

Summary of CMS Home and Community Based Services (HCBS) Settings Rule Site Visit

Location	Horace
Type	Agency Foster Home for Adults
Name	Ebenezer Home
Visit Date	7/22/2024
State Staff	Kathryn Good, Program Administrator & Erica Reiner, Program Administrator
Specialized Services	Residential Habilitation and Community Supports
License	Agency Foster Home for Adults Licensing Policy 670-05-20
Capacity	3
Medicaid Consumers	1
Education Provided	Information and education regarding the Home and Community Based Services Settings requirements published in the Federal Register on January 16, 2014, was emailed to the Agency owner. State staff utilized North Dakota Administrative Code, Chapter 75-03-21.1 Licensing of Agency Foster Home for Adults and Policy Chapter 670-05 Agency Foster Home for Adults Licensing to provide education.
Technical Assistance	The State provided technical assistance upon request and the provider submitted an evidence package for the State to review prior to onsite visit. The evidence package was used by the State to prove compliance with setting requirements. The assessment tool was completed onsite and reviewed by State Program Administrators for compliance with settings requirements.
Settings Experience Interviews	Survey questions focused on the quality of the individual's experiences, integration into the broader community, options for choice in where to live, ensuring the individuals rights of privacy, dignity, and respect, freedom from coercion and restraint, ensuring the individual has initiative, autonomy, and independence in making choices to include but not limited to activities, cares, and services along with who provides them. One consumer currently resides in the setting and was agreeable to interview.

HCBS Settings Requirements	Review of Facility
The setting is selected by the individual from among settings options including non-disability specific settings and an option for a private unit in a residential setting.	The home is open for tours prior to a decision to reside in the home. There are other options for residential services in the area to choose from. The home is ADA accessible. A legally enforceable agreement following ND landlord tenant laws. There are no cameras on the premises. Supporting Documentation: • Lease Agreement • Site Visit and Observation by state staff summary
Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.	Consumers can continue employment or volunteering based on their person-centered goals. The consumer, power of attorney, or family control finances and keep their funds in their own possession. Ebenezer staff will aid with money management if requested. Engaging in community life is addressed below. Supporting Documentation: • Resident Handbook
Is integrated in and supports access to the greater community	There is a calendar in the dining room to inform consumer and family of activities within the facility or community. Staff look up activities and let the consumer know what is going on around the F-M area for the week and allow the consumer to decide what activities to participate in. Per Resident Handbook, the family/natural supports are encouraged to take the consumer out into the broader community. The consumer can utilize the internet, phone, or newspaper to determine activities outside the home. Public Transportation is not available in the residential area. Ebenezer staff will take the consumers where ever they would like to go for activities or medical appointments. A social history form is filled out at admission to determine the likes and dislikes of the consumer and to develop an Individual Program Plan (IPP) for everyone. The IPP is updated at minimum every six-months to reflect any changes in the consumers likes/dislikes. The consumers have care plan meetings quarterly that Ebenezer staff participate in and update the IPP as needed. Everyone accesses the building and units the same way. Each consumer is asked to notify staff if wishing to leave with family/friend for safety of each consumer. Awake staff are present 24/7 and there is no curfew. Staff will assist with entry to the home if the consumer isn't able to operate a key to the home. The patio door in the dining room opens to an outdoor patio and large backyard. Consumers have 24/7 access. Supporting Documentation: • Resident Handbook • Individual Program Plan (IPP) • Site Visit and Observation by state staff

Optimizes individual initiative, autonomy, and independence in making life choices	There are no visiting hours and guests can stay overnight. There is a voluntary check in and out process to ensure safety and accountability in an emergency or fire. The Resident Handbook under Resident Rights states the resident has the right to choose who gives them care, how they are approached, choose all aspects of their care and right to determine schedule for waking, bathing, eating and activity participation. The interview with the consumer's legal decision maker indicated knowledge of these rights. The kitchen is open to anyone. There are no locked areas in the kitchen. The menu is available and posted on the fridge. Staff ensures consumer involvement with meal planning. Individuals can request another option if they do not like the scheduled meal. Individuals have access to the kitchen at any time for snacks. There are no more than 14 hours between supper and breakfast meals. The laundry room is available for consumers to do their laundry with a table provided to fold clothes. There are no locked areas in the laundry room. Supporting Documentation: • Resident Handbook • Site Visit and Observation by state staff
Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint	The Medicaid consumers have private room with lockable doors and a private bathroom. There are two bathrooms available. Couples are not required to share an apartment. Consumers can furnish and decorate their unit as desired. Observation reflected consumer's own personal tastes in decorating their private living quarters. Several areas were available to provide private visiting areas including the consumer's private living unit, patio, and living room. There is a cell phone dedicated for consumer use so that residents can receive or make private phone calls. Staff can assist residents in making phone calls when they are requested. Mail is hand delivered to the resident. Staff training includes Resident Rights and topics of dignity and respect. The resident handbook reflects care and medications are given in private. M Each consumer has their own medication box with a lock that staff and consumer will have the lock code. Staff will be trained to knock and wait for permission to enter before entering consumers rooms. Supporting Documentation: • Resident Handbook • Grievance policy is included in the Admission Packet. • HIPAA Notice of Privacy Practices • Site Visit and Observation by state staff

