

# HCBS Final Rule Evidentiary Package

## St. Luke's Adult Day Services



### Setting information

Setting name: St. Luke's Adult Day Services	ID # 803846
Street address: 1219 S Ramsey Blue Earth, MN	Phone: 507-526-6305
Setting website, if applicable: <a href="http://www.stlcare.com/index.php/senior-living-solutions/adult-day-services">St. Luke's Adult Day Services</a> ( <a href="http://www.stlcare.com/index.php/senior-living-solutions/adult-day-services">http://www.stlcare.com/index.php/senior-living-solutions/adult-day-services</a> )	Date of site visit: 5/16/2018

## Waiver service type

Waiver service	Service type
<input type="checkbox"/> Alternative Care (AC) <input checked="" 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 checked="" 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 St. Luke's Lutheran Care Center 1219 S Ramsey, Blue Earth, MN

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

## General summary

St. Luke's Adult Day Services program is licensed to serve up to 10 older adults and people with disabilities with flexible schedules Monday through Friday from 8:00 a.m to 4:00 p.m. The setting reported on its attestation that it is serving seven people across multiple payment sources, including HCBS waiver funding and private pay. During the on-site visit, the setting reported serving between 8-10 people. The setting is licensed to serve up to 10 people on a given day. St. Luke's Adult Day Services offers a variety of activities designed around people's needs, preferences and interests. The service setting offers group activities including baking, dance parties (e.g., polka, waltzes), hymns, noodle ball, bowling, community fairs and events, aerobics and picnics; and individualized activities including latch-hooking, baking, walks, puzzles, beading and sewing.

## 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#](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	<b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b>
<input type="checkbox"/> Unmet	
<input type="checkbox"/> Not applicable	

	<p>Luke’s provides organization oversight but separates lines of business. Administrative staff referenced the facility staff “forgets” the adult day setting is connected. Staff are hired by St. Luke’s Adult Day and receive adult-day-specific employee orientation and ongoing training.</p>
<p><input checked="" type="checkbox"/> Met  <input type="checkbox"/> Unmet  <input type="checkbox"/> Not applicable</p>	<p><b>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;</b> (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 adult day setting staff do not provide services or support in the facility either on the same work shift or different work shifts. Adult day staff receive training on a monthly basis specific to the HCBS program and requirements.</p>
<p><input checked="" type="checkbox"/> Met  <input type="checkbox"/> Unmet  <input type="checkbox"/> Not applicable</p>	<p><b>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;</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>St. Luke’s Adult Day setting does not provide transportation services. It supports people to use local community transportation options that include Fairmount – Blue Earth County Public Bus, AMV, family and residential staff. To support community activities, St. Luke’s partners with the public bus agency to coordinate transportation needs. St. Luke’s Adult Day currently is exploring ability to secure its own transportation options to increase community activity options.</p>
<p><input checked="" type="checkbox"/> Met  <input type="checkbox"/> Unmet  <input type="checkbox"/> Not applicable</p>	<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p>St. Luke’s Adult Day program is located physically on the opposite end of the St. Luke’s Care Center campus’s main entrance. The adult day program physically has its own frontage road with its own program signage and external entrance.</p>

## Community engagement opportunities and experiences

St. Luke's Adult Day program is located in southern Minnesota in a rural town within a residential neighborhood. The setting is situated on the edge of town, near the local high school's sporting fields and multiple churches. St. Luke's administration describes that a client council designs and provides input on the monthly activities calendar.

St. Luke's administration, staff and people receiving services reported participating in or planning the following community activities:

- Local fairs and concerts
- Picnics at the parks or gazebo
- Walks through the residential neighborhoods
- Coffee shops
- Bowling
- Birthday celebrations.

At the beginning of each day, the scheduled activities are shared during the morning discussion. This time is an opportunity for each person to request a change in the schedule or to choose other options and present his/her ideas for future options. People are able to share their activity preferences on a daily and weekly basis with staff. Offsite activities are planned monthly. St. Luke's coordinates closely with the local transportation options to facilitate the offsite community events. People are encouraged to bring their hobbies and activities into the service setting. For example, one person brings their latch-hooking supplies to work on projects. Others bring in personal puzzles and craft projects. St. Luke's offers on-site storage of in-progress craft projects.

Other activities on site are designed to promote and stimulate intellectual, physical and recreational health and include:

- Noodle ball (i.e., a game like soccer with foam swim noodles and balloons)
- Baking
- Arts and crafts (e.g., latch-hooking, beading and sewing)
- Dance parties (e.g., polka, waltzes) and hymns
- Aerobics and exercise
- Bingo
- Word games.

## HCBS characteristics

<b>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.</b>	
<b>HCBS Rule requirement</b>	<b>Compliance status (Please select)</b>
<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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<p><b>Each person at the setting has privacy in his/her sleeping or living unit including a lockable door.</b></p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<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 type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<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> <p><input checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Lunch is made and brought to the adult day program from the facility. Snacks are provided in the adult day setting, with a kitchenette and a</p>	<p>Not applicable to day service settings</p>

<p>small oven. People can choose to who to eat with, where to sit or have the food held if they are coming outside of the planned times to eat.</p>	
<p><b>The setting allows people to have visitors at any time.</b></p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p>	<p>Not applicable to day service settings</p>
<p><b>The setting provides opportunities for people to seek employment and work in competitive integrated settings.</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>Per the attestation and as reported by administration and staff, employment is supported through a flexible schedule, including arranging transportation as needed. Currently, all people who attend the day program are retired. We observed throughout the on-site visit St. Luke’s providing a flexible schedule, supporting people to arrive and depart throughout the day to accommodate medical appointments and preferred start times. One person used to work. During that time, St. Luke’s assisted the person with arranging transportation and providing flexible activities or days the person would attend.</p>	<p>Compliant</p>
<p><b>The setting is physically accessible to the individual.</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>We observed people attending the program accessing different areas of the settings using wheelchairs and walkers. The setting organized their rooms to accommodate a range of mobility needs.</p>	<p>Compliant</p>
<p><b>The setting provides people opportunities to access and engage in community life.</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>We observed greater choice in opportunities during the on-site visit than published on the monthly calendar. This supports the staff and person’s experience as reported that planned activities are flexible and can change each day even from the planned calendars. There monthly community activities and daily on-site group and individual activities</p>	<p>Compliant</p>

<p>available. People are able to choose activities based on personal preferences and interests. Calendars are shared with people monthly.</p>	
<p><b>The setting supports the person’s control of personal resources.</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>St. Luke’s Adult Day Services does not provide money management.</p>	<p>Compliant</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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>St. Luke’s has areas within the setting where private conversations and personal cares can take place. The provider’s documentation and policies submitted through the attestation are compliant.</p>	<p>Compliant</p>
<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>We observed St. Luke’s staff members communicating with people in a respectful manner. Staff offered assistance and inquired about a person’s preference in receiving support or options for the day. First names are used, and people are presented choices. People receiving services appeared well groomed and clothed appropriately for the weather.</p> <p>One person who was interviewed reports she enjoys attending this adult day program and receives excellent services. She likes the staff and the opportunities available.</p>	<p>Compliant</p>
<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>The provider’s documentation and policies prohibiting the use of coercion and restraints submitted through the attestation are compliant.</p>	<p>Compliant</p>



<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>Administration describes how community and on-site activities are designed through a resident council and flexibly changed each day based on people’s preferences. Staff support people to have individualized on-site options and identify individualized preferences for community activities. People interviewed confirmed they have choice and autonomy in their daily activities and can provide input to shape the daily and monthly planned activities.</p>	<p>Compliant</p>
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# 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.**