Compliant
<b>The setting is physically accessible to the individual.</b> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Documentation submitted with attestation. Person interviewed reported setting is physically accessible to him.	Compliant
<b>The setting provides people opportunities to access and engage in community life.</b> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit People interviewed provided information on community activities people participate in. Person receiving services reported he accesses the community as frequently as he would like to. Documentation submitted with attestation.	Compliant
<b>The setting supports the person's control of personal resources.</b> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit	Compliant

HCBS Rule requirement	Compliance status (Please select)
<p>Person interviewed reported the setting helps him budget and plan his needs. He reports having access to his money. Documentation submitted with attestation.</p>	
<p><b>The setting ensures people’s right to privacy.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Documentation submitted with attestation.</p>	Compliant
<p><b>The setting ensures people’s dignity and respect.</b></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>Interactions during site visit supported people being treated with dignity and respect. Documentation submitted with attestation.</p>	Compliant
<p><b>The setting ensures people’s freedom from coercion and restraint.</b></p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Documentation submitted with attestation.</p>	Compliant
<p><b>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</b></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>It was observed that people were independent in their activities during the site visit. Person interviewed expressed he has independence and autonomy in making life choices. Documentation submitted with attestation.</p>	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.