Facilitates individual choice regarding services and supports and who provides them	The consumer has a choice in who cares for them. The agency provides the consumer information regarding filing a grievance. Individuals go out to the community for church and other activities. Consumer medical care is provided per own preference. Supporting Documentation: • Resident Handbook • Resident Rights • Grievance policy is included in the Admission Packet. • Site Visit and Observation by state employees
Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS	All consumers are treated the same. Consumers can eat in place of their choosing. The consumer can access the broader community for services if desired. Supporting Documentation: • Resident Handbook • Resident Rights Booklet • Site Visit and Observation by state staff • Survey with consumer
Person-centered service plan	Ebenezer RN develops Individual Program Plans to include behaviors, restrictions, and methods that have been tried before. Clients' goals, values, beliefs, and how the client would like to live are reviewed and goals established. Community Integration and social supports are reviewed to determine options available for the client. Level of family support and involvement is reviewed. Care planning includes health care needs, nutrition needs, and mental health needs. Employment, volunteering options, behavior, cognitive, and safety are reviewed at the quarterly meetings. Supporting Documentation: • Individual Program Plan Policy review

Additional Requirement for HCBS Residential Settings—Any modifications to these must be supported by a specific assessed need and justified in the person-centered service plan.

The individual has a lease or other legally enforceable agreement providing similar protections	The consumer or legal decision maker signs a lease agreement when the decision has been made to move into the home. The lease follows ND landlord tenant laws. Supporting Documentation: • Lease Agreement
The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate unit	At the site visit it was observed the units are private with lockable doors. The Medicaid consumers have a private unit. The consumer had pictures on the wall and unit was furnished according to the desire of the consumer or family. The consumer is encouraged to decorate their apartment to reflect personal taste, hobbies, and interest. Supporting Documentation: • Resident Handbook • Lease Agreement • Site Visit and Observation by state staff • Survey with consumer • Pictures on file
The individual controls his/her own schedule including access to food at all times	Work together to plan meals with the consumer's living in the home. Food available at any time Alternative meal choices available
The individual can have visitors at any time	Overnight guests allowed and there are no designated visiting hours. Supporting Documentation: • Resident Handbook • Survey with consumer
The setting is physically accessible	The setting is in a residential area of Horace. The setting is ADA accessible. Supporting Documentation: • Site Visit and Observation by state employees • Pictures on file

HCBS Setting Requirements establish an outcome-oriented definition that focuses on the nature and quality of individuals experiences. The requirements maximize opportunities for individuals to have access to the benefits of community living and to receive services in the most integrated setting.

