

HCBS Final Rule Evidentiary Package

Oak Hills Adult Day Program



Setting information

Setting name: Oak Hills Adult Day Program	ID # 284
Street address: 1105 3rd Ave Southwest Sleepy Eye, MN 56085	Phone: 507-300-1200
Setting website, if applicable: Oak Hills Adult Day Services (http://www.voaseniorkliving.org/care-types/adult-day-services)	Date of site visit: 6/20/2018

Waiver service type

Waiver service	Service type
<input 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	Sleepy Eye Care Center

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

General summary

Oak Hills Adult Day Services is an adult day program located in Sleepy Eye, MN. Sleepy Eye is a city in southwestern Minnesota in Brown County. Sleepy Eye had a population of 3,599 people, per the 2010 census, and is a rural city. Oak Hills is located on a continuum of care campus that also offers independent living, customized living, customized living with 24-hour staffing, short-term rehabilitation services and skilled nursing care.

The number of people attending the adult day program varies according to the day. As of August 2018, there were 10 people enrolled. The lowest day has four people attending, and the highest has eight. The average per day is six. Of the 10 people attending the adult day program, one person is using the Elderly Waiver, and one person is using the CADI Waiver.

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 licensed directly 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/id_002205#) (http://www.dhs.state.mn.us/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 <input type="checkbox"/> Not applicable	<p>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</p> <p>The campus has one main administrator, and the adult day program has its own management structure that is separate from the nursing facility. The adult day program has a director, an adult-day-specific lead staff and designated direct care staff.</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 individuals’ 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>The nursing facility staff do not provide staffing for the adult day program. If someone were to work in the adult day, they would receive separate training, including training on the HCBS rule.</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>The adult day program has access to the campus lift van for community activities. People get to the program using the Heartland Express, family, friends and Veterans Administration transportation. Adult day staff assist people and their families in setting up transportation.</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>The adult day services are provided in a room that is separate from the nursing facility and identified as the adult day space. There is signage directing people to the space, as well as signs on the door.</p> 

Community engagement opportunities and experiences

Oak Hills has a variety of activities offered to keep people engaged in their community and experience new and interesting things. People in the adult day program give feedback directly to staff about what they would like for activities. Ideas and suggestions for activities are also gathered through the council meetings. Each person is given a monthly calendar, and it is also posted in the adult day area. Some of the community activities offered include:

- Trips to the local college
- Trips to restaurants
- Fishing through the “Let’s go fishing” program
- Visits to libraries
- Trips to garden centers
- Local fairs
- Baseball games.

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 (i.e., 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.

On-site activities are also offered, including:

- Card and dice games
- Arts and crafts
- Puzzles
- Walking clubs for exercise.

HCBS characteristics

<p>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.</p>	
<p>HCBS Rule requirement</p>	<p>Compliance status (Please select)</p>
<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>At this time, none of the participants are working. However, the administrator and staff interviewed said they would be flexible with scheduling and activities if a person wanted to work. In addition, the participant handbook mentions flexibility for those who choose to work.</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>The room where adult day services are provided was observed to be fully accessible. An accessible bathroom was also observed. One of the people interviewed said even though she has mobility issues, she has no problem getting around the setting.</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>See the community engagement section. One person interviewed enjoyed getting out into the community to go out to eat, and another person really enjoyed going to the library. Each person interviewed said they are happy with the amount of time they get to spend in the community with the adult day program.</p>	<p>Compliant</p>
<p>The setting supports the person's control of personal resources.</p>	<p>Compliant</p>

<input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The setting does not offer any money management for people. The setting offers people who are attending the program a place to store their personal belongings.</p>	
<p>The setting ensures people’s right to privacy.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>People are informed of their right to personal privacy and privacy related to their personal information through a Participant Bill of Rights they receive and sign when they start the program. There was a private area observed where a staff member could talk to a person and have some privacy.</p>	Compliant
<p>The setting ensures people’s dignity and respect.</p> <input checked="" type="checkbox"/> Compliant documentation submitted with attestation <input checked="" type="checkbox"/> Observation made during on-site visit <p>The Participant Bill of Rights, which the people receive and sign, informs them of their right to be treated with dignity and respect. When asked if they feel they are given respect, one person said, “Yes, the staff are nice to us.” A private restroom was observed where cares could be done, if needed, in a respectful way.</p>	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 <p>The Participant Bill of Rights, which the people receive and sign, informs them of their right to be free from coercion and restraint. The people are also given the grievance procedures and resources, including phone numbers to use if needed.</p>	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	Compliant

Observation made during on-site visit

People interviewed said they could choose their schedules and who to interact with during their time at the program. One person talked about liking being able to go out to eat sometimes but be able to come back to the program to draw. Staff confirmed if a person does not wish to do the activity planned that day, the person can choose to do something different.

Pictures of the HCBS setting



Adult Day Space

Public comment summary

The Minnesota Department of Human Services (DHS) did not receive public comments for this setting.

DHS sought public comment from April 30, 2019, to June 9, 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 [May 10, 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: 7/1/2019

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.