

# HCBS Final Rule Evidentiary Package

## Ebenezer Adult Day Center



### Setting information

Setting name: Ebenezer Adult Day Center	ID # 800713
Street address: 2545 Portland Avenue South, Minneapolis, MN 55404	Phone: 612-879-2311
Setting website, if applicable: <a href="http://www.ebenzercares.org/ebenezer-minneapolis-adult-day-program.html">Ebenezer Adult Day Center</a> ( <a href="http://www.ebenzercares.org/ebenezer-minneapolis-adult-day-program.html">http://www.ebenzercares.org/ebenezer-minneapolis-adult-day-program.html</a> )	Date of site visit: 3/21/2018

## Waiver service type

Waiver service	Service type:
<input checked="" 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 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 Ebenezer Care Center – Nursing Facility

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

## General summary

<p>Ebenezer adult day program is located in a residential neighborhood in located 2 miles from metropolitan downtown.</p> <p>Ebenezer Adult Day program serves older adults and people with disabilities. This setting provides services to 13 people with various pay sources, including waiver funding and private pay. On average, this program serves 8 people per day.</p> <p>Daily services include:</p> <ul style="list-style-type: none"> <li>• Stimulating activities designed to increase physical strength/endurance and cognitive abilities</li> <li>• Health monitoring and education,</li> <li>• Community resource education and linkage</li> <li>• Social and recreational activities such as field trips and outings</li> </ul>
--

## 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/id_002205#):  
([http://www.dhs.state.mn.us/main/id\\_002205#](http://www.dhs.state.mn.us/main/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><b>Interconnectedness between the facility and the setting in question, including administrative or financial interconnectedness, does not exist or is minimal.</b></p> <p>The Ebenezer Adult Day Center is located in the lower level of Ebenezer Care Center, a nursing facility. Staff are hired by Ebenezer Adult Day 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><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>Nursing facility staff do not provide occasional support or back up to the HCBS staff at the Ebenezer Adult Day Center. One staff works for the Adult Day program part time and the Care Center part time. She does not overlap her shifts between the adult day and the care center.</p>
<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<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>There are a variety of transportation options used by the people receiving services at Ebenezer Adult Day Center, including Metro Mobility, city bus and family members.</p> <p>For program community activities, they have been using the campus van.</p>

<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> Not applicable	<p><b>The setting provides HCBS services in a space that is distinct from the space that institutional services are provided.</b></p> <p>Outside of the building, there is a sign listing both Ebenezer Adult Day program and the Ebenezer Care Center. Ebenezer Adult Day Center and the Ebenezer Care Center share an entrance. Upon entering the building, the adult day program can be accessed by taking the elevator/stairs to the lowest level of the building. The adult day program can also be access through a tunnel connection to the independent living apartment building on the campus. Throughout the Care Center, there are signs for the adult day program.</p>
--	--

## Community engagement opportunities and experiences

Staff and people receiving services reported that off-site community activities are planned at least one time per month and that community activities are planned with the input of people receiving services. Staff noted that they check in with people on a regular (weekly/daily) basis on their preferences related to daily activities. People participating in the adult day services are made aware of activity options on a monthly and daily basis. The setting utilizes the following methods to inform people of their options including:

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

In January-March of 2018, people at the adult day had the opportunity to participate in the following community events/activities:

- Chinese dance performance
- Zoo/Como Conservatory
- Minnesota Arboretum
- Nature center
- Courthouse tour

It was observed that people are offered a variety of activities to participate in on a daily basis, people have choice of what to participate in and schedules are varied between each person attending. Onsite activities include baking, bingo, crafts, current events, music groups and bible study. In addition to group activities (crafts, games, social club), Ebenezer adult day also offers the option for people to choose solitary activities (puzzles, coloring, relaxing in the den).

# 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
<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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>The administrator reported that staff are trained on individual plans of care and policy indicates that people have the opportunity/option to change the days of attendance that best suits their person, family, work or medical schedules.</p> <p>On person interviewed attends Ebenezer Adult Day Center part time and also works in the community part time. A different person interviewed reports she is retired and is another person interviewed was not interested in employment at this time. Another person also reported that she is currently receiving physical therapy from a different provider and her Adult Day schedule has been accommodating to her therapy schedule.</p>	Compliant
<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>Some people in the program were observed accessing different areas of the settings using wheelchairs and walkers.</p>	Compliant
<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>Interviews with administration, staff and people verify people are offered opportunities to participate in community activities/events. Information is provided to people prior to admission and as needed of services available onsite medical and therapeutic services as well as a reminder that they have the right to choose use of offsite services if they prefer.</p>	Compliant

<p><b>The setting supports the person’s control of personal resources.</b></p> <p><input type="checkbox"/> Compliant documentation submitted with attestation</p> <p><input type="checkbox"/> Observation made during on-site visit</p> <p>Ebenezer Adult Day does not provide personal resource 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>Direct care staff and people receiving 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>A separate room was observed that people can use to meet with family or visitors in private, as needed.</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>Direct care staff and people receiving 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>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><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 checked="" type="checkbox"/> Observation made during on-site visit</p> <p>Direct care staff and people receiving 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>Respectful treatment of people served was observed during the site visit.</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> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Compliant documentation submitted with attestation</li><li><input checked="" type="checkbox"/> Observation made during on-site visit</li></ul> <p>The administrator reported that people receiving services known interests and strengths are taken into consideration by the activity coordinator 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 that 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

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.

**There were two comments received for this setting. Both comments were related to overall program satisfaction and not related to specific areas of HCBS settings compliance.**

## 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.**