At Ebenezer Foster Home, you have certain rights and protections that help ensure you get the care and services you need. You have the right to be informed, make your own decisions, and have your personal information kept private. Ebenezer Foster Home protects and promotes the following rights of everyone. Ebenezer Foster Home is committed to ensuring that patients are informed and empowered to make decisions about their healthcare. Ebenezer Foster Home understands that restrictions may be necessary to ensure the safety and well-being the consumer. However, staff recognize that any restrictions must be based on individual need and be the least restrictive measure, meaning that less restrictive measures have been tried and failed, and be proportionate, necessary, and respectful of human rights. In emergency situations, restrictions may be implemented, and the Human Rights Committee (HRC) shall have a role in ensuring that the residents' human rights and dignity are respected. Ebenezer Foster Home recognizes the importance of providing consumers with access to their personal items ensuring that consumers have access to their personal items in compliance with the HCB Settings Final Rule. Ebenezer Foster Home recognizes the importance of providing consumers with the appropriate services and supports that meet their individual needs. Ebenezer Foster Home recognizes the importance of supporting consumers in earning income. Staff are committed to providing opportunities for residents to work, volunteer, or engage in other income-generating activities, while also ensuring that their health and well-being are prioritized. Ebenezer Foster Home recognizes the importance of providing consumers with the ability to access the home without staff assistance and to lock their personal belongings. Staff are committed to ensuring that residents feel safe and secure in their living space, while also respecting the needs and safety of other residents and staff. Ebenezer Foster Home recognizes the importance of allowing residents to personalize their living space and create a comfortable and welcoming environment. Staff are committed to ensuring that consumers have the ability to decorate their living space as desired, while also respecting the needs and safety of other consumers and staff. Ebenezer Foster Home believes in creating a supportive and compassionate community for each consumer. These values guide the staff in the provision of high-quality care and services that promote the dignity, independence, and well-being of each consumer. Ebenezer Foster Home recognizes the importance of social connections and relationships for the well-being of each consumer. Staff are committed to supporting each consumer in maintaining and developing meaningful relationships with family, friends, and other members of their community.

HCBS Settings requirement: The Person-Centered Service Plan must be developed through an individualized planning process. It must be driven by the individual. Should include people chosen by the beneficiary and/or beneficiary's representative, which may include a variety of individuals that play a specific role in the beneficiary's life. Must be able to direct the process to the maximum extent possible.

Must be timely and occur at times/locations convenient to all involved.	Consumer stated that the care planning process is held at a convenient time and location, or by phone. Consumer's guardian is present for meeting either in-person or by phone. The consumer and guardian know that the consumer and family can invite anyone they choose.
Reflects cultural considerations/uses plain language	Yes
Discusses individual preference for community integration within and outside the setting.	Individual Program Plan (IPP): The IPP indicates the consumer's goals, wishes to maintain independence as much as possible with support of staff to help choose activities that may be of interest to the consumer. The IPP lists preferences in activities and a participation log is utilized to indicate participation in activities.
Includes strategies for solving disagreement	The IPP discusses ways to help the consumer maintain independence and meet his needs to decrease conflict.
Offers choices to the individual regarding services and supports the individual receives and from whom	The IPP indicates the type of services that are being provided are based on the consumers preference.
Provides method to request updates	Resident Handbook states care meetings and updates can be requested at any time.
Reflects what is important to the individual to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare	Goals are determined by the consumer and/or legal decision maker during the Person-Centered care plan meeting with the HCBS Case Manager and setting staff.

Identifies the individual's strengths, preferences, needs (clinical and support), and desired outcomes	Care planning includes Strengths, needs, goals and task.
May include whether and what services are self-directed and includes risks and plan to minimize them	Care planning includes risks.
Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education, and others	Agency and the HCBS Care planning includes identified goals and preferences related to values. Individual Program Plan is created relating to the individuals goals, and ways to assist the consumer to be as indepenent as possible.
Signed by all individuals and providers responsible for implementation and a copy provided to all chosen by the beneficiary	HCBS care plan is signed by the HCBS Case Manager and responsible party.

Date of Review of Evidence Package by Aging Services Section:

Reviewed by the following staff:

Erica Reiner, HCBS Program Administrator

Kathryn Good, HCBS Program Administrator

Recommendations to Meet Compliance:

Date of Compliance with above Recommendations:

7/26/2024

Aging Services Decision:

- ☒ **Setting Fully Complies**
- ☐ **Setting with additional changes will fully comply**
Setting issued temporary compliance with need to submit a Corrective Action
Plan to include the intent to become compliant with the community
- ☐ **integration regulations of the HCBS Settings Final Rule Medicaid Waiver**
1915(c) Adult Residential Care Services.
- ☐ **Does not/cannot meet HCB Settings Requirements**
Evidence package must be submitted to CMS for heightened scrutiny because
- ☐ **the facility is presumed to have institutional qualities based on one or more**
of the following:
 - ☐ **Setting is in a publicly or privately-operated facility that provides**
inpatient institutional treatment;
 - ☐ **Setting is in a building on the grounds of, or adjacent to, a public**
institution;
 - ☐ **Setting has the effect of isolating individuals receiving Medicaid**
HCBS from the broader community of individuals not receiving
Medicaid HCBS.