

HCBS Final Rule Evidentiary Package

Windsor House



Setting information

Setting name: Windsor House	ID number: 1072331
Street address: 726 S. Gorman Ave., Litchfield, MN	Phone: (320) 221-3857
Website, if applicable: Windsor House (https://www.thrivebehavioralnetwork.com/windsor-house)	Date of site visit: 10/10/2018

Waiver service type

Waiver service	Service type:
<input type="checkbox"/> Alternative Care (AC) <input type="checkbox"/> Elderly Waiver (EW) <input checked="" 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)	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

Windsor House is located in the city of Litchfield in central Minnesota. The population was 6,726 at the 2010 census.

The Windsor House setting is located in a single family home, next door to the Jan's Place setting in a residential neighborhood, within 5 minutes of local retail businesses. Windsor House provides services to 4 people, and all are on HCBS waiver programs.



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 collocated 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/buildings:</p> <p>There is no shared programming between Windsor House and its collocated setting Jan’s Place. Each has their own vehicle/transportation, provides their own meals, and engage in their own activities. They report that they previously shared some activities, but that the people were no longer interested as the people residing in the two settings do not have as much in common.</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 collocated setting (s) on the same shift:</p> <p>Staff do not work at more than one setting during a shift. An administrator reported that there are staff trained to work at both settings, however they do not do so 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>The Windsor House setting has its own van and will provide transportation to activities and when public transportation is not available. Staff report that people will approach staff and discuss what options are available for certain places or times and will work with the staff to determine the appropriate transportation option.</p>

Community engagement opportunities and experiences

Staff and administrators report that the setting has established a “client council,” where people receiving services are able to come up with ideas for community activities. The provider offers transportation in the program van to most activities and people are reported to typically want to go together to most activities. Planned activities are listed on an activity calendar posted on the setting’s bulletin board. However, it was reported to be common for activities to frequently be planned at the last minute, and that most often all of the people will attend them.

Some community activities people participate in include:

- Going out to eat
- Shopping out of town in larger cities nearby
- Going to an Amusement park
- Camping
- Attending a community support program

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>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>Keyed locks were located on each bedroom door.</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>	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 variety of decorations and décor were observed in the different people’s bedrooms. In one bedroom action figures, posters hanging up on wall, and comic books were observed around the room.</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>When asked whether they can decide what they want to do on a daily basis, a person interviewed reported that either staff ask what the person would like to do, or that they will tell them. A person interviewed reported that food is always available to them.</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>No restrictions were reported or observed regarding people’s ability to have visitors at any time.</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 type="checkbox"/> Observation made during on-site visit</p> <p>Multiple people residing at the Windsor House setting were currently employed and staff were reported to be available to assist people interested in obtaining or maintaining employment.</p>	Compliant
<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>	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 reported that the setting has an established “client council” where people residing at the setting come up with ideas for community activities, and that with multiple staff working during the day they are able to accommodate more than one person’s preferences at a time if there are varying preferences.</p>	Compliant
<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 type="checkbox"/> Observation made during on-site visit</p>	Compliant
<p>The setting ensures people’s right to privacy.</p> <p><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</p>	Compliant

HCBS Rule requirement	Compliance status (please select)
<input type="checkbox"/> Observation made during on-site visit	
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p>The setting ensures people’s freedom from coercion and restraint.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input type="checkbox"/> Observation made during on-site visit	Compliant
<p>The setting optimizes individual initiative, autonomy, and independence in making life choices, including daily schedule and with whom to interact.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit Staff identified a number of ways in which they work directly with the people residing at the setting to ensure that they have the opportunity to identify their preferences and plan their days accordingly.	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.