

HCBS Final Rule Evidentiary Package

Heritage of Foley – Adult Day



Setting information

Setting name: Heritage of Foley – Adult Day Center	ID # 800833
Street address: 253 Pine St., Foley, MN 56329	Phone: 320-968-6201
Setting website, if applicable: Heritage of Foley Adult Day Center (https://heritageoffoley.com/heritage-adult-day-services/)	Date of site visit: 5/16/2018

Waiver service type

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

Reason for heightened scrutiny

Prong type	Category	Type of setting
Prong 1 Located in a Public or Private Institution	Name of Institution	Name of Institution Foley Nursing Center

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

General summary

Heritage of Foley Adult Day is located in Foley, MN, a small, rural community in the center of Minnesota with a population of 2,603 (2010 census). Heritage of Foley is located just off of Main Street mixed in with residences and businesses.

The adult day program serves up to six older adults and people with disabilities and offers flexible scheduling Monday through Friday, 9 a.m. to 3 p.m. The center has a monthly plan for diversified daily program activities. Program activities are designed to meet the needs and interest of the participants, which includes socialization activities, such as group projects and recreational activities; cultivation of personal interests, such as arts, crafts and music; and activities designed to increase each person’s knowledge and awareness of the environment and to enhance language and conceptual skills.

Adult day provider standards/qualifications

Licensure requirements and other state regulations for adult day services clearly distinguish these services/settings from institutional licensure or regulations.

Adult day services provided in center-based facilities are directly licensed by the Department of Human Services. Adult day services serve functionally impaired adults on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence.

Adult day service definitions that support the setting requirements

Minnesota’s Community-Based Services Manual (CBSM) provides the following requirements for [Adult day services](#):

(http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_002205#)

Adult day services must:

- Be based on the person’s assessed needs
- Be directed toward the achievement of specific outcomes identified in the person’s support plan
- Offer opportunities to participate in community groups (e.g., senior citizen centers or clubs, generic service organizations, adult education)
- Provide age-appropriate tasks and materials
- Provide community integration opportunities to enhance the person’s social and physical interaction with people without disabilities
- Provide the supports necessary either to maintain or improve the person’s ability to care for him or herself.

Prong 1 and Prong 2 settings

Meaningful distinction between the facility and 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	Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.

<input type="checkbox"/> Not applicable	<p>The Heritage of Foley Adult Day is located in the lower level of the Foley Nursing Center (a nursing facility). Staff are hired by adult day program administration and receive adult day-specific employee orientation and ongoing training.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>To the extent any facility staff are assigned occasionally or on a limited basis to support or back up the HCBS staff, the facility staff are cross-trained to meet the same qualifications as the HCBS staff; (staff training materials that speak of the need to support people’s chosen activities), (person-centered planning) (the staff is trained specifically for home and community-based support in a manner consistent with the HCB settings regulations.)</p> <p>Nursing facility staff provide emergency backup to the HCBS staff at Heritage of Foley Adult Day. Nursing facility staff are cross-trained to meet the same qualifications as the full-time adult day staff.</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 facility setting, to the exclusion of other options; (Describe the proximity to avenues of available public transportation or an explanation of how transportation is provided where public transportation is limited.)</p> <p>There are a variety of transportation options used by the people who receive services at Heritage of Foley Adult Day. The adult day program has two vans for transporting people to and from the program and to provide access to community events/activities. People also use the program vans, care cab and family/caregivers for transportation. For program community activities, they primarily use the two adult day program designated vans.</p> <p>The program director reported that two people who receive services drive their own vehicles to and from the adult day program.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</p> <p>People who receive adult day services access the adult day program through a separate and distinct entrance from the nursing center. The entrance is shared with the assisted living (Heritage Point). The adult day program is located in the lower level of the building.</p>

Community engagement opportunities and experiences

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.

Every month the program director holds check-in meetings with people to assess their interests and preferences and to solicit input on daily activities/community events to participate in the next month. With two vans designated for the adult day program and six people who receive services, the program has the ability to take very small groups to community activities/events of their choosing. The program director, staff and people interviewed reported they participate in community activities at least one time per week.

Heritage of Foley Adult Day also has two regular volunteer staff — one person comes two to three times per week and assists with daily and community activities. Another volunteer comes in to assist with exercise programs and brings her dog.

Staff and people who receive services reported that off-site community activities are planned at least one time per week. The off-site activities are also listed on the monthly calendar and white board on a daily basis.

People participating in the adult day services are made aware of activity options on a monthly and daily basis. The setting uses the following methods to inform people of their options:

- Daily activity options are written on a dry erase board located in the common area
- Monthly calendars are printed for people to take/look at

Community activities mentioned by administration, staff and people who receive services include:

- Restaurants (meet up with family and friends at least one time per month)
- Picnics
- Parks
- Trail rides
- Mall
- Museums
- Zoo
- Bowling
- Movies

Staff noted that they check in with people on a regular (weekly/daily) basis on their preferences related to daily activities. People who receive services and staff mentioned “participant’s choice” of the options, including baking, musical performances, current events, group reading and trivia.

In addition to group activities (crafts, games, social club), adult day also offers the option for people to choose solitary activities (puzzles, cards, books, visits with friends at the assisted living). If people choose not to participate in a community activity, they either change the schedule for the week or stay back with staff.

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>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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>It is the policy of Heritage Adult Day Services to support people who would like to seek employment. During initial intake screening, staff will document the person’s desire to seek employment and work and/or document current work schedule. Day services staff will make appropriate referrals based on intake screening and coordinate services with county/health case manager or other involved agencies, as appropriate. Participants’ employment and work will be incorporated into individual plan of care.</p> <p>The adult day program director reported she assesses work interest of all people served on a regular basis. People interviewed did not have an interest in working at this time.</p>	<p>Compliant</p>

<p>The setting is physically accessible to the individual.</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>Some people in the program were observed accessing different areas of the settings using wheelchairs and walkers.</p>	<p>Compliant</p>
<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>Policy indicates that people are offered opportunities to participate in a variety of recreation/leisure activities while attending the adult day program. People are also encouraged to contribute ideas for future activities and outings. These activities are designed to promote and stimulate intellectual, physical and recreational needs and accommodate personal interests of current participants. Information on-site medical/therapeutic services is provided to people upon intake. They are reminded on a regular basis that they have the right to choose use of off-site services if they prefer. People interviewed confirmed they have this choice and have chosen to use off-site community providers. See “community engagement” section for more information.</p>	<p>Compliant</p>
<p>The setting supports the person’s control of personal resources.</p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Heritage of Foley does not provide personal resource management.</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Direct care staff and people who receive services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint.</p>	<p>Compliant</p>

<p>The setting ensures people’s dignity and respect.</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>Direct care staff and people who receive services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint. Respectful treatment of people served was observed during the site visit.</p> <p>People also reported in their interviews that they enjoyed participating in the program.</p>	<p>Compliant</p>
<p>The setting ensures people’s freedom from coercion and restraint.</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>Direct care staff and people who receive services are oriented to dignity, respect and privacy policies and procedures. These policies include the person’s right to be treated with dignity and respect, health and personal privacy and freedom from coercion and restraint. Respectful treatment of people served was observed during the 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>Policy indicates that interests and strengths of people who receive services are taken into consideration by the program director and staff when developing the monthly calendar and that each person may choose which activities to participate in or choose not to participate. Independent activities are offered to people who choose not to participate in group activities. This was verified by staff and interviews with people.</p>	<p>Compliant</p>

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 for 30 days (Feb. 6-March 7, 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 [Feb. 6, 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: 4/1/2019

